

1995 No. 493**HEALTH AND PERSONAL SOCIAL SERVICES****Tribunal Regulations (Northern Ireland) 1995***Made* 21st December 1995*Coming into operation* 21st December 1995

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and commencement
2. Interpretation and forms

PART II

INQUIRIES BY, AND APPEALS FROM, THE TRIBUNAL

3. Tenure of office of members of the Tribunal
4. Officers of the Tribunal
5. Remuneration and expenses of members and officers
6. Procedure of the Tribunal
7. Making of representations and preliminary matters
8. Applications for interim suspension
9. Withdrawal of representations and suspension of procedures
10. Inquiry as to representations
11. Discharge of suspension functions by chairman or deputy chairman
12. Application for removal of disqualification
13. Applications to the Tribunal
14. Publication of decisions
15. Costs

PART III

MISCELLANEOUS PROVISIONS

16. Power to dispense with requirements as to notices
17. Power to extend time limits
18. Referral of matters to professional bodies

19. Transitional provisions
20. Revocations

SCHEDULES

1. Forms for use in proceedings before Tribunal
 - Part I Notice to the respondent of intention to hold inquiry
 - Part II Notice to complainant of intention to hold inquiry
2. Hearings under Part III

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 65, 89 and 106 of, and Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Tribunal Regulations (Northern Ireland) 1995 and shall come into operation on 21st December 1995.

Interpretation

2.—(1) In these regulations—

“application” means an application for a direction under paragraph 3 of Part I of Schedule 11 to the Order(b);

“Board” means a Health and Social Services Board;

“complainant” means a person who has made representations;

“dental list” has the same meaning as in the General Dental Services Regulations (Northern Ireland) 1993(c);

“dentist” has the same meaning as in the General Dental Services Regulations (Northern Ireland) 1993;

“doctor” has the same meaning as in the General Medical and Pharmaceutical Services Regulations (Northern Ireland) 1973(d);

“inquiry” means an inquiry held under Part I of Schedule 11 to the Order(e);

“Local Representative Committee” means a committee recognised by a Board in relation to its area under Article 55 of the Order(f);

(a) S.I. 1972/1265 (N.I. 14); the relevant amending Instruments are Article 34 of, and Part I of Schedule 5 to, S.I. 1991/194 (N.I. 1) and Articles 3 to 6 of S.I. 1995/2704 (N.I. 14)

(b) Paragraph 3 of Schedule 11 is substituted by Article 3 of S.I. 1995/2704 (N.I. 14)

(c) S.R. 1993 No. 326

(d) S.R. & O. 1973 No. 421

(e) Part I of Schedule 11 is amended by Articles 3 to 5 of S.I. 1995/2704 (N.I. 14)

(f) Article 55 is amended by Article 5 of S.I. 1991/194 (N.I. 1)

- “medical list” has the same meaning as in the General Medical and Pharmaceutical Services Regulations (Northern Ireland) 1973;
- “ophthalmic list” has the same meaning as in the General Ophthalmic Services Regulations (Northern Ireland) 1986(a);
- “ophthalmic medical practitioner” has the same meaning as in the General Ophthalmic Services Regulations (Northern Ireland) 1986;
- “optician” has the same meaning as in the General Ophthalmic Services Regulations (Northern Ireland) 1986;
- “the Order” means the Health and Personal Social Services Order (Northern Ireland) 1972;
- “pharmaceutical list” has the same meaning as in the General Medical and Pharmaceutical Services Regulations (Northern Ireland) 1973;
- “pharmacist” has the same meaning as in the General Medical and Pharmaceutical Services Regulations (Northern Ireland) 1973;
- “representations” means representations made to the Tribunal under paragraph 1(1) of Part I of Schedule 11 to the Order;
- “respondent” means—
- (a) in relation to representations, the doctor, dentist, ophthalmic medical practitioner, optician or chemist in relation to whom the representations are made;
 - (b) in relation to an application, the Board which referred the case to the Tribunal which led to a direction under paragraph 3 of Part I of Schedule 11 to the Order;
- “the Services Committee” means the committee constituted under regulation 3(2) of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(b);
- “the Tribunal” means the Tribunal constituted under Part II of Schedule 11 to the Order(c).
- (2) In these regulations, references to “proceedings” before the Tribunal are to any such proceedings, whether relating to representations, applications, or suspension, and include inquiries, hearings and preliminary matters.

