
STATUTORY INSTRUMENTS

2003 No. 431

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

PART VI

MISCELLANEOUS

The Care Tribunal

44.—(1) There shall be a tribunal (“the Care Tribunal”) which shall exercise the jurisdiction conferred on it by this Order or any other statutory provision.

(2) The Department may by regulations make provision about the proceedings of the Care Tribunal.

(3) The regulations may, in particular, include provision—

- (a) as to the manner in which appeals are to be instituted or applications for determinations are to be made;
- (b) as to the period within which appeals are to be instituted;
- (c) as to the circumstances in which applications for leave may be made;
- (d) for enabling any functions which relate to applications for leave or other matters preliminary or incidental to an appeal or determination to be performed by the chairman;
- (e) for the holding of hearings in private in prescribed circumstances;
- (f) for imposing reporting restrictions in prescribed circumstances;
- (g) as to the persons who may appear on behalf of the parties;
- (h) for granting any person such discovery or inspection of documents or right to further particulars as might be granted by a county court;
- (i) for obtaining a medical report in a case where the decision appealed against was made on medical grounds;
- (j) for requiring persons to attend to give evidence and produce documents;
- (k) for authorising the administration of oaths to witnesses;
- (l) for the determination of appeals or issues or applications for leave without a hearing in prescribed circumstances;
- (m) as to the withdrawal of appeals or applications for determinations;
- (n) for the award of costs;
- (o) for taxing or otherwise settling any such costs (and, in particular, for enabling such costs to be taxed in the county court);
- (p) for the recording and proof of decisions and orders of the Care Tribunal;
- (q) for enabling the Care Tribunal to review its decisions, or revoke or vary its orders, in such circumstances as may be determined in accordance with the regulations; and

Changes to legislation: *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Section 44 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (r) for notification of the result of an appeal or determination to be given to such persons as may be prescribed.
- (4) Part I of the Arbitration Act 1996 (c. 23) shall not apply to any proceedings before the Care Tribunal but regulations may make provision corresponding to any provision of that Act.
- (5) Any person who without reasonable excuse fails to comply with—
 - (a) any requirement imposed by the regulations by virtue of paragraph (3)(f);
 - (b) any requirement in respect of the discovery or inspection of documents imposed by the regulations by virtue of paragraph (3)(h); or
 - (c) any requirement imposed by the regulations by virtue of paragraph (3)(j),is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) An appeal shall lie to the High Court on a point of law from a decision of the Care Tribunal.
- (7) Schedule 2 shall have effect with respect to the Care Tribunal.

Modifications etc. (not altering text)

- C1** Art. 44(2): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))
- C2** Art. 44(3): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))
- C3** Art. 44(4): functions transferred (1.4.2011) from Department of Health, Social Services and Public Safety to Department of Justice by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), arts. 1(2), **6(c)** (with art. 8(2))

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(2)(e)(f) substituted for art. 15(2)(e) by [2022 c. 18 \(N.I.\) Sch. 3 para. 62](#)