

## SCHEDULE 1

### TRANSITIONAL PROVISIONS IN RESPECT OF THE COMMENCEMENT OF PART II OF THE 2000 ACT

#### **Transitional savings in respect of the 1984 Act**

2.—(1) This sub-paragraph applies in relation to a Part I or Part II 1984 Act registered person when, in accordance with paragraph 6(3), he or she is treated as having applied for and been granted registration under Part II of the 2000 Act in respect of the home that he or she was registered in respect of under the 1984 Act.

(2) The 1984 Act shall continue in force for the purpose of giving effect to the following provisions of this paragraph.

(3) Until such time as sub-paragraph (1) applies in relation to a Part I 1984 Act registered person, and subject to sub-paragraph (5), the provisions of, and under, Part I of the 1984 Act shall continue in force in relation to, and in respect of, the person as if any reference in Part I of the 1984 Act to the registration authority is a reference to the National Assembly.

(4) Sub-paragraph (3) shall, in particular, have effect in relation to a person there referred to so that—

- (a) any application made by an authority under section 11 of the 1984 Act shall be treated as made by the Assembly, and any thing done in relation to the authority in response to the application shall be treated as done in relation to the Assembly;
- (b) any notice given by an authority of a proposal under section 12(4) of the 1984 Act shall be treated as given by the Assembly in respect of a proposal made by it, and any thing done in relation to the authority in response to the proposal shall be treated as done in relation to the Assembly;
- (c) any notice of a decision of an authority to adopt a proposal given under section 14 shall be treated as given by the Assembly in respect of a decision made by it, and any thing done in relation to the authority in response to the notice shall be treated as done in relation to the National Assembly.

(5) Without prejudice to section 63 of the Government of Wales Act 1998(1) (Exercise of functions by Assembly staff), sub-paragraph (3) shall not have effect in relation to section 13(5) of the 1984 Act.

(6) In so far as the preceding sub-paragraphs of this paragraph do not apply, where by virtue of section 16 of the Interpretation Act 1978(2) (General savings), or by virtue of that section as applied by section 23 of that Act (Application to other instruments), any investigation, legal proceeding or remedy may at any time be instituted, continued or enforced by an authority in relation to a Part I 1984 Act registered person as if section 117(2) of the 2000 Act, in so far as it relates to the 1984 Act, had not been passed—

- (a) any such investigation, legal proceeding or remedy may be instituted, continued or enforced by the National Assembly as if section 117(2), as just described, had not been passed; and
- (b) any function, power or duty that applied to, or was exercisable by, an authority for the purpose of instituting, continuing or enforcing any such investigation, legal proceeding or remedy shall also apply to, and be exercisable by, the National Assembly as if section 117(2) had not, as just described, been passed.

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(1) 1998 c. 38.

(2) 1978 c. 30.

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

(7) Until such time as sub-paragraph (1) applies in relation to a Part II 1984 Act registered person, the provisions of, and under, Part II of the 1984 Act shall continue in force in relation to, and in respect of, that person as they would have applied if it were not for the provisions of article 3 of this Order.

(8) The provisions of, under, and in connection with, the 1984 Act about the functions, powers and duties of the Registered Homes Tribunal shall continue to apply in relation to a Part I or Part II 1984 Act registered person for the purposes of any application which was commenced before the coming into force of this Order or which is made under this paragraph.

(9) So far as is possible, notwithstanding the application of sub-paragraph (1) to a person, any investigation, legal proceeding or remedy in respect of such a person may be instituted, continued or enforced and any penalty, forfeiture or punishment may be imposed in respect of the person as if sub-paragraph (1) had not applied to the person.

(10) Until such time as sub-paragraph (1) applies in relation to a Part I or Part II 1984 Act registered person, section 11(1), (5) and (6) of the 2000 Act shall not apply to the person in respect of the 1984 Act home that he or she was registered in respect of immediately before 1st April 2002.

(11) The provisions of this paragraph are without prejudice to the operation of sections 16 and 23 of the Interpretation Act 1978.