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STATUTORY INSTRUMENTS

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**2019 No. 1140**

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

**PART 2**

**Registration of social workers**

**Application for restoration made on or after the transfer date**

**8.—**(1) A person may make an application for restoration in accordance with regulation 15 of the Principal Regulations and any rules made under paragraph (11) of that regulation, on or after the transfer date, where—

- (a) their registration as a social worker in the HCPC register lapsed before the transfer date in accordance with article 10(3) or 11 of the 2001 Order, or
  - (b) they were struck off the HCPC register by virtue of an order made under article 29(5)(a) or 30 of the 2001 Order or an order of the court.
- (2) But a person may not make an application for restoration where—
- (a) a direction made by virtue of article 33(9) of the 2001 Order<sup>(1)</sup> had effect in relation to them immediately before the transfer date, and
  - (b) less than 3 years has elapsed since the making of that direction, or the most recent decision on the review of that direction under article 33(10) of the 2001 Order, whichever is the later.
- (3) For the purposes of paragraph (1)—
- (a) regulation 15(1) of the Principal Regulations is treated as applying to a person whose entry in the HCPC register has been removed,
  - (b) regulation 15(3)(a) and (4) of the Principal Regulations is treated as applying in the case of a person whose entry was removed from the HCPC register as the result of a striking-off order made under article 29(5)(a) or 30 of the 2001 Order,
  - (c) regulation 15(4)(b) of the Principal Regulations is treated as requiring, in addition, that the person has not in the preceding 12 months made an application for restoration to the HCPC register which was refused.

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<sup>(1)</sup> That is, a direction that a person's right to make applications to be restored to the HCPC register is indefinitely suspended.