



Registered Homes Act 1984 (repealed)

1984 CHAPTER 23

PART III

REGISTERED HOMES TRIBUNALS

39 Preliminary.

The following are relevant enactments for the purposes of this Part of this Act—

- [^{F1}(a) the Children Act 1989.]
- (c) Parts I and II of this Act.

Textual Amendments

- F1** S. 39(a)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 49(2), (with Sch. 14 para. 1(1)); S.I. 1991/828, art.3(2)

40 Constitution of panels for chairmen and members.

- (1) For the purpose of enabling a tribunal to hear an appeal under a relevant enactment to be constituted as occasion may require there shall be—
 - (a) a panel appointed by the Lord Chancellor (in this Part of this Act referred to as “the legal panel”) of persons available to act as chairmen of any such tribunals; and
 - (b) a panel appointed by the Lord President of the Council (in this Part of this Act referred to as “the panel of experts”) of persons available to act as members.
- (2) Tribunals constituted under this Part of this Act are to be known as Registered Homes Tribunals.
- (3) No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.

Status: Point in time view as at 31/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Registered Homes Act 1984 (repealed), Part III. (See end of Document for details)

- (4) No person shall be qualified to be appointed to the panel of experts unless he has had experience in social work, medicine, nursing or midwifery or such other experience as the Lord President of the Council considers suitable.
- (5) No officer of a government department may be appointed to either panel.
- (6) [^{F2}Subject, in the case of a person appointed to the legal panel, to subsection (7) below,] a person appointed to a panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the person appointing him.
- [^{F3}(7) No appointment of a person to the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]

Textual Amendments

- F2** Words in s. 40(6) inserted (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para. 55** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**
- F3** S. 40(7) added (31.3.1995) by 1993 c. 8, s. 26, **Sch. 6 para.55** (with Sch. 7 paras. 2(2), 3(2), 4); S.I. 1995/631, **art. 2**

41 Constitution of tribunals—general.

- (1) A Registered Homes Tribunal shall consist of a chairman and two other members.
- (2) The chairman shall be a member of the legal panel appointed to the tribunal by the Lord Chancellor.
- (3) The other two members shall be members of the panel of experts appointed to the tribunal by the Lord President of the Council.

42 Tribunals for appeals relating to nursing homes (including maternity homes) and mental nursing homes.

- (1) A Registered Homes Tribunal to hear an appeal relating solely to registration under Part II of this Act shall include a registered medical practitioner.
- (2) Such a tribunal shall also include—
- (a) if the appeal relates to registration of a maternity home, a registered midwife; and
 - (b) in any other case, a qualified nurse.
- (3) A tribunal which is constituted to hear both an appeal relating to registration under Part I of this Act and an appeal relating to registration under Part II shall include a person selected in accordance with subsection (2) above.
- (4) In this Part of this Act “qualified nurse” means a person who—
- (a) is for the time being registered under the ^{M1}Nurses, Midwives and Health Visitors Act 1979; and
 - (b) would have been qualified to be registered under section 2(1) of the ^{M2}Nurses Act 1957.

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Marginal Citations

- M1 1979 c. 36.
M2 1957 c. 15.

43 Procedure of tribunals.

- (1) The Secretary of State may by statutory instrument make rules as to the practice and procedure to be followed with respect to the constitution of Registered Homes Tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings; and without prejudice to the generality of this section such rules may make provision—
- (a) requiring particulars to be supplied of matters relevant to the determination of an appeal;
 - (b) enabling two or more appeals to be heard together; and
 - (c) as to representation before a tribunal, by counsel or a solicitor or otherwise.
- (2) Rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) [^{F4}Part I of the Arbitration Act 1996] shall not apply to any proceedings before Registered Homes Tribunals except so far as any provision of that Act may be applied to such tribunals with or without modifications by rules made under this section.

Textual Amendments

- F4 Words in s. 43(3) substituted (31.1.1997) by 1996 c. 23, s. 107(1), Sch. 3 para. 41 (with 81(2)); S.I. 1996/3146, art. 3

Modifications etc. (not altering text)

- C1 S. 43 amended (W.) (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

44 Staff for tribunals.

The Secretary of State shall assign such staff as may from time to time be required for Registered Homes Tribunals.

Modifications etc. (not altering text)

- C2 S. 44 amended (w.) (1.7.1999) by S.I. 1999/672, art. 5, Sch. 2

45 Fees, allowances and expenses.

The Secretary of State may—

- (a) pay to members of Registered Homes Tribunals such fees and allowances as he may, with the consent of the Treasury, determine; and
- (b) defray the expenses of such tribunals up to such amount as he may with the like consent determine.

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Modifications etc. (not altering text)

C3 [S. 45](#) amended (w.) (1.7.1999) by [S.I. 1999/672](#), art. 5, [Sch. 2](#)

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