
STATUTORY INSTRUMENTS

2019 No. 1140

The Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019

PART 6

Savings provisions

Savings provisions

23.—(1) Notwithstanding the amendments to the 2001 Order made by paragraphs 10 to 27 of Schedule 5 to the Children and Social Work Act 2017⁽¹⁾, the following provisions continue to have effect to the extent specified.

(2) Articles 26 and 32 of the 2001 Order continue to have effect in relation to any case retained for determination by the HCPC by virtue of regulation 18.

(3) Articles 29 and 32 of the 2001 Order continue to have effect in relation to any case retained for determination by the HCPC by virtue of regulation 15.

(4) Article 37 of the 2001 Order continues to have effect in relation to any appeal falling within regulation 9, but with the modification that article 37(9)(d) is treated as allowing the HCPC to remit the decision appealed against to the regulator.

(5) Article 39 of the 2001 Order continues to have effect in relation to any offence committed, or alleged to have been committed, before the transfer date.

(6) The Health and Care Professions Council (Investigating Committee) (Procedure) Rules 2003, set out in the Schedule to the Health Professions Council (Investigating Committee) (Procedure) Rules Order of Council 2003, continue to have effect in relation to any case retained for determination by the HCPC by virtue of regulation 18.

(7) The Health Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003, set out in the Schedule to the Health Professions Council (Conduct and Competence Committee) (Procedure) Rules Order of Council 2003, continue to have effect in relation to any previous fitness to practise case falling within regulation 15 to which they apply.

(8) The Health and Care Professions Council (Health Committee) (Procedure) Rules 2003, set out in the Schedule to the Health Professions Council (Health Committee) (Procedure) Rules Order of Council 2003, continue to have effect in relation to any previous fitness to practise case falling within regulation 15 to which they apply.

(9) The Health Professions Council (Registration Appeals) Rules 2003, set out in the Schedule to the Health Professions Council (Registration Appeals) Rules Order of Council 2003, continue to have effect in relation to any appeal falling within regulation 9, but with the modification that rule 16 (disposal of cases) is treated as requiring the appeal panel to notify the appellant—

(a) of its decision and the reasons for reaching that decision,

(1) And see also the amendments to the Health Act 1999 (c. 8) made by section 61 of the Children and Social Work Act 2017 (repeal of existing powers to regulate social workers).

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- (b) that the decision is to be treated as a decision of the adjudicators under regulation 19(6) of the Principal Regulations, and
- (c) of the appellant's right to appeal to the county court under regulation 19(8) of the Principal Regulations.