

**2008 No. 1802**

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

**The Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>3rd July 2008</i>
<i>Laid before Parliament</i>		<i>8th July 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(2)(g), (3) and (3B) of the Protection of Children Act 1999(a).

In accordance with section 8 of the Tribunals and Inquiries Act 1992(b) the Secretary of State has consulted the Administrative Justice and Tribunals Council.

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Protection of Children and Vulnerable Adults and Care Standards Tribunal (Amendment) Regulations 2008 and come into force on 1st September 2008.

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

(3) Regulations 2 and 4 apply to England, and regulations 3 and 5 apply to England and Wales.

**Amendment to regulation 1(2) of the Tribunal Regulations**

2. In regulation 1(2) of the Tribunal Regulations (citation, commencement and interpretation), in the definition of “the Suspension Regulations”—

(a) in sub-paragraph (b), omit “or”; and

(b) after sub-paragraph (c), insert—

“or

(d) the Childcare (Early Years and General Childcare Registers)(Common Provisions) Regulations 2008(d);”.

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(a) 1999 c.14. Section 9(2)(g) of the Protection of Children Act 1999 was inserted by paragraph 38(b) of Schedule 2 to the Childcare Act 2006 (c.21) and section 9(3B) was inserted by paragraph 26 of Schedule 4 to the Care Standards Act 2000 (c.14).  
(b) 1992 c.53. Section 8 was amended by paragraphs 23 and 30(a) of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c.15).  
(c) S.I. 2002/816; relevant amending instruments are: S.I. 2003/626 and 2043, 2004/2073 and 3354, 2006/1930 and 2007/1684.  
(d) S.I. 2008/976.

### **Amendment to regulation 4 of the Tribunal Regulations**

3. In Regulation 4 of the Tribunal Regulations (procedure for appeals, determinations and applications for leave)—

- (a) in paragraph (7)(a), after “providing day care” insert—
    - “and who is registered under section 79F of the 1989 Act;
    - (aa) a decision to suspend the registration of a person who is registered under Chapter 2 (regulation of early years provision), Chapter 3 (regulation of later years provision for children under 8) or Chapter 4 (voluntary registration) of the 2006 Act;”;
- and
- (b) in paragraph (7)(b), for “registration” substitute “registrations”.

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

4. In paragraph 3 of Schedule 2 to the Tribunal Regulations (appeal under section 79M of the 1989 Act or section 74 of the 2006 Act against a decision of the registration authority or an order of a justice of the peace)—

- (a) in sub-paragraph (3)(c)(ii) after “the 1989 Act” insert “or section 73 of the 2006 Act”;
- (b) in sub-paragraph (3)(c)(iii)—
  - (i) after “the 1989 Act” insert “or section 72(2) of the 2006 Act”; and
  - (ii) for “subsection (5)(b) of that section” substitute “section 79K(5)(b) of the 1989 Act or section 72(5)(b) of the 2006 Act”.

### **Amendment to Schedule 7 to the Tribunal Regulations**

5. In Schedule 7 to the Tribunal Regulations (appeals under the Suspension Regulations)—

- (a) in paragraph 1(a), after “providing day care” insert—
    - “and who is registered under section 79F of the 1989 Act;
    - (aa) a decision to suspend the registration of a person who is registered under Chapter 2 (regulation of early years provision), Chapter 3 (regulation of later years provision for children under 8) or Chapter 4 (voluntary registration) of the 2006 Act;”;
- and
- (b) in paragraph (1)(b), for “registration” substitute “registrations”.

Signed by authority of the Secretary of State

3rd July 2008

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

## **EXPLANATORY NOTE**

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

These Regulations 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 (“the Tribunal”).

Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (“the 2006 Act”) establish a compulsory registration scheme for childminders or other childcare providers in England from 1 September 2008. Chapter 4 of Part 3 of the 2006 Act established from 1 April 2007 a voluntary registration scheme for childminders or other childcare providers in England who are not required to be registered under Chapters 2 or 3. Section 69(2) of the 2006 Act provides that regulations in relation to the suspension of registration of a person registered under those schemes must include a right of appeal to the Tribunal against suspension. Section 74 of the 2006 Act provides a right of appeal to the Tribunal in relation to other registration decisions under those schemes. These Regulations amend the Tribunal Regulations in order to ensure that there is proper provision for the proceedings of the Tribunal in relation to such appeals.

Regulation 2 amends regulation 1(2) of the Tribunal Regulations to include a reference to the regulations relating to the suspension of registration under Chapters 2, 3 or 4 of Part 3 of the 2006 Act. Regulation 3 amends regulation 4(7) of the Tribunal Regulations to reflect that new definition, and makes a consequential amendment to clarify that regulation 4(7)(a) will continue to apply to Wales after 1 September 2008. Regulation 5 amends Schedule 7 to the Tribunal Regulations for the same purpose.

Regulation 4 amends paragraph 3 of Schedule 2 to the Tribunal Regulations to ensure that the respondent to an appeal under section 74 of the 2006 Act provides certain documents in the response to that appeal.

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STATUTORY INSTRUMENTS

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