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STATUTORY INSTRUMENTS

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**1995 No. 2704**

**The Health and Personal Social Services  
(Amendment) (Northern Ireland) Order 1995**

**Constitution of the Tribunal**

**6.** In Part II of Schedule 11 to the 1972 Order (which makes provision for the constitution of the Tribunal) for paragraphs 11 to 15 there shall be substituted—

“**11.** The Tribunal shall consist of—

- (a) a chairman appointed by the Lord Chief Justice,
- (b) such number of deputy chairmen as the Lord Chief Justice may appoint,
- (c) such number of persons as the Department may appoint for the purposes of this sub-paragraph,
- (d) such number of medical practitioners as the Department may appoint for the purposes of this sub-paragraph,
- (e) such number of medical practitioners having the qualifications prescribed under Article 62 as the Department may appoint for the purposes of this sub-paragraph,
- (f) such number of dental practitioners as the Department may appoint for the purposes of this sub-paragraph,
- (g) such number of ophthalmic opticians as the Department may appoint for the purposes of this sub-paragraph, and
- (h) such number of pharmacists as the Department may appoint for the purposes of this sub-paragraph.

**12.** A person appointed as the chairman or a deputy chairman shall be either a barrister-at-law practising in Northern Ireland or a practising [<sup>F1</sup>solicitor of the Court of Judicature of Northern Ireland] of not less than ten years' standing.

**13.** Any appointment for the purposes of paragraph 11(c) shall be made after consultation with Health and Social Services Boards.

**14.** Any appointment for the purposes of any of sub-paragraphs (d) to (h) of paragraph 11 shall be made after consultation with such organisations as the Department may recognise as representative of the profession or calling concerned.

**15.—(1)** The functions of the Tribunal shall be exercised by three members consisting of—

- (a) the chairman or a deputy chairman,

- (b) a person appointed under paragraph 11(c), and
  - (c) a person appointed under such one of sub-paragraphs (d) to (h) of paragraph 11 as provides for the appointment of persons of the same profession or calling as that of the person concerned.
- (2) In sub-paragraph (1)(c), the reference to the person concerned is—
- (a) in the case of functions under paragraph 3, to the person to whom the representations in question relate,
  - (b) in the case of functions under paragraph 6 or 9, to the person whose disqualification is under consideration,
  - (c) in the case of functions under paragraph 8A, to the person to whom the application in question relates, and
  - (d) in the case of functions under paragraph 8B, to the person in relation to whom the application of paragraph 8A(3) may be continued.
- (3) In the case of functions under paragraph 8A or 8B, sub-paragraph (1) is subject to paragraph 8C(2)(b).”.

**F1** Words in Order substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 5; S.I. 2009/1604, art. 2\(b\)\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1995, Section 6.