



## **Protection of Children Act Tribunal**

### **Decision**

**Application No:** 0072

**Application by:** Pervinder Chodha

**Respondent:** The Secretary of State for Health

**Determination date:** 25<sup>th</sup> September 2001.

### **Application**

On 6<sup>th</sup> May 2001 Mr Chodha appealed under section 4(1)(a) of the Protection of Children Act 1999 against the decision of the Secretary of State to include him in the list kept under section 1 of that Act.

### **Facts**

1. Mr Chodha's appeal was out of time. On 16<sup>th</sup> July 2001 I extended the time for appealing and directed that the appeal should proceed.
2. After initially writing to oppose the appeal, on 19<sup>th</sup> September 2001 the Secretary of State notified the Secretary of the Tribunal in writing that he had decided to withdraw his opposition to the appeal.

### **Conclusions**

1. Regulation 12(2)(a) of the Protection of Children Act Tribunal Regulations 2000 requires the President to determine the application in Mr Chodha's favour.
2. Accordingly, I direct that Mr Chodha's name be removed from the list.

### **Costs**

1. Regulation 12(2)(c) requires the President to consider making a costs order under regulation 32. Such an order is to be made if "a party has acted unreasonably in... conducting the proceedings".
2. I have been obliged to give detailed consideration to the parties' conduct of the proceedings on several occasions. I am not satisfied that the Secretary of State has acted unreasonably in conducting these proceedings. I accept that the Secretary of State took his decision to withdraw opposition to the appeal as soon as he was

satisfied that there was insufficient evidence to establish the case against Mr Chodha.

**Order**

1. The Secretary of State do remove Pervinder Chodha from the list kept under section 1 of the Protection of Children Act 1999.
2. There be no costs order.

Dated: 25<sup>th</sup> September 2001

Signed:



John Reddish  
President