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STATUTORY INSTRUMENTS

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**2000 No. 2619**

**Protection of Children Act Tribunal Regulations 2000**

**PART VI**

*Decision*

**The decision**

**29.**—(1) The Tribunal's decision may be taken by majority.

(2) The decision may be made and announced at the end of the hearing, but, whether there has been a hearing or not, the decision must be recorded without delay in a document signed and dated by the chairman (or if as a result of his death or incapacity he is unable to sign, or if he ceases to be a member of the chairmen's panel, by another member of the Tribunal).

(3) The document mentioned in paragraph (2) must also state—

- (a) the reasons for the decision (in summary form); and
- (b) what if any order the Tribunal has made as a result of its decision.

(4) The Secretary must, as soon as reasonably possible, send to each party a copy of the document mentioned in paragraph (2).

(5) The decision shall be treated as having been made on the day on which a copy of the document mentioned in paragraph (2) is sent to the applicant.

(6) The decision shall be entered in the records.

**Review of the Tribunal's decision**

**30.**—(1) A party may apply to the Secretary for the Tribunal's decision to be reviewed on the grounds that—

- (a) it was wrongly made as a result of an error on the part of the Tribunal staff;
- (b) a party, who was entitled to be heard at a hearing but failed to appear or to be represented, had good and sufficient reason for failing to appear;
- (c) there was an obvious error in the decision; or
- (d) the interests of justice so require.

(2) An application under this regulation must—

- (a) be made not later than ten working days after the date on which the decision was sent to the parties, and
- (b) must be in writing stating the grounds in full.

(3) An application under this regulation may be refused by the President, or by the chairman of the Tribunal which decided the case, if in his opinion it has no reasonable prospect of success.

(4) Unless an application under this regulation is refused under paragraph (3), it shall be determined, after the parties have had an opportunity to be heard, by the Tribunal which decided the case or, where that is not practicable, by another Tribunal appointed by the President.

(5) The Tribunal may on its own initiative propose to review its decision on any of the grounds referred to in paragraph (1) above, in which case—

- (a) the Secretary shall serve notice on the parties not later than ten working days after the date on which the decision was sent to them; and
- (b) the parties shall have an opportunity to be heard.

(6) If, on the application of a party or on its own initiative the Tribunal is satisfied as to any of the grounds referred to in paragraph (1)—

- (a) it shall order that the whole or a specified part of the decision be reviewed; and
- (b) it may give directions to be complied with before or after the hearing of the review.

(7) The power to give directions under paragraph (6) includes a power to give a direction requiring a party to provide such particulars, evidence or statements as may reasonably be required for the determination of the review.

#### **Powers of Tribunal on review, etc.**

**31.**—(1) The Tribunal may having reviewed all or part of a decision—

- (a) set aside or vary the decision by certificate signed by the chairman (or if as a result of his death or incapacity he is unable to sign, or if he ceases to be a member of the chairmen’s panel, by another member of the Tribunal), and substitute such other decision as it thinks fit; or
- (b) order a rehearing before the same or a differently constituted Tribunal.

(2) If any decision is set aside or varied (whether as a result of a review or by order of the High Court), the Secretary shall alter the relevant entry in the records to conform to the chairman’s certificate and shall notify the parties accordingly.

#### **Costs**

**32.**—(1) Subject to regulation 37, if in the opinion of the Tribunal a party has acted unreasonably in bringing or conducting the proceedings, it may make an order (a “costs order”) requiring that party to make a payment to the other party to cover costs incurred by that party.

(2) A party may not be ordered to pay more than a total of £500 in respect of costs in relation to an application.

(3) Before making a costs order against a party, the Tribunal must invite representations from that party and consider any representations he makes.

(4) When making a costs order, the Tribunal must (subject to paragraph (2))—

- (a) order the payment of any sum which the parties have agreed should be paid;
- (b) order the payment of any sum which it considers appropriate having considered any representations the parties may make; or
- (c) order the payment of the whole or part of the costs incurred by the other party in connection with the proceedings as assessed.

(5) Any costs required by an order under this regulation to be assessed may be assessed in the county court according to such rules applicable to proceedings in the county court as shall be directed in the order.

(6) This paragraph applies where—

- (a) a party in any proceedings before the Tribunal has paid a deposit as a condition of being permitted to continue with his case or to continue to dispute any issue; and
  - (b) has been unsuccessful in his case or, as the case may be, as to that issue.
- (7) Where paragraph (6) applies,
- (a) the Tribunal must consider making a costs order;
  - (b) the deposit must be paid to the other party to meet (in full or in part, as the case may be) any costs order the Tribunal makes; and
  - (c) if the amount of the deposit is more than the amount of the costs order, the balance must be repaid to the party who paid it.
- (8) A costs order may, by leave of the court, be enforced in the same manner as a judgment or order of the court to the same effect.

### **Publication**

**33.**—(1) The President must make such arrangements as he considers appropriate for the publication of Tribunal decisions.

(2) Decisions may be published electronically.

(3) The decision may be published in an edited form, or subject to any deletions, if the chairman considers it appears appropriate bearing in mind—

- (a) the need to safeguard the welfare of any child;
- (b) the need to protect the privacy of any person;
- (c) any representations on the matter which the applicant has provided in writing;
- (d) the effect of any subsisting restricted reporting order; and
- (e) the effect of any direction under regulation 21.