

## SCHEDULE

### TRANSITIONAL PROVISION

#### **Pending proposal as to withdrawal of approval under section 4 of the 1976 Act**

5.—(1) This paragraph applies where the Secretary of State has on or after 3rd March 2003, given notice to an existing agency of a proposal under section 5(3) of the 1976 Act to withdraw the approval he has given to the agency.

(2) Where this paragraph applies, any notice referred to in sub-paragraph (1) shall, for the purposes of Part II of the Act, and notwithstanding that it does not comply with the requirements for such a notice under the Act, be treated with effect from 30th April 2003 as if it were a notice of a proposal given under section 17(4) of the Act to cancel his registration (otherwise than in accordance with an application under section 15(1)(b)), in respect of the existing agency.

(3) In determining any matter to which the notice relates the Commission must consider any written representations that the existing provider made to the Secretary of State in accordance with section 5(3) of the 1976 Act.