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STATUTORY INSTRUMENTS

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**2001 No. 3750**

The Family Health Services Appeal  
Authority (Procedure) Rules 2001

PART III

APPLICATIONS TO THE FHSAA

(A)

MAKING AN APPLICATION

**Applications in respect of contingent removal decisions**

**15.**—(1) The following paragraphs apply to any application under section 49M(5)(a) of the 1977 Act in respect of a contingent removal decision.

(2) Subject to paragraph (4), the first application in respect of such a decision shall not be made until three months have elapsed since the contingent removal decision was made.

(3) Subject to paragraph (4), any further application in respect of the same contingent removal decision shall not be made until six months have elapsed since the FHSAA gave its last decision in respect of such application or further application.

(4) Where the parties wish to apply jointly to the FHSAA with a view to seeking—

- (a) the same variation of conditions,
- (b) the same imposition of different conditions, or
- (c) for the contingent removal to be revoked,

the application shall be treated as being made by the Health Authority and may be made after a period of one month has elapsed since the FHSAA gave its decision in respect of an application to which either paragraph (2) or (3) applied.

**Applications to the FHSAA**

**16.**—(1) An applicant shall make an application in accordance with the following paragraphs.

(2) The application shall be in writing and shall state—

- (a) the name and address of the applicant and, where relevant, his professional registration number,
- (b) the name and address or addresses of the respondent and, where relevant, his professional registration number,
- (c) a concise statement of the grounds on which the application is made, and
- (d) the name and address of the representative of the applicant, if any, and whether the FHSAA should correspond with the representative concerning the application instead of with the applicant.

(3) The applicant or his representative shall sign the notice of application and shall send or deliver the application to the FHSAA within any time limit specified by or under the 1977 Act.

(4) The FHSAA shall acknowledge receipt of the application and shall inform the applicant or the applicant's representative of any further steps which must be taken to enable the FHSAA to decide the application and the time and place of any hearing in respect of the application.

#### **Documents and other material to accompany application**

17.—(1) The applicant shall send or deliver to the FHSAA with the application a copy of every document on which he intends to rely for the purposes of the application.

(2) The FHSAA may, on such terms as it thinks fit, excuse the applicant from providing any document required to be furnished under paragraph (1) where that document or a copy is already held by the FHSAA.

#### **Amendment of application and delivery of supplementary statement**

18.—(1) The applicant may, at any time before being notified of the date of the hearing of the application, amend the application or deliver a supplementary statement in relation to that application.

(2) The applicant may amend the application or supplementary statement with the leave of the panel at any time after being notified of the date of the hearing of the application, or at the hearing itself, and the panel may grant such leave on such terms as it thinks fit.

(3) The applicant shall send a copy of every amendment and supplementary statement to the FHSAA.

#### **Application for directions**

19.—(1) The applicant may apply to the FHSAA for directions to be given by a panel in respect of any matter relating to the hearing of the application.

(2) An application for directions shall be made in writing to the FHSAA.

#### **Withdrawal of application**

20. The applicant may—

- (a) at any time before the hearing of the application withdraw his application by sending to the FHSAA a notice stating that he withdraws it, signed by him or by his representative,
- (b) at the hearing of the application, with the leave of the panel, withdraw the application.

#### **Action of applicant on receipt of notice of hearing**

21.—(1) The FHSAA shall serve on the applicant a notice giving the time and place of any oral hearing which is to be held.

(2) When the applicant receives the notice of the time and place of hearing, he shall inform the FHSAA whether or not he intends to be represented at the hearing and whether or not he intends to call witnesses, and where he does intend to call witnesses, he shall supply their names and addresses to the FHSAA.

(3) If the applicant does not intend to attend or be represented at the hearing, he may send to the FHSAA additional written representations in support of his application.

### **Representation at hearing**

**22.** At the hearing of an application or any other hearing in connection with that application, including a hearing for directions, the applicant may conduct his case himself (with assistance from his representative if he wishes) or may appear and be represented by his representative or by Counsel.