
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into operation on 1st April 2005 and make provision about the proceedings of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (“the Order”). The Regulations make provision for the conduct of proceedings of the Care Tribunal under Article 22 of the Order, Articles 78A and 94A of the Children (Northern Ireland) Order 1995 (as inserted by the Order), Articles 78(3) and 94(3) of the Children (Northern Ireland) Order 1995, Article 11 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, Articles 70 (2) and 88A(2) (as amended by the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003) of the Education and Libraries Order (Northern Ireland) 1986, Articles 28 and 42 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, and Article 15 of the Health and Personal Social Services Act (Northern Ireland) 2001. The Social Care Tribunal Rules (Northern Ireland) 2003 are revoked.

Part I makes provision in respect of citation, commencement and interpretation (regulation 1).

Part II makes provision as to the constitution of the Care Tribunal, in respect of the powers and functions which may be exercised by the Chairman (regulation 2) and Secretary and the requirements for membership of the lay panel (regulation 3).

Part III refers, for each type of appeal, determination and application for leave to the relevant Schedule to the Regulations which sets out the procedural steps to be followed by the parties (regulation 4).

Part IV makes provision about case management. These provisions deal with the appointment of the Tribunal (regulation 5), the giving of directions (regulation 6), the fixing and notification of the appeal hearing (regulation 7), appeals against secondary listing under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (regulation 8), multiple appeals where the Chairman can direct that certain appeals are heard together (regulation 9) and further directions (regulation 10). Regulation 11 provides for the Tribunal to be able to make unless orders, whilst provision is made for copies of documents (regulation 12), disclosure of information and documents including the power to order persons who are not parties to the appeal to disclose documents to the Tribunal (regulation 13), the appointment of expert witnesses by the Tribunal (regulation 14), evidence of witnesses (regulation 15), withholding medical reports from disclosure in exceptional circumstances (regulation 16), the summoning of witnesses (regulation 17), the procedure for child and vulnerable adult witnesses (regulation 18), restricted reporting orders (regulation 19) and exclusion of the press or public from the appeal hearing (regulation 20).

Part V makes provision for the procedure at the hearing. Regulation 21 provides for the procedure at the hearing which is decided by the Care Tribunal in any particular case. Regulation 22 provides that the hearing must be in public subject to limited exceptions. Regulation 23 provides for the manner in which evidence is given at the hearing.

Part VI makes provision about the way in which decisions are given and communicated to the parties to the appeal (regulation 24), the award of costs (regulation 25), the right of the appellant to ask the Care Tribunal to review its own decision (regulation 26), the powers of the Tribunal on review (regulation 27) and the publication of the decision (regulation 28).

Part VII deals with supplementary matters. Regulation 28 provides for the method of sending documents, regulation 29 provides for dealing with any irregularities, regulation 30 makes provision

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

for cases where the applications are made on behalf of a person under a disability, regulation 31 provides for cases where the applicant dies, regulation 32 provides for the amendment of the reasons for an appeal or application for leave or response to the appeal or application, regulation 33 provides for withdrawal of proceedings or opposition to proceedings, regulation 34 makes provision for the proof of documents and certification of decisions and regulation 35 provides for extending time limits in the Regulations.

Part VIII deals with revocation of the Care Tribunal Rules (Northern Ireland) 2003 and makes provision in respect of things done under those Regulations (regulation 37).

There are 6 Schedules to the Regulations which make provision in respect of the procedure to be followed on appeals, determinations and applications for leave (where they are required). The Schedules make provisions about the documents which the applicant must send to the Care Tribunal in order to initiate an appeal, the procedure for the Secretary to follow when an appeal is made, and information which the respondent must send to the Care Tribunal and further information to be supplied to the Care Tribunal by both parties to enable the Care Tribunal to give directions.

Schedule 1 deals with appeals under Part III of the Order.

Schedule 2 deals with appeals under Articles 78A and 94A of the Children (Northern Ireland) Order 1995.

Schedule 3 deals with appeals and applications for leave to appeal against a decision to prohibit or restrict the person's employment or further employment or a decision not to revoke or vary such a decision and application for leave for review of prohibition on restriction under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 and the Education and Libraries Order (Northern Ireland) 1986.

Schedule 4 makes provision for applications for review and applications for leave to review disqualification from working with children under Articles 27 and 28 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

Schedule 5 provides for appeals and applications for leave under Article 42 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

Schedule 6 provides for appeals under Section 15 of the Health and Personal Social Services Act (Northern Ireland) 2001 against a decision of the Council in respect of registration under Part I of that Act.