

## SCHEDULE 1

### TRANSITIONAL PROVISIONS

#### **Pending decision as to cancellation**

7.—(1) Where the existing undertaking is a residential care home in respect of which the existing provider is registered under Part I of the 1984 Act, he shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking if—

- (a) the authority have decided to adopt a proposal under section 12(4) of the 1984 Act to cancel his registration and, in accordance with section 14(3) of that Act, their decision has not taken effect; or
- (b) the authority have applied to a justice of the peace for an order under section 11(1)(a)(i) of the 1984 Act cancelling the registration of the existing provider, and the application has not been determined.

(2) Where the existing undertaking is a nursing home or mental nursing home in respect of which the existing provider is registered under Part II of the 1984 Act, the existing provider shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking if—

- (a) the authority have decided to adopt a proposal under section 31(3) of the 1984 Act to cancel his registration and, in accordance with section 33(3) of the 1984 Act their decision has not taken effect; or
- (b) the authority have applied to a justice of the peace for an order under section 30(1)(a)(i) of the 1984 Act cancelling the registration of the existing provider, and the application has not been determined.

(3) Where—

- (a) the existing undertaking is a home that is registered in a register kept for the purposes of section 60 of the 1989 Act; and
- (b) the Secretary of State has decided to adopt a proposal under paragraph 2(4)(a) of Schedule 5 to the 1989 Act to cancel the registration and, in accordance with paragraph 4(3) of that Schedule his decision has not taken effect,

the existing provider shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking.

(4) Where—

- (a) the existing undertaking is a home that is registered under Part VIII of the 1989 Act; and
- (b) the authority have decided to adopt a proposal under paragraph 5(4)(a) of Schedule 6 to the 1989 Act to cancel the registration and, in accordance with paragraph 7(3) of that Schedule their decision has not taken effect,

the existing provider shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking.

(5) Where—

- (a) the existing undertaking is a licensed nurses agency;
- (b) the authority have revoked the licence of the existing provider in respect of the existing undertaking; and
- (c) either—
  - (i) the period for appealing against the revocation has not expired; or

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(ii) the existing provider has appealed under section 2(4) of the 1957 Act and the appeal has not been determined or abandoned,  
the existing provider shall not be treated, for the purposes of Part II of the Act, as having been granted registration in respect of that existing undertaking.