2006 No. 342

HEALTH AND PERSONAL SOCIAL SERVICES

The Care Tribunal (Amendment) Regulations (Northern Ireland) 2006

Made - - - - - 17th August 2006

Coming into operation 29th September 2006

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by Articles 44(2) and (3) and 48(2) of, and paragraph 2(4) of Schedule 2 to, the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**a**).

Citation and commencement

1. These Regulations may be cited as the Care Tribunal (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 29th September 2006.

Amendment of the Care Tribunal Regulations (Northern Ireland) 2005

2.—(1) The Care Tribunal Regulations (Northern Ireland) 2005(**b**) shall be amended in accordance with paragraphs (2) to (15).

(2) In regulation 1(2)—

(a) in the definition of "case", at sub-paragraph (b), for "Articles 78(A) and Article 94A" there shall be substituted "Article 78A or 94A".

(b) for the definition of "the respondent", there shall be substituted—

" "the respondent" means—

(a) in relation to an appeal under Article 22 of the 2003 Order, the Regulation and Improvement Authority;

(b) in relation to an appeal under Article 78A or 94A of the 1995 Order, the Regulation and Improvement Authority;

(c) in relation to an appeal or an application for leave to appeal under Article 11 or 12 of the 2003 Order, the Department;

(d) in relation to an appeal, an application for leave or a determination under Article 42 of the 2003 Order, the Department;

(e) in relation to an appeal under regulations made in accordance with Article 70(2)(e) or 88A(2)(b) of the 1986 Order, the Department of Education;

(f) in relation to an appeal under section 15 of the 2001 Act, the Council;".

(3) In regulation 2—

(a) in paragraph (1), the words "(except under regulation 5(1), (2), (4) or (5) or 26(4))," shall be omitted.

(**a**) S.I. 2003/431 (N.I. 9)
(**b**) S.R. 2005 No. 178

(b) for paragraph (2), there shall be substituted—

"(2) Anything which must or may be done by the Secretary may be done by a member of the Care Tribunal's staff authorised by the Secretary."

(4) In regulation 3(2)(a)—

(a) at the end of head (i) there shall be added the word "or";

(b) at the end of head (ii) there shall be added the word "and".

(5) In regulation 3(5), at the end of sub-paragraph (f) there shall be added the word "or".

(6) In regulation 4, paragraph (4) shall be deleted.

(7) In regulation 6(5) for "(2) and (3) above" there shall be substituted "(2), (3) and (4)".

(8) In regulation 7(1) after "without a hearing", there shall be added "and the Chairman has not directed that there be a hearing under regulation 6(3)."

(9) In regulation 13—

(a) in paragraph (1)(a) in the first and third instances it occurs, for "the Care Tribunal" there shall be substituted "the Secretary".

(b) for paragraph (2)(a), there shall be substituted—

"(a) the documents or other material sought are likely to support or adversely affect the case of either party;"

(10) In regulation 23, paragraph (6) shall be deleted.

(11) In regulation 33, paragraph (3) shall be deleted.

(12) In regulation 34—

(a) in paragraph (1) the words "(2) and (3)" after "regulation 25" shall be deleted;

(b) there shall be added after paragraph (2)—

"(3) Where the Chairman dismisses the proceedings under paragraph (1) or determines the case, or the application for leave in the applicant's favour under paragraph (2), the references to the Care Tribunal in regulation 25 shall be read as if they were references to "the Chairman"."

(13) In paragraph 3(3)(c)(ii) of Schedule 1, for "the 2003 Order" there shall be substituted "the Order".

(14) In paragraph 4(3)(c)(iii) of Schedule 3, for "Articles 4, 5 and 7" there shall be substituted "Articles 4, 5, 6 and 9".

(15) Schedule 4 shall be deleted.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 17th August 2006.

(L.S.) *Noel McCann*

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations amend the Care Tribunal Regulations (Northern Ireland) 2005 in order to correct drafting defects.

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