

SCHEDULE 3

Article 11

Transitional provisions

Outstanding referrals to, and cases before, the Statutory Committee where no direction has been given

1. In this Schedule—

“appointed day” means the day specified under Article 1(1);

“the former provisions” means Articles 20 to 22 of the principal Order as they had effect immediately before the appointed day;

“the new provisions” means Schedule 3 to the principal Order as substituted by Schedule 2 to this Order;

“the register” means the appropriate register kept under Article 6 of the principal Order;

“the Statutory Committee”, “the registrar” and “the Society” have the same meaning as in Article 2(2) of the principal Order.

2.—(1) Where—

(a) before the appointed day, an application for registration in or restoration to the register has been referred to the Statutory Committee;

(b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and

(c) an inquiry has not already opened in respect of the application,

the Statutory Committee shall dispose of it in accordance with the new provisions.

(2) Where—

(a) before the appointed day, an application for registration in or restoration to the register has been referred to the Statutory Committee;

(b) immediately before the appointed day there was no direction of the Statutory Committee in force in relation to the applicant; and

(c) an inquiry has already opened in respect of the application (including where a decision on the application has been postponed),

the Statutory Committee shall dispose of it in accordance with, and any appeal shall be disposed of in accordance with, the former provisions.

Outstanding disciplinary proceedings

3.—(1) Subject to the following provisions of this Schedule, where, as regards the registration of a person in the register, before the appointed day—

(a) a case of alleged misconduct has been referred by the registrar to the Statutory Committee whether or not a day has been appointed for holding an inquiry into the matter (including cases where an inquiry has been postponed or adjourned), the Statutory Committee shall dispose of the case in accordance with the former provisions but other allegations of misconduct that have been brought to the attention of the Society shall be dealt with in accordance with the new provisions.

(b) information about a conviction for a criminal offence has been submitted to the Statutory Committee by the registrar whether or not a day has been appointed for holding an inquiry into the matter (including cases where an inquiry has been postponed or adjourned), the Statutory Committee shall dispose of the matter in accordance with the former provisions

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but other information about a conviction for a criminal offence that has been brought to the attention of the Society shall be dealt with in accordance with the new provisions.

(2) Where the Department had been considering a case of a person suffering from a physical or mental disability under Article 18 of the principal Order as it had effect immediately before the appointed day the Department shall refer the case to the Statutory Committee which shall dispose of the case in accordance with the new provisions.

Applicants for registration or restoration who are subject to directions given under the principal Order

4.—(1) Where the Statutory Committee has given a direction in relation to a case falling within Article 20(5) of the principal Order, prior to the coming into operation of this Order, if the person in respect of whom the direction was given, (“the person concerned”) makes or before the appointed day has made, a further application for registration—

- (a) the application shall be determined by the registrar, even if it has already been referred to the Statutory Committee; and
- (b) the registrar shall determine the application in accordance with the provisions of Part III of the principal Order, except that the application may not be granted unless—
 - (i) if the Statutory Committee has given a direction that an application for registration from the person concerned shall not be entertained until the expiration of a specified period, that period has expired,
 - (ii) if the Statutory Committee has given a direction that an application for registration from the person concerned shall not be entertained until specified conditions have been fulfilled, those conditions have been fulfilled, and
 - (iii) the Statutory Committee has been consulted and it has advised the registrar that the person concerned’s fitness to practise is not or is no longer impaired.

(2) Where the Statutory Committee has given a direction in relation to a case falling within Article 20(4) or (6) of the principal Order, prior to the coming into operation of this Order, if the person in respect of whom the direction was given (“the person concerned”) makes or before the appointed day has made an application (or in relation to a case falling within Article 20(6) a further application) for restoration to the registrar—

- (a) the application shall be referred by the registrar to the Statutory Committee; and
- (b) the Statutory Committee shall dispose of the case in accordance with the new provisions except that—
 - (i) if it is the first application that the person concerned has made which is to be disposed of in accordance with the new provisions, paragraph 9(2) of Schedule 3 to the principal Order, as it has effect after the appointed day, shall not apply, but if the Statutory Committee has given a direction that an application for restoration from the person concerned shall not be entertained until the expiration of a specified period, that period must have expired, and
 - (ii) if the Statutory Committee has given a direction that an application for restoration from the person concerned shall not be entertained until specified conditions have been fulfilled, those conditions must have been fulfilled.