

SCHEDULE 3

Article 2

TRANSITIONAL PROVISIONS IN RELATION TO CERTAIN PERSONS DISQUALIFIED FROM CARING FROM CHILDREN

Interpretation

1.—(1) In this schedule—

“the 1991 Regulations” means the Disqualification for Caring for Children Regulations 1991(1);

“responsible authority” has the meaning given to it in paragraph 3(1) of Schedule 6 to the 1989 Act.

(2) Any reference to a numbered paragraph is to the paragraph in this schedule bearing that number, and any reference in a paragraph to a numbered sub-paragraph is to the sub-paragraph bearing that number in that paragraph

Continuation of consents given under section 65 of the 1989 Act or the 1991 Regulations

2.—(1) This paragraph applies to any written consent obtained before 1st April 2002—

(a) for the purposes of section 65 of the 1989 Act from a responsible authority;

(b) for the purposes of regulation 3 of the 1991 Regulations from the National Assembly(2).

(2) Section 65 of the 1989 Act shall have effect from 1st April 2002 in relation to any written consent to which sub-paragraph (1) applies as if the consent had been obtained from the National Assembly.

Transitional provision in respect of appeals against refusals to give consent under section 65 of the 1989 Act

3. Where before 1st April 2002, a responsible authority made a decision refusing to give their consent under section 65 of the 1989 Act—

(1) if an appeal was brought against the decision before 1st April 2002—

(a) sub-paragraphs (1) to (4) and (6) of paragraph 8 of Schedule 6 to the 1989 Act shall continue in force in relation to the decision and the appeal notwithstanding the repeal of the provisions of Schedule 6 to the 1989 Act specified in Schedule 6 to the 2000 Act;

(b) the functions, powers and duties that immediately before 1st April 2002 the responsible authority had under the 1989 Act in relation to the decision and the appeal shall apply to, and be exercisable by, the National Assembly instead of the responsible authority;

(c) any determination of the Registered Homes Tribunal in relation to the decision shall be in accordance with, and have effect as if it were made by the Tribunal under, section 65A of the 1989 Act;

(2) if an appeal was not brought against the refusal and the period within which an appeal against the decision could be brought under sub-paragraph (3) of paragraph (8) of Schedule 6 to the Act has not expired immediately before 1st April 2002, section 65A of the 1989 Act shall apply to the decision as if it were a decision of the National Assembly.

(1) S.I.1991/2094. The Regulations are revoked on 1st April 2002 by S.I.2002/896.

(2) The functions of the Secretary of State under regulation 3 of the 1991 Regulations are exercisable by the National Assembly in relation to Wales: see articles 2(a) and 3 of the National Assembly for Wales (Transfer of Functions) Order 1999, and the entry relating to the 1989 Act in Schedule 1 to that Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional Provisions in respect of Appeals against refusals to give consent under the 1991 regulations

4. Where before 1st April 2002, the National Assembly made a decision refusing to give its consent under regulation 3 of the 1991 Regulations—

(1) if an appeal was brought against the decision before 1st April 2002—

- (a) sub-paragraphs (1) to (4) of paragraph 5 of Schedule 5 to the 1989 Act shall continue in force in relation to the decision and the appeal notwithstanding the repeal of the provisions of Schedule 5 specified in Schedule 6 to the 2000 Act;
- (b) the functions, powers and duties that immediately before 1st April 2002 the National Assembly had in relation to the decision and the appeal shall continue to apply to, and be exercisable by, the National Assembly;
- (c) any determination of the Registered Homes Tribunal in relation to the decision shall be in accordance with, and have effect as if made by the Tribunal under, section 65A of the 1989 Act;

(2) if an appeal was not brought against the refusal and the period within which an appeal against the decision could be brought under sub-paragraph (3) of paragraph (5) of Schedule 5 to the Act has not expired immediately before 1st April 2002, section 65A of the 1989 Act shall apply to the decision as if it were a decision of the National Assembly.