PART II

INQUIRIES BY, AND APPEALS FROM, THE TRIBUNAL

Tenure of office of members of the Tribunal

3.—(1) The chairman and deputy chairmen of the Tribunal shall hold office during the pleasure of the Lord Chief Justice.

(2) The other members of the Tribunal shall hold office during the pleasure of the Department.

(a) S.R. 1986 No. 163

(b) S.R. & O. 1973 No. 416

(c) Paragraphs 11 to 15 of Schedule 11 are substituted by Article 6 of S.I. 1995/2704 (N.I. 14)

Officers of the Tribunal

4. The Department shall appoint an officer to act as Clerk to the Tribunal and shall also appoint such other officers as may be necessary.

Remuneration and expenses of members and officers

5. Members and officers of the Tribunal shall be prescribed persons for the purposes of Article 89 of the Order(a).

Procedure of the Tribunal

6. The chairman of the Tribunal may give practice directions applying generally to any Tribunal proceedings, and subject to any such directions, the person (being the chairman or a deputy chairman) presiding over any such proceedings may give procedural directions, order pre-hearing reviews, and generally determine the procedure to be followed.

Making of representations and preliminary matters

7.—(1) Representations to the Tribunal, under paragraphs 1 and 2 of Schedule 11 to the Order, that the continued inclusion of a person's name in any list to which the representations relate would be prejudicial to the efficiency of the services in question shall—

- (a) be made in writing;
- (b) be signed by the complainant or on his behalf by some person authorised by him; and
- (c) include a preliminary statement of the alleged facts and the grounds upon which he intends to rely,

and shall be sent to the Tribunal.

(2) The complainant shall, if so requested by the Tribunal, send to it before the end of the period of 28 days beginning with the day on which the Tribunal sent him notice of its requirement, a further statement setting out—

- (a) the alleged facts;
- (b) the grounds on which the representations are made;
- (c) where a fact is not within the personal knowledge of the person signing the representations, the source of the information and why it is considered to be true; and
- (d) such further particulars as the Tribunal may require,

and shall, if so required by the Tribunal, verify the preliminary statement provided under paragraph (1)(c) by statutory declaration.

(3) Where the complainant is not a Board, the Tribunal shall consider the representations and any statement furnished under paragraph (2) and if it declines to inquire into the case, it shall so inform the complainant in writing.

(4) Where an inquiry is to be held, the Tribunal shall give—

- (a) to the respondent notice in writing in the form set out in Part I of Schedule 1 that the Tribunal intends to hold an inquiry as to the representations made by the complainant;

(a) Article 89 is amended by Article 5(11) of S.I. 1990/247 (N.I. 3) and by Part I of Schedule 5 to S.I. 1991/194 (N.I. 1)

- (b) to the complainant notice in writing in the form set out in Part II of Schedule 1, that the Tribunal intends to hold an inquiry as to his representations and requiring him, within a time specified in the notice, to send to the Tribunal a copy of any document which he proposes to put in evidence.
- (5) The complainant shall comply with any requirement of a notice given to him under paragraph (4)(b) within the time stated in it.
- (6) The Tribunal shall send to the respondent—
- (a) a copy of the preliminary statement provided by the complainant under paragraph (1)(c);
 - (b) a copy of any further statement furnished under paragraph (2);
 - (c) copies of documents which have been provided by the complainant under paragraph (5); and
 - (d) a notice informing him that he may, by a statement in writing to be sent to the Tribunal within a time specified in the notice, admit or dispute the truth of all or any of the allegations appearing in a statement sent to him under sub-paragraph (a) or (b).
- (7) The Tribunal may at any time before the conclusion of the inquiry allow the statement of complaint to be amended, upon such conditions as it may think just, on the application of the complainant.

