

### SCHEDULE 3

#### APPEALS AND APPLICATIONS FOR LEAVE TO APPEAL UNDER ARTICLE 11 OF THE PROTECTION OF CHILDREN AND VULNERABLE ADULTS (NORTHERN IRELAND) ORDER 2003 AND APPEALS UNDER ARTICLE 70(2) OR 88A(2) OF THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1986 AGAINST A DECISION TO PROHIBIT OR RESTRICT THE PERSON'S EMPLOYMENT OR FURTHER EMPLOYMENT OR A DECISION NOT TO REVOKE OR VARY SUCH A DECISION AND APPLICATION FOR LEAVE FOR A REVIEW OF PROHIBITION OR RESTRICTION

##### **Misconceived appeals, applications etc.**

5.—(1) The Chairman may at any time strike out the appeal or, as the case may be application for leave, on the grounds that –

- (a) it is made otherwise than in accordance with paragraph 1 or 2 (as the case may be);
- (b) it is outside the jurisdiction of the Care Tribunal or is otherwise misconceived; or
- (c) it is frivolous or vexatious.

(2) Before striking out an appeal or, as the case may be, application for leave, under this paragraph, the Chairman must –

- (a) invite the parties to make representations on the matter within such period as he may direct;
- (b) if within the period specified in the direction the applicant so requests in writing, afford the parties an opportunity to make oral representations; and
- (c) consider any representations the parties may make.

(3) Where the Chairman strikes out an appeal or an application for leave under paragraph (1), regulation 25 (costs) shall apply as if the references to “the Care Tribunal” were instead references to “the Chairman”.

(4) Where, under paragraph (1), the Chairman has made a determination to strike out an appeal or application for leave (“the determination”), the applicant may apply to the Chairman, for the determination to be set aside.

(5) An application under paragraph (4) must –

- (a) be made not later than 10 working days after the date on which notice of the determination was sent to the applicant; and
- (b) must be in writing stating the grounds in full.

(6) In the case of an application under paragraph (4), the Chairman, may, if he considers that it is appropriate to do so, set aside the determination (including, where applicable, a costs order made pursuant to paragraph (3)), and may give such directions in exercise of his powers under Part IV of these Regulations as he considers appropriate.

(7) Before setting aside the determination, the Chairman may invite the parties to make representations on the matter within such period as he may direct.

(8) Where the determination is set aside, the Secretary shall alter the relevant entry in the records.