

SCHEDULE 5

Pending proposal as to cancellation

- 4.—(1) This sub-paragraph applies where, immediately before the effective date —
- (a) the authority or the National Assembly are considering whether to revoke the licence of the existing provider in respect of the existing undertaking;
 - (b) in pursuance of section 2(5) of the 1957 Act the existing provider has been given an opportunity of being heard; and
 - (c) the authority or the National Assembly have not determined the matter.
- (2) Where sub-paragraph (1) applies —
- (a) subject to paragraph (b) of this sub-paragraph, the notice informing the existing provider that he or she is to be given the opportunity of being heard shall, for the purposes of Part II of the Act, and notwithstanding that it does not comply with the requirements for such a notice under the Act, be treated with effect from the effective date as if it were a notice of proposal given under section 17(4) of the Act to cancel the registration (otherwise than in accordance with an application under section 15(1)(b)), in respect of the existing undertaking;
 - (b) section 18(2) of the Act shall have effect as if —
 - (i) in paragraph (a) the word “written” were omitted;
 - (ii) for paragraph (c) the following paragraph were substituted —
 - “(c) the person who is registered in respect of the agency has been given an opportunity to make oral or written representations to the National Assembly concerning the matter within a reasonable period and has failed to make them within that period.”