Applications for interim suspension

8.—(1) An application for interim suspension under paragraph 8A. of Schedule 11 to the Order(a) shall—

- (a) be made in writing;
- (b) be signed by some person authorised by the Board;
- (c) include a statement of the alleged facts and the grounds upon which the Board intends to rely; and
- (d) include a copy of each document which the Board proposes to put in evidence,

and shall be sent to the Tribunal.

(2) The statement mentioned in paragraph (1)(c) may be made by reference to any other document already before the Tribunal.

(3) The application shall be dealt with by way of oral hearing, and Schedule 2 shall apply with respect to that hearing.

(4) The Tribunal shall give the respondent notice in writing of the application and of its intention to hold an oral hearing on a date to be fixed, and shall include a copy of—

- (a) the Board's application;
- (b) any document provided under paragraph (1)(d); and
- (c) where paragraph (2) applies, any document which is referred to in the statement.

(a) Paragraph 8A is inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(5) The Tribunal may at any time before the conclusion of the proceedings relating to the application allow it to be amended, upon such conditions as it may think just, on the application of the Board.

(6) At the conclusion of proceedings relating to the application, the Tribunal shall, as soon as practicable, issue a decision in writing, signed by the person (being the chairman or a deputy chairman) who presided over the proceedings, containing—

- (a) any directions it decides to give under paragraph 8A(2) of Schedule 11 to the Order;
- (b) a statement of reasons for its decision; and
- (c) any order it decides to make as to costs.

(7) The Tribunal shall send a copy of its decision to the respondent, the Board and the Department; and the Department shall send a copy of the decision to the Agency and to any other Board which appears to it to be concerned.

(8) Where the decision includes a direction under paragraph 8A(2) of Schedule 11 to the Order, the Tribunal shall include with the decision a notice to the respondent of his right to appeal to the Supreme Court under paragraph 4 of Schedule 11 to the Order.

Withdrawal of representations and suspension of procedures

9.—(1) The complainant may at any time before the inquiry, with the consent of the Tribunal and on such terms as the Tribunal thinks fit, withdraw his representations by giving notice of withdrawal in writing to the Tribunal.

(2) If the complainant fails to comply, within the time allowed by the Tribunal for such compliance, with any requirement imposed under regulation 7 or 10, or fails, without having previously offered a reasonable excuse, to appear at an inquiry of which the notice was given under paragraph 1 of Schedule 2, the Tribunal may treat the representations as having been withdrawn.

(3) Subject to paragraph (4), where representations are withdrawn or treated as withdrawn the Tribunal shall immediately so inform the respondent in writing (without prejudice to its power to determine any questions as to costs under regulation 15).

(4) Where representations are withdrawn or treated as withdrawn after the Tribunal has given a direction under paragraph 8A(2) of Schedule 11 to the Order, that direction shall cease to have effect; and—

- (a) the Tribunal shall include this information also when informing the respondent under paragraph (3);
- (b) the Tribunal shall immediately also so inform the Department in writing that the direction has ceased to have effect; and
- (c) the Department shall so inform anyone to whom it sent a copy of the Tribunal's decision pursuant to regulation 8(7).

(5) Except where the Tribunal has made a direction under paragraph 8A(2) of Schedule 11 to the Order, where it appears to the Tribunal that the

alleged facts on which any representations are based are being or may be investigated by some other tribunal or person, it may direct that no further steps shall be taken under these regulations pending the result of the other investigation.

(6) The Tribunal may also direct that no further steps shall be taken for the time being under this Part in any other circumstances where it appears to the Tribunal that it would be appropriate so to direct.

Inquiry as to representations

10.—(1) Subject to paragraph (2), the inquiry shall be held by way of an oral hearing, and Schedule 2 shall apply with respect to that hearing.

(2) Subject to paragraph (3), where the grounds on which representations are based are solely that the respondent has been convicted of a criminal offence and the respondent states in writing that—

(a) he admits the conviction; and

(b) he does not want an oral hearing,

the Tribunal may decide the case on such documentary evidence as may be submitted to it.

