

SCHEDULES

SCHEDULE 1

CROSS-BORDER PLACEMENTS

Dispute resolution

- 5 (1) Any dispute about the application of any of paragraphs 1 to 4 to an adult's case is to be determined in accordance with this paragraph.
- (2) If the dispute is between a local authority in England and a local authority in Wales, it is to be determined by the Secretary of State or the Welsh Ministers.
- (3) If the dispute is between a local authority in England and a local authority in Scotland, it is to be determined by the Secretary of State or the Scottish Ministers.
- (4) If the dispute is between a local authority in England and a Health and Social Care trust, it is to be determined by the Secretary of State or the Northern Ireland Department.
- (5) If the dispute is between a local authority in Wales and a local authority in Scotland, it is to be determined by the Welsh Ministers or the Scottish Ministers.
- (6) If the dispute is between a local authority in Wales and a Health and Social Care trust, it is to be determined by the Welsh Ministers or the Northern Ireland Department.
- (7) If the dispute is between a local authority in Scotland and a Health and Social Care trust, it is to be determined by the Scottish Ministers or the Northern Ireland Department.
- (8) In Article 36 of the Health and Personal Social Services (Northern Ireland) Order 1972, after paragraph (2) insert—
- “(2A) Any question under this Order as to the ordinary residence of a person is to be determined by the Department.”
- (9) Regulations must make provision for determining which of the persons concerned is to determine the dispute; and the regulations may, in particular, provide for the dispute to be determined by whichever of them they agree is to do so.
- (10) Regulations may make provision for the determination of disputes between more than two parties.
- (11) Regulations may make further provision about determination of disputes under this paragraph or under regulations under sub-paragraph (10); the regulations may, for example, include—
- (a) provision requiring parties to a dispute to take specified steps before referring the dispute for determination under this paragraph;
 - (b) provision about the procedure for referring the dispute under this paragraph.