

SCHEDULE 3

Article 5

EXCEPTED PROCEEDINGS

1. Proceedings in respect of a person's admission to, or disciplinary proceedings against a member of, any profession specified in Part I of Schedule 1 to this Order.
2. Proceedings before the Court of Appeal or the High Court in the exercise of their disciplinary jurisdiction in respect of solicitors.
3. Disciplinary proceedings against a constable.
4. Proceedings before the Gaming Board for Great Britain.
5. Proceedings under the Mental Health Act 1959 before any Mental Health Review Tribunal, or under the Mental Health (Scotland) Act 1960 before the Sheriff or the Mental Welfare Commission for Scotland.
6. Proceedings under the Firearms Act 1968 in respect of—
 - (a) the registration of a person as a firearms dealer, the removal of a person's name from a register of firearms dealers or the imposition, variation or revocation of conditions of any such registration; or
 - (b) the grant, renewal, variation or revocation of a firearm certificate; or
 - (c) the grant, renewal or revocation of a shot gun certificate; or
 - (d) the grant of a permit under section 7(1), 9(2) or 13(1)(c) of that Act.
7. Proceedings in respect of the grant, renewal or variation of a licence under section 25 of the Children and Young Persons Act 1933 (which relates to persons under the age of 18 going abroad for the purpose of performing or being exhibited for profit).
8. Proceedings—
 - (a) in respect of an application under section 3(1)(b) of the Insurance Companies Act 1974 for the Secretary of State's authorisation to carry on insurance business; or
 - (b) in respect of a notice under section 38 or 39 of that Act (which relate to notification of the proposed exercise of certain powers conferred by the Act on the Secretary of State); or
 - (c) under section 52 or 53 of that Act (which relate to the Secretary of State's approval of appointments in insurance companies).
9. Proceedings in respect of a determination by the Secretary of State as to the suitability of a person—
 - (a) for employment as a teacher in a school or establishment for further education (within the meaning of paragraph 10 of Part II of Schedule 1 to this Order), or in determining the extent to which a person may be employed as such a teacher; or
 - (b) to be the proprietor of an independent school (within the meaning of paragraph 11 of the said Part II),

(including proceedings before an Independent Schools Tribunal in respect of the above matters under section 72 of the Education Act 1944 or section 113 of the Education (Scotland) Act 1962).
10. Proceedings under the Prevention of Fraud (Investments) Act 1958 in respect of an application for, or revocation of,—
 - (a) a licence to deal in securities; or
 - (b) an order by the Secretary of State declaring a person to be an exempted dealer for the purposes of that Act; or

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- (c) an order by the Secretary of State declaring a unit trust scheme to be an authorised unit trust scheme for the purposes of that Act,
(including proceedings under section 6 of that Act before the tribunal of inquiry constituted under that section in respect of a licence to deal in securities).
- 11.** Proceedings in respect of an application for, or cancellation of,—
- (a) the Secretary of State's approval of a place under section 1 of the Abortion Act 1967; or
 - (b) in England and Wales, registration in respect of a nursing home under section 187 of the Public Health Act 1936 or section 14 of the Mental Health Act 1959; or
 - (c) in Scotland, registration in respect of a nursing home under section 1 of the Nursing Homes Registration (Scotland) Act 1938 or of a private hospital under section 15 of the Mental Health (Scotland) Act 1960.
- 12.** Proceedings in respect of an application for, or cancellation of, registration under section 37 of the National Assistance Act 1948 or section 61 of the Social Work (Scotland) Act 1968 in respect of any such establishment as is mentioned in those sections.
- 13.** Proceedings on an application to the police or a court of summary jurisdiction for a certificate under any Order in Council made under section 43 of the Explosives Act 1875 as to the fitness of the applicant to keep explosives.
- 14.** Proceedings by way of appeal against, or review of, any decision taken, by virtue of any of the provisions of this Order, on consideration of a spent conviction.
- 15.** Proceedings held for the receipt of evidence affecting the determination of any question arising in any proceedings specified in this Schedule.