(3) Where the Tribunal has determined to decide the case on documentary evidence pursuant to paragraph (2), but proposes to give a direction under paragraph 8B(1) of Schedule 11 to the Order^(a), it shall before doing so give notice to the Board and the respondent of its intention to hold an oral hearing relating to that proposal, and shall then hold an oral hearing to which Schedule 2 shall apply.

(4) At the conclusion of the inquiry the Tribunal shall, as soon as practicable, issue a decision in writing, signed by the person (being the chairman or a deputy chairman) who presided over the inquiry, containing—

(a) its findings of fact;

(b) its conclusions;

(c) any directions it decides to give under paragraph 3 or 8B(1) of Schedule 11 to the Order;

(d) a statement of the reasons for its decision; and

(e) any order it decides to make as to costs.

(5) The Tribunal shall send a copy of its decision to the respondent, the complainant and the Department; and the Department shall send a copy of the decision to the Agency and to any Board which appears to it to be concerned.

(6) Where the decision contains a direction under paragraph 3 of Schedule 11 to the Order, or directions under both paragraphs 3 and 8B(1) of Schedule 11 to the Order, the Tribunal shall include with the decision a notice to the respondent of his right of appeal to the Supreme Court under paragraph 4 of Schedule 11 to the Order in respect of any direction under

(a) Paragraph 8B is inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

paragraph 8B(1) of Schedule 11 to the Order, or a direction under paragraph 3 of Schedule 11 to the Order, or both.

Discharge of suspension functions by chairman or deputy chairman

11. The functions of the Tribunal under paragraph 8A or 8B of Schedule 11 to the Order may be carried out by the chairman or a deputy chairman of the Tribunal; and where the chairman or a deputy chairman does carry them out, any reference to the Tribunal in this Part or in Schedule 2 shall be construed as a reference to that person.

Applications for removal of disqualification

12. An application for a direction under paragraph 6 of Schedule 11 to the Order that a person shall no longer be disqualified for inclusion in any list to which a direction under paragraph 3 of the said Schedule 11 relates may be made to the Tribunal and shall—

- (a) be in writing;
- (b) be signed by or on behalf of the applicant;
- (c) contain a statement of the grounds on which it is made; and
- (d) include a copy of each document which the applicant proposes to put in evidence.

Applications to the Tribunal

13.—(1) An application made to the Tribunal shall be sent to the Tribunal.

(2) The Tribunal shall send to the respondent a copy of the application, together with a copy of any document included with it under regulation 12(d).

(3) The Tribunal shall consider the application and—

(a) if it considers that no good cause has been shown for an inquiry, it may decline to hold an inquiry and to make a direction under paragraph 3 of Schedule 11 to the Order and shall give notice in writing to the applicant and the respondent accordingly;

(b) if it considers that an inquiry should be held, it shall give notice in writing to the applicant and the respondent accordingly.

(4) The applicant may at any time before the inquiry, with the consent of the Tribunal and on such terms as it thinks fit, withdraw his application by giving notice of withdrawal in writing to the Tribunal; and where an application is withdrawn the Tribunal shall so inform the respondent in writing.

(5) Where an inquiry is to be held by way of an oral hearing, the provisions of Schedule 2 shall apply with respect to that hearing.

(6) At the conclusion of the inquiry the Tribunal shall, as soon as practicable, issue a decision in writing, signed by the person (being the chairman or a deputy chairman) who presided over the inquiry, containing—

- (a) its findings of fact;
- (b) its conclusions;

(c) any direction it decides to give under paragraph 3 of Schedule 11 to the Order; and

(d) any order it decides to make as to costs.

(7) The Tribunal shall send a copy of the Tribunal's decision to the applicant, the respondent and the Department; and the Department shall send a copy of the decision to the Agency and to any other Board which appears to it to be concerned.

