
STATUTORY INSTRUMENTS

2003 No. 2043

The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment No. 3) Regulations 2003

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment No. 3) Regulations 2003 and shall come into force on 1st September 2003.

(2) In these Regulations “the Tribunal Regulations” means the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002(1).

Amendment of regulation 1 of the Tribunal Regulations

2. In regulation 1(2) of the Tribunal Regulations (citation, commencement and interpretation)—

(a) in the appropriate place insert the following definition—

““the 2002 Act” means the Education Act 2002(2);”;

(b) in the definition of “case”—

(i) at the end of paragraph (j), the word “or” is omitted; and

(ii) at the end, add the following—

“or

(l) an appeal under section 166 of the 2002 Act including an application for, or consideration by the Tribunal of the making of, an order under section 166(5);”;

(c) in the definition of “registration authority”—

(i) at the end of paragraph (a), the word “and” is omitted; and

(ii) at the end, add the following—

“(c) in relation to an appeal under section 166 of the 2002 Act, the Secretary of State for Education and Skills or the Assembly;”;

(d) in the definition of “the respondent”, at the end, add—

“(k) in relation to an appeal under section 166 of the 2002 Act, the registration authority.”.

Amendment of regulation 4 of the Tribunal Regulations

3. In regulation 4 of the Tribunal Regulations (procedure for appeals, determinations and applications for leave) at the end, add the following—

(1) S.I. 2002/816 as amended by S.I. 2003/626 and S.I. 2003/1060.

(2) 2002 c. 32.

“(9) In the case of an appeal under section 166 of the 2002 Act (including in relation to the making of an order under section 166(5)), the procedure set out in Schedule 9 shall apply.”.

Amendment of regulation 6 of the Tribunal Regulations

4. In regulation 6 of the Tribunal Regulations (directions)—
- (a) in paragraph (Z1)(3), after the words “Suspension Regulations” add “or in relation to an application for an order under section 166(5) of the 2002 Act pursuant to paragraph 7(1) of Schedule 9”; and
 - (b) in paragraph (1), for the words “in paragraph 6 of Schedule 1, 2, 3, 6 or 8” substitute “in paragraph 6 of Schedule 1, 2, 3, 6, 8 or 9”.

Amendment of regulation 6A of the Tribunal Regulations

5. In regulation 6A of the Tribunal Regulations (directions: appeals under the suspension regulations)(4), in paragraph (1), after the words “Suspension Regulations” add “and in the case of an application for an order under section 166(5) of the 2002 Act”.

Amendment of regulation 7 of the Tribunal Regulations

6. In regulation 7 of the Tribunal Regulations (fixing and notification of hearing), at the beginning, add the following paragraph—

“(Z1) This regulation shall not apply in relation to an application for an order under section 166(5) of the 2002 Act.”.

Amendment of regulation 9 of the Tribunal Regulations

7. In regulation 9 of the Tribunal Regulations (further directions), in paragraph (2)(b), at the beginning, add “except in relation to an application for an order under section 166(5) of the 2002 Act.”.

Amendment of regulation 23 of the Tribunal Regulations

8. In regulation 23 of the Tribunal Regulations (the decision), in paragraph (4), after the words “in paragraph (2) and” insert “(except where the decision relates to the making of an order under section 166(5) of the 2002 Act)”.

Amendment of regulation 25 of the Tribunal Regulations

9. In regulation 25 of the Tribunal Regulations (review of the tribunal’s decision), at the beginning add the following paragraph—

“(Z1) This regulation shall not apply in relation to an application for an order under section 166(5) of the 2002 Act.”.

Amendment of regulation 26 of the Tribunal Regulations

10. In regulation 26 of the Tribunal Regulations (powers of tribunal on review), at the beginning add the following paragraph—

(3) Paragraph (Z1) was added to regulation 6 by regulation 4 of S.I. 2003/626.

(4) Regulation 6A was inserted by regulation 5 of S.I. 2003/626.

“(Z1) This regulation shall not apply in relation to an application for an order under section 166(5) of the 2002 Act.”.

Amendment of regulation 35 of the Tribunal Regulations

11. In regulation 35(3) of the Tribunal Regulations, for the words “Schedule 2, 6, 7 or 8”, substitute “Schedule 2, 6, 7, 8 or 9.”.

Amendment of the Tribunal Regulations: Schedule 9

12. After Schedule 8 of the Tribunal Regulations (appeal under paragraph 10(1A) of Schedule 26 to the 1998 Act against a decision of the chief inspector), add the Schedule 9 set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health

7th August 2003

Warner
Minister of State,
Department of Health