
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the proceedings of the Tribunal established by section 9 of the Protection of Children Act 1999 on an appeal or determination under section 4 of that Act or regulations made under section 6 of that Act. They come into force on 2nd October 2000.

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

Part II makes provision as to the initiation of appeals and applications for leave (regulations 2 and 3); as to the acknowledgement, notification and registration of applications (regulation 4); for a response by the respondent (regulation 5); and for dealing with misconceived applications (regulation 6). Provision is also made (regulations 7 and 8) in relation to the grant or refusal of leave in respect of applications under regulation 3. There is provision for further information to be sent by the parties (regulations 9 and 10) and for the amendment or withdrawal of the application and response (regulations 11 and 12).

Part III makes certain provision about case management. Provision is made for the President to issue “costs warnings” and “unless orders” (regulations 13 and 14), for the appointment of a Tribunal to determine an application (regulation 15) and for the fixing of a hearing (regulation 16).

Part IV provides for further case-management powers. Provision is made for the giving of directions and for applications to vary or set aside directions; for the parties to request further directions; and for preliminary hearings (regulation 17). Provision is also made for disclosure (regulation 18) and for the appointment of experts to assist the Tribunal (regulation 19). Regulation 20 makes provision in relation to the provision, and content, of witness statements, and the powers of the President and the Tribunal to determine whether the evidence of a witness will be considered or heard. There is provision for the withholding of medical reports from disclosure to the applicant in exceptional circumstances where this would not be unfair (regulation 21), and for restricting, and making special provision for, the giving of live evidence by children (regulation 22). Provision is made for the summoning of witnesses (regulation 23), for making restricted reporting orders (regulation 24) and for excluding the press and public from a hearing in certain circumstances (regulation 25).

Part V makes provision about hearings. Provision is made for hearings normally to take place in public, and for certain persons to be admitted in those cases where the press and public are excluded (regulation 26). Regulation 27 makes provision relating to procedure at the hearing. Provision is also made in relation to evidence before the Tribunal (regulation 28).

Part VI makes provision relating to the Tribunal’s decision. Regulation 29 makes provision in respect of the making, pronouncement and notification of the decision, and for the giving of reasons. Regulations 29 and 30 provide for review of the decision in certain circumstances. Provision is made in relation to costs (regulation 32) and the publication of decisions (regulation 33).

Part VII makes certain supplementary provision. Regulation 34 makes provision in connection with the method of sending documents. Regulation 35 provides for the curing of irregularities. Provision is made for applications on behalf of children and adults who are unable to act for themselves (regulation 36) and in case of the death of the applicant (regulation 37). Provision is also made for the proof and certification of documents and decisions (regulation 38), for the functions of the President and Secretary to be performed by others (regulation 39), for the extension of time-limits (regulation 40) and in respect of qualifications required for membership of the lay panel (regulation 41).