

2006 No. 1930

**SOCIAL CARE, ENGLAND AND WALES**

**CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES**

**The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>13th July 2006</i>
<i>Laid before Parliament</i>	<i>24th July 2006</i>
<i>Coming into force</i> - -	<i>1st October 2006</i>

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 9(2), (3)(b) and (d) and (3B) of the Protection of Children Act 1999(a). In accordance with section 8 of the Tribunals and Inquiries Act 1992(b) she has consulted the Council on Tribunals. In accordance with section 9(3C) of the Protection of Children Act 1999 she has consulted the National Assembly for Wales.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2006, and shall come into force on 1st October 2006.

(2) In these Regulations, “the Tribunal Regulations” means the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002(c).

**Amendment of regulation 1 of the Tribunal Regulations**

2. In regulation 1 of the Tribunal Regulations (citation, commencement and interpretation), in paragraph (2), in the definition of “working day”, after “bank holiday” insert “in England and Wales”.

**Amendment of regulation 8 of the Tribunal Regulations**

3. In regulation 8 of the Tribunal Regulations (multiple appeals), in paragraph (1), after “establishment or agency” insert “or share the same factual background”.

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(a) 1999 c.14. Section 9(2) of the Protection of Children Act 1999 (“the 1999 Act”) was amended by the Care Standards Act 2000 (c.14) (“the 2000 Act”), section 116 and Schedule 4, paragraph 26(1) and (3)(a); by the Criminal Justice and Court Services Act 2000 (c.43), Schedule 7, paragraphs 154 and 157; by the Education Act 2002 (c.32), section 155 and Schedule 14, paragraph 6 and section 215, Schedule 21, paragraph 122 and Schedule 22, Part 3 and by the Education Act 2005 (c.18), section 61 and Schedule 9, paragraph 23 and section 123 and Schedule 19, Part 1. Section 9(3A) to (3C) of the 1999 Act was inserted by the 2000 Act, section 116 and Schedule 4, paragraph 26(1) and (3)(b).

(b) 1992 c.53. Schedule 1, paragraph 36A of the Tribunals and Inquiries Act 1992 (“the 1992 Act”) was inserted by the Schedule to the 1999 Act, paragraph 8. Schedule 1, paragraph 36A of the 1992 Act was renumbered as paragraph 36B and amended by the Care Standards Act 2000, Schedule 4, paragraph 21.

(c) S.I. 2002/816; relevant amending instruments are: S.I. 2003/626 and S.I. 2004/2073.

#### **Amendment of regulation 35 of the Tribunal Regulations**

4. Regulation 35 of the Tribunal Regulations (time) is amended as follows—

- (a) in paragraph (3)(a), at the beginning, insert “Subject to paragraph (4),”; and
- (b) after paragraph (3), add—

“(4) Where sub-paragraph (2A) of paragraph 1 of Schedule 2 or sub-paragraph (3A) of paragraph 1 of Schedule 6 applies, the time limit for initiating an appeal may be extended as provided in paragraph (1) of this regulation.”.

#### **Amendment of Schedule 2 to the Tribunal Regulations**

5.—(1) Schedule 2 to the Tribunal Regulations (appeal under section 79M of the 1989 Act against a decision of the registration authority or an order of a justice of the peace) is amended in accordance with the following provisions of this regulation.

(2) In paragraph 1 (initiating an appeal)—

- (a) at the beginning of sub-paragraph (2), insert “Except where sub-paragraph (2A) applies,”; and
- (b) after sub-paragraph (2), insert—

“(2A) Where an application under this paragraph relates to an appeal against the taking of the step mentioned in section 79L(1)(a) of the 1989 Act, the application must be received by the Secretary no later than 3 months after service on the applicant of notice of the decision to take that step.”.

#### **Amendment of Schedule 6 to the Tribunal Regulations**

6.—(1) Schedule 6 to the Tribunal Regulations (appeal under section 68 of the 2000 Act against a decision of a Council in respect of registration under Part 4 of that Act) is amended in accordance with the following provisions of this regulation.

(2) In paragraph 1 (initiating an appeal)—

- (a) at the beginning of sub-paragraph (3), insert “Except where sub-paragraph (3A) applies,”; and
- (b) after sub-paragraph (3), insert—

“(3A) Where an application under this paragraph relates to an appeal against a decision of the Council to refuse an application for registration pursuant to section 58 of the 2000 Act, then the application must be received by the Secretary no later than 3 months after the date of service on the applicant of notice of that refusal.”.

Signed by authority of the Secretary of State

13th July 2006

*Ivan Lewis*  
Parliamentary Under Secretary of State  
Department of Health

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(a) Paragraph (3) of regulation 35 was substituted by S.I. 2003/626, regulation 9.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply to both England and Wales, amend the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002 (“the Tribunal Regulations”) and make provision in relation to the proceedings of the Tribunal established by section 9 of the Protection of Children Act 1999.

Regulation 2 amends the definition of “working day” in regulation 1 (interpretation) of the Tribunal Regulations in order to clarify that the term “bank holiday” refers only to such holidays in England and Wales.

Regulation 3 amends regulation 8 of the Tribunal Regulations, which deals with multiple appeals, in order to permit the Tribunal President (or the nominated chairman), on the application of either party or on his own initiative, to hear together cases that share the same factual background.

Regulation 4 amends regulation 35 (time) of the Tribunal Regulations so that the time limits set out in sub-paragraph (2A) of paragraph 1 of Schedule 2, or sub-paragraph (3A) of paragraph 1 of Schedule 6 to those Regulations (as inserted by these Regulations), can be extended in accordance with paragraph (1) of regulation 35.

Regulation 5 amends Schedule 2 to the Tribunal Regulations, which sets out the procedure for appeals under section 79M of the Children Act 1989, to provide that, where a person is appealing against a decision of the registration authority to refuse his application for registration as a childminder or day care provider under section 79D of that Act, then the period within which such an appeal must be lodged is 3 months after the applicant has received notice of the decision to refuse his application for registration, instead of 28 days.

Regulation 6 amends Schedule 6 to the Tribunal Regulations, which sets out the procedure for appeals under section 68 of the Care Standards Act 2000, to provide that, where a person is appealing against a decision of a Council to refuse his application for registration as a social worker under section 58 of that Act, then the period within which such an appeal must be lodged is 3 months after the applicant has received notice of the decision to refuse his application for registration, instead of 28 days.

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The Protection of Children and Vulnerable Adults and Care Standards  
Tribunal (Amendment) Regulations 2006

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