STATUTORY INSTRUMENTS

2008 No. 1497

The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Children's and Adults' Barred Lists) (Transitional Provisions) Regulations 2008

PART 6

SUPPLEMENTARY

Methods of sending documents

23.—(1) Any document may be sent to the Secretary by post, by fax, electronically or through a document exchange, unless the President or the nominated chairman directs otherwise.

(2) Any notice or document which these Regulations authorise or require the Secretary to send to an applicant shall be sent—

(a) by first-class post to the address given for the purpose by that party in accordance with these Regulations;

(b) by fax or electronically to a number or address given by that party for the purpose; or

(c) where the party has given for the purpose an address which includes a numbered box number at a document exchange, by leaving the notice or document addressed to that numbered box at that document exchange or at a document exchange which transmits documents on every working day to that exchange.

(3) If a notice or document cannot be sent to a party in accordance with paragraph (2), the President or the nominated chairman may dispense with service of it or direct that it be served on that party in such manner as he thinks appropriate.

(4) Any notice or document sent by the Secretary to an applicant in accordance with these Regulations shall be taken to have been received—

(a) if sent by post and not returned, on the second working day after it was posted;

(b) if sent by fax or electronically, unless the Secretary has been notified that the transmission has been unsuccessful, on the next working day after it was sent;

(c) if left at a document exchange in accordance with paragraph (2)(c), on the second working day after it was left; and

(d) if served in accordance with a direction under paragraph (3), on the next working day after it was so served.

Irregularities

24.—(1) Any irregularity resulting from failure to comply with any provision of these Regulations or any direction given in accordance with them before the Tribunal has reached its decision shall not of itself render the proceedings void.

(2) Where any irregularity comes to the attention of the President or the nominated chairman (before the hearing) or the Tribunal he or it may and, if it appears that any person may have been prejudiced by the irregularity shall, before reaching a decision, give such directions as he or it thinks just to cure or waive the irregularity.

(3) Clerical mistakes in any document recording the decision of the Tribunal or a direction or decision of the President or the nominated chairman, or errors arising in such documents from accidental slips or omissions, may at any time be corrected by the President or the nominated chairman by means of a certificate signed by him.

(4) The Secretary shall as soon as practicable where a document is corrected in accordance with paragraph (3) send the parties a copy of any corrected document together with reasons for the decision to correct the document.

Death of applicant

25. If the applicant dies before the case or application for permission is determined, the President or the nominated chairman may—

(a) strike out the case or application for permission in so far as it relates to that individual without making a costs order; or

(b) appoint such person as he thinks fit to proceed with the case or application in place of the deceased applicant.

Withdrawal of application

26. If the applicant at any time notifies the Secretary of State in writing, or states at a hearing, that he no longer wishes to pursue the proceedings, the President or the nominated chairman (or at the hearing, the Tribunal) must dismiss the proceedings.

Proof of documents and certification of decisions

27.—(1) A document purporting to be issued by the Secretary shall be taken to have been so issued, unless the contrary is proved.

(2) A document purporting to be certified by the Secretary to be a true copy of a document containing—

(a) a decision of the Tribunal; or

(b) an order of the President or the nominated chairman or of the Tribunal,

shall be sufficient evidence of the matters contained in it, unless the contrary is proved.

Time

28.—(1) The President or the nominated chairman may extend any time limit mentioned in these Regulations if in the circumstances—

(a) it would be unreasonable to expect it to be, or to have been, complied with; and

(b) it would be unfair not to extend it.

(2) The President or the nominated chairman may reduce any time limit mentioned in these Regulations if he considers it reasonable to do so and the parties in the case agree to the reduction.

(3) Where the time prescribed by these Regulations, or specified in any direction given by the President or the nominated chairman, for taking any step expires on a day which is not a working day, the step must be treated as having been done in time if it is done on the next working day.