

Changes to legislation: Health And Social Services And Social Security Adjudications Act 1983, Part III is up to date with all changes known to be in force on or before 02 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

REGISTERED HOMES

PART III

[^{F1} REGISTERED HOMES TRIBUNALS

Textual Amendments

- F1** Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, Sch. 3

Preliminary

- 49 The following are relevant enactments for the purposes of this Part of this Schedule—
- (a) the ^{M1}Nursing Homes Act 1975;
 - (b) the ^{M2}Child Care Act 1980;
 - (c) the ^{M3}Children’s Homes Act 1982; and
 - (d) Part I of this Schedule.

Marginal Citations

- M1** 1975 c. 37.
M2 1980 c. 5.
M3 1982 c. 20.

Constitution of panels for chairmen and members

- 50 (1) For the purpose of enabling a tribunal to hear an appeal under a relevant enactment to be constituted as occasion may require there shall be—
- (a) a panel appointed by the Lord Chancellor (in this Part of this Schedule referred to as “the legal panel”) of persons available to act as chairmen of any such tribunals; and
 - (b) a panel appointed by the Lord President of the Council (in this Part of this Schedule referred to as “the panel of experts”) of persons available to act as members.
- (2) Tribunals constituted under this Part of this Schedule are to be known as Registered Homes Tribunals.

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- (3) No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.
- (4) No person shall be qualified to be appointed to the panel of experts unless he has had experience in social work, medicine, nursing or midwifery or such other experience as the Lord President of the Council considers suitable.
- (5) No officer of a government department may be appointed to either panel.
- (6) A person appointed to a panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the person appointing him.

Constitution of Tribunals—general

- 51
- (1) A Registered Homes Tribunal shall consist of a chairman and two other members.
 - (2) The chairman shall be a member of the legal panel appointed to the tribunal by the Lord Chancellor.
 - (3) The other two members shall be members of the panel of experts appointed to the tribunal by the Lord President of the Council.

*Tribunals for appeals relating to nursing homes
 (including maternity homes) and mental nursing homes*

- 52
- (1) A Registered Homes Tribunal to hear an appeal relating solely to registration under the ^{M4}Nursing Homes Act 1975 shall include a registered medical practitioner.
 - (2) Such a tribunal shall also include—
 - (a) if the appeal relates to registration of a maternity home, a qualified midwife; and
 - (b) in any other case, a qualified nurse.
 - (3) A tribunal which is constituted to hear both an appeal relating to registration under the Nursing Homes Act 1975 and an appeal relating to registration under Part I of this Schedule shall include a person selected in accordance with subparagraph (2) above.
 - (4) In this Part of this Schedule—

“nursing home” and “maternity home” have the meanings assigned to them by section 1 of the ^{M5}Nursing Homes Act 1975;

“mental nursing home” has the meaning assigned to it by section 2 of that Act;

“qualified midwife” means a person who is for the time being certified under the ^{M6}Midwives Act 1951 or registered under the ^{M7}Nurses, Midwives and Health Visitors Act 1979; and

“qualified nurse” means—

 - (a) a person who is for the time being registered under section 2(1) of the ^{M8}Nurses Act 1957; or
 - (b) a person who—
 - (i) is for the time being registered under the Nurses, Midwives and Health Visitors Act 1979; and

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(ii) would have been qualified to be registered under section 2(1) of the Nurses Act 1957.

Marginal Citations

- M4** 1975 c. 37.
M5 1975 c. 37.
M6 1951 c. 53.
M7 1979 c. 36.
M8 1957 c. 15.

Procedure of tribunals

- 53 (1) The Secretary of State may by statutory instrument make rules as to the practice and procedure to be followed with respect to the constitution of Registered Homes Tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings ; and without prejudice to the generality of this paragraph such rules may make provision—
- (a) requiring particulars to be supplied of matters relevant to the determination of an appeal;
 - (b) enabling two or more appeals to be heard together; and
 - (c) as to representation before a tribunal, by counsel or a solicitor or otherwise.
- (2) Rules under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 54 The ^{M9}Arbitration Act 1950 shall not apply to any proceedings before Registered Homes Tribunals except so far as any provision of that Act may be applied to such tribunals with or without modifications by rules made under paragraph 53 above.

Marginal Citations

- M9** 1950 c. 27.

Staff for tribunals

- 55 The Secretary of State shall assign such staff as may from time to time be required for Registered Homes Tribunals.

Fees, allowances and expenses

- 56 The Secretary of State may—
- (a) pay to members of Registered Homes Tribunals such fees and allowances as he may, with the consent of the Treasury, determine; and
 - (b) defray the expenses of such tribunals up to such amount as he may with the like consent determine.]

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Commencement Orders yet to be applied to the Health And Social Services And Social Security Adjudications Act 1983

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/288 art. 2-6](#) commences (2003 c. 43)
- [S.I. 2004/480 art. 2-5](#) commences (2003 c. 43)
- [S.I. 2004/1009 art. 2](#) commences (2003 c. 43)
- [S.I. 2004/1019 art. 2](#) commences (2003 c. 43)
- [S.I. 2005/2897 art. 2](#) commences (2002 c. 38)
- [S.I. 2005/2925 art. 24-11](#) commences (2003 c. 43)
- [S.I. 2006/345 art. 2-7](#) commences (2003 c. 43)
- [S.I. 2009/3074 art. 23](#) commences (2008 c. 4)
- [S.I. 2011/849 art. 2](#) commences (2010 nawm 2)
- [S.S.I. 2009/267 art. 2](#) commences (2007 asp 4)