

2009 No. 42

HEALTH AND PERSONAL SOCIAL SERVICES

**The Care Tribunal (Amendment) Regulations (Northern Ireland)
2009**

Made - - - - - *6th February 2009*

Coming into operation - *13th March 2009*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by Articles 44(2) and (3) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(a).

Citation and commencement

1. These Regulations may be cited as the Care Tribunal (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 13 March 2009.

Amendment of the Care Tribunal Regulations (Northern Ireland) 2005

2.—(1) The Care Tribunal Regulations (Northern Ireland) 2005(b) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) at the end of the definition of “case”, after paragraph (i), add—

“(j) an appeal under Article 8(1)(a), (b) or (c) of the 2007 Order.”

(3) In regulation 4(7) after sub-paragraph (c) insert—

“(d) not to remove the applicant from—

(i) the children’s barred list, in a case to which paragraph 2 of Schedule 1 to the 2007 Order applies; or

(ii) the adults’ barred list, in a case to which paragraph 8 of that Schedule applies;

(e) to include the applicant in—

(i) the children’s barred list, in a case to which paragraph 3 or 5 of that Schedule applies; or

(ii) the adults’ barred list, in a case to which paragraph 9 or 11 of that Schedule applies;

(f) not to remove the applicant from—

(i) the children’s barred list, in a case to which paragraph 17 or 18 of that Schedule applies; or

(ii) the adults’ barred list, in a case to which paragraph 17 or 18 of that Schedule applies.”

(a) S.I. 2003/431 (N.I. 9)

(b) S.R. 2005 No. 178 as amended by S.R. 2008 No. 249

- (4) In Schedule 7, in paragraph 1(1), after sub-paragraph (c) insert—
- “(d) not to remove the applicant from—
 - (i) the children’s barred list, in a case to which paragraph 2 of Schedule 1 to the 2007 Order applies; or
 - (ii) the adults’ barred list, in a case to which paragraph 8 of that Schedule applies;
 - (e) to include the applicant in—
 - (i) the children’s barred list, in a case to which paragraph 3 or 5 of that Schedule applies; or
 - (ii) the adults’ barred list, in a case to which paragraph 9 or 11 of that Schedule applies;
 - (f) not to remove the applicant from—
 - (i) the children’s barred list, in a case to which paragraph 17 or 18 of that Schedule applies; or
 - (ii) the adults’ barred list, in a case to which paragraph 17 or 18 of that Schedule applies,”
- (5) In Schedule 7, for sub-paragraph 1(3)(b) substitute—
- “(b) give sufficient information to make it clear whether the application falls within sub-paragraph (1)(a), (b), (c), (d)(i) or (ii), (e)(i) or (ii) or (f)(i) or (ii);”

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 6 February 2009.



Sean Holland
A senior officer of the
Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations further amend the Care Tribunal Regulations (Northern Ireland) 2005 (“the 2005 Regulations”) in relation to appeals to the Care Tribunal under Article 8 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (“the 2007 Order”). The Regulations specifically make provision for appeals against decisions made by the Independent Barring Board (“IBB”):

— not to remove a person from the children’s barred list or the adults’ barred list pursuant to paragraph 2, 8, 17 or 18 of Schedule 1 to the 2007 Order; or

— to include a person in the children’s barred list or the adult’s barred list pursuant to paragraph 3, 5, 9 or 11 of Schedule 1 to the 2007 Order.

The Regulations also amend Schedule 7 to the 2005 Regulations in relation to the procedure for appealing against decisions of the IBB.

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