Publication of decisions

14.—(1) The Department shall publish in such manner as it thinks fit—

(a) any direction of the Tribunal under paragraph 3 of Schedule 11 to the Order;

(b) any decision on appeal to the Supreme Court under paragraph 4 of Schedule 11 to the Order;

(c) any direction of the Tribunal under paragraph 6 of Schedule 11 to the Order;

(d) any imposition or removal of a disqualification referred to in paragraph 7 of Schedule 11 to the Order (corresponding provisions for England and Wales, Scotland and the Isle of Man); and

(e) any direction of the Tribunal under paragraph 8A(2) or 8B(1) of Schedule 11 to the Order.

(2) This regulation shall not require the Department to publish notice of the imposition of any disqualification until after the expiration of the time limit for appeal against a direction of the Tribunal.

Costs

15.—(1) The expenses incurred by the Tribunal in relation to any inquiry held under these regulations (including such sum as the Tribunal may determine in respect of the services of any officer engaged in the inquiry) shall be paid by such of the parties to the inquiry in such proportions as the Tribunal may order.

(2) The Tribunal may make orders as to the expenses incurred by the parties appearing at any such inquiry and as to the parties by whom such expenses shall be paid.

PART III

MISCELLANEOUS PROVISIONS

Power to dispense with requirements as to notices

16. The Tribunal may dispense with any requirements of these regulations respecting notices, applications, documents or otherwise in any case where it appears to the Tribunal just and proper to do so.

Power to extend time limits

17.—(1) Where, by virtue of paragraph (3)—

(a) a person is required—

- (i) to give notice of an appeal or of a wish to make representations orally, or otherwise to signify any wish or intention,
 - (ii) to provide documents or reasons,
 - (iii) to submit observations or comments,
 - (iv) to make any statement or representations, or
 - (v) to admit or dispute the truth of an allegation; and
- (b) that person applies (whether before or after the expiry of the time so specified) to the relevant authority in accordance with paragraph (2) for that time to be extended,

the relevant authority may, where it is satisfied that it is in all the circumstances reasonable to do so, extend that time by such further period as it shall specify.

(2) An application under paragraph (1) shall—

- (a) where it seeks the extension of the time allowed for the giving of a notice of appeal, be made in writing;
- (b) in any other case, be made either orally or in writing,

and shall include a statement of the grounds for the application.

(3) For the purposes of this regulation, the relevant authority is, in relation to any application in connection with a time specified in regulation 7(2), (4)(b) or (6)(d), the Tribunal.

Referral of matters to professional bodies

18.—(1) Where the Department receives a copy of a decision of the Tribunal pursuant to regulation 8(7) or 10(5), and considers that the matter should be brought to the attention of the relevant professional body, it may refer to that body any documents in its possession connected with representations or the application for interim suspension to which the Tribunal's decision relates.

(2) In this regulation, "the relevant professional body" means—

- (a) in relation to a doctor or an ophthalmic medical practitioner, the General Medical Council(a);
- (b) in relation to a dentist, the General Dental Council(b);
- (c) in relation to an optician, the General Optical Council(c);
- (d) in relation to a pharmacist, the Pharmaceutical Society of Northern Ireland(d).

Transitional provisions

19. The provisions of these regulations which relate to the suspension of practitioners shall apply only in relation to respondents who are doctors or dentists.

(a) See the Medical Act 1983 (c. 54), section 1

(b) See the Dentists Act 1984 (c. 24), section 1

(c) See the Opticians Act 1989 (c. 44), section 1

(d) See the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)), Article 3

3524

Health and Personal Social Services

No. 493

Revocations

20. The Health and Personal Social Services (Tribunal) Regulations (Northern Ireland) 1973(a) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 21st December 1995.

(L.S.)

Joan Dixon

Assistant Secretary

(a) S.R. & O. 1973 No. 411

Forms for use in proceedings before Tribunal

PART I

NOTICE TO THE RESPONDENT OF INTENTION TO HOLD INQUIRY

In the matter of [(a)], a [(b)]

and

In the matter of the Health and Personal Social Services (Northern Ireland) Order 1972

To [(a)] of [(c)]

Take notice that representations have been made by [(d)] of [(e)] to the Tribunal that your continued inclusion in the [(f)] list would be prejudicial to the efficiency of the [(g)] services provided under Part VI of the Order, and that it is proposed to hold an inquiry with respect to the above representations.

