

## SCHEDULE 2

Saving and transitional provisions in respect of Part 10A of, and Schedule 9A to, the 1989 Act, and Part 3 of the 2006 Act

### PART 3

Other saving and transitional provisions in respect of the 1989 Act

#### **Section 79C of the 1989 Act and the National Standards Regulations**

**23.** Despite the amendment made to section 79C(1) of the 1989 Act, in exercising functions under Part 3 of the 2006 Act, the Chief Inspector may have regard to—

- (a) anything done, or alleged to have been done, by a person registered under Part 10A of the 1989 Act to comply with the duty imposed by regulation 4(2) of the National Standards Regulations; and
- (b) any failure, or alleged failure, by a person registered under Part 10A of the 1989 Act, to comply with the duty imposed by regulation 4(2) of the National Standards Regulations.

#### **Suspension**

**24.—(1)** This paragraph applies where immediately before the transfer date a person's registration is suspended by the Chief Inspector under regulation 3 (power to suspend registration) of the Suspension Regulations.

(2) The person's registration is, on the transfer date, treated as suspended by the Chief Inspector under regulation 8 (suspension of registration) of the Common Provisions Regulations.

(3) Where a person has appealed to the Tribunal under regulation 8 (rights of appeal) of the Suspension Regulations and the Tribunal has not reached a decision, the appeal shall, on and after the transfer date, be treated as having been made under regulation 12(1) (appeal against suspension) of the Common Provisions Regulations.

(4) Nothing in this paragraph shall affect the period or periods of time for which a person's registration may be suspended.

#### **Disqualification: waivers**

**25.—(1)** Where the Chief Inspector has given consent to waive a disqualification under regulation 9 (waivers) of the Disqualification Regulations 2005 (and has not withdrawn that consent), the consent continues to have effect as if it had been given under regulation 8 (waivers) of the Disqualification Regulations 2007.

(2) Where—

- (a) a person has requested that the Chief Inspector give consent to waive a disqualification under regulation 9 of the Disqualification Regulations 2005; and
- (b) immediately before the transfer date, the Chief Inspector has not made a determination in respect of the request,

the Chief Inspector must make a determination in respect of the request as if it had been made under regulation 8 of the Disqualification Regulations 2007.

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(1) By virtue of the amendment made to section 79C of the 1989 Act, the National Standards Regulations cease to have effect on 1st September 2008. Regulation 4 of those Regulations gives the Chief Inspector power to take account of the duty imposed on a registered person under regulation 4(2), and any failure or alleged failure of such a person to comply with that duty.

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

(3) A consent given by a local authority under regulation 9(4) of the Disqualification Regulations 2005 continues to have effect.

### **Protection of children in an emergency**

**26.** Where the Chief Inspector has applied to a justice of the peace for an order under section 79K of the 1989 Act and, immediately before the transfer date, the justice of the peace has not made the order, the application shall, from that date, be treated as having been made under section 72 of the 2006 Act.

### **Inspections**

**27.**—(1) Where—

- (a) the Chief Inspector has conducted an inspection under section 79Q of the 1989 Act; and
- (b) immediately before the transfer date, has not reported in writing on the matters mentioned in subsection (6)(a) to (d) of that section,

the Chief Inspector must report in accordance with that section.

(2) Section 79R(3) of the 1989 Act continues to have effect in respect of a copy of a report on an inspection made under section 79Q before the transfer date.

(3) Section 79R(3A) of the 1989 Act and regulations 5 and 6(2) of the Inspection Regulations continue to have effect in respect of an inspection under section 79Q before the transfer date.

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(2) Regulation 5 of the Inspection Regulations makes provision in respect of the destination of reports. In particular, it requires a registered person to provide a copy of a report to parents and any person who requests it. Regulation 6 makes provision in respect of fees for the provision of copies of a report to persons who request it.