
STATUTORY INSTRUMENTS

2019 No. 1140

The Children and Social Work Act 2017 (Transitional and Savings Provisions) (Social Workers) Regulations 2019

PART 4

Discipline and fitness to practise

Appeal against fitness to practise cases and register entry cases: appeal to the county court or High Court

21.—(1) Where an appeal has been made under article 38(1) of the 2001 Order⁽¹⁾ and has not been finally determined before the transfer date, it is treated—

- (a) as an appeal under regulation 19(9) of the Principal Regulations in the case of an appeal against a decision mentioned in article 38(1A)(b), (c), (d) or (e) of the 2001 Order,
- (b) in any other case as an appeal under paragraph 16 of Schedule 2 to the Principal Regulations.

(2) Where a person had a right of appeal under article 38(1) of the 2001 Order immediately before the transfer date which had not been exercised, they may appeal under regulation 19(9) of, or paragraph 16 of Schedule 2 to, the Principal Regulations (as the case may be).

(3) For the purposes of paragraph (1)(b), where the appeal has been made to the county court—

- (a) paragraph 16(1) of Schedule 2 to the Principal Regulations is treated as allowing an appeal to the county court,
- (b) paragraph 16(3) of that Schedule is treated as applying to the county court.

(4) For the purposes of paragraphs (1) and (2), the regulator is treated as—

- (a) the respondent to the appeal,
- (b) having made the decision appealed against, and
- (c) having the power to implement the decision of the court, and any decision made on a further appeal from the court.

⁽¹⁾ Article 38 provides for appeal to the county court or High Court against decisions of the HCPC in fitness to practise cases.