A statement of the alleged facts and the grounds on which the above representations are based will be sent to you as soon as possible, and notice of the date appointed for the holding of the inquiry will follow in due course.

A copy of the Health and Personal Social Services (Tribunal) Regulations (Northern Ireland) 1995 is enclosed herewith for your information.

(Signed)

Dated..... Clerk of the Tribunal

Notes

State at—

- (a) name of respondent;
- (b) whether respondent is a doctor, dentist, ophthalmic medical practitioner, optician or pharmacist;
- (c) address of respondent;
- (d) name of complainant;
- (e) address of complainant;
- (f) whether medical list, dental list, ophthalmic list or pharmaceutical list is in issue;
- (g) whether services in question are general medical services, general dental services, general ophthalmic services or pharmaceutical services

PART II

NOTICE TO COMPLAINANT OF INTENTION TO HOLD INQUIRY

In the matter of [(a)], a [(b)]

and

In the matter of the Health and Personal Social Services (Northern Ireland) Order 1972

To [(c)] of [(d)]

Take notice that it is proposed to hold an inquiry with respect to the representations dated [(e)] made by you to the Tribunal to the effect that the continued inclusion of the above-named respondent in the [(f)] list would be prejudicial to the efficiency of the [(g)] services provided under Part VI of the Order.

You are hereby required within [(h)] days after the date of this notice to forward to me a copy of any document which you propose to put in evidence at the inquiry.

Notice of the day appointed for the holding of the inquiry will be sent to you in due course.

A copy of the Health and Personal Social Services (Tribunal) Regulations (Northern Ireland) 1995 is enclosed herewith for your information.

(Signed)

Dated..... Clerk of the Tribunal

Notes

State at—

- (a) name of respondent;
- (b) whether respondent is a doctor, dentist, ophthalmic medical practitioner, optician or pharmacist;
- (c) name of complainant;
- (d) address of complainant;
- (e) date of representations;
- (f) whether medical list, dental list, ophthalmic list or pharmaceutical list is in issue;
- (g) whether services in question are general medical services, general dental services, general ophthalmic services or pharmaceutical services;
- (h) number of days allowed for forwarding of copies

Hearings under Part II

1. The person holding the inquiry shall appoint a day for the hearing and shall, not less than 14 days before that day, send notice to the parties of the date, time and place of the hearing.
2. Where the inquiry concerns representations or suspension proceedings, the person holding it may send a notice of the date, time and place of the hearing to a Board which is not a party but in whose area the respondent practices.
3. The person holding the inquiry may, whether or not on an application by any party, postpone the date of the hearing, and the provisions of paragraph 1 and 2 shall apply as respects the postponed inquiry.
4. The hearing shall be in public if—
 - (a) in the case of representations or suspension proceedings, the respondent; or
 - (b) in the case of an application, the applicant,so requests; otherwise, it shall be in private.
- 5.—(1) Where the hearing is to be in private, no person shall be admitted to it unless he is—
 - (a) a person entitled under sub-paragraph (2) to represent a Board which—
 - (i) is a party to the inquiry, or
 - (ii) is not a party to which a notice has been sent under paragraph 2;
 - (b) a party to the inquiry, other than a Board; or
 - (c) a person permitted under sub-paragraph (3) to represent a party referred to in head (b).
 - (2) A Board referred to in sub-paragraph (1)(a) may be represented at the hearing by a member or an officer or by counsel or solicitor.
 - (3) Any party referred to in paragraph (1)(b) may be represented at the hearing by counsel or solicitor or by any other person.
6. At any hearing either party may—
 - (a) address the person holding the inquiry;
 - (b) call witnesses and produce other evidence, including evidence not produced prior to the inquiry; and
 - (c) put questions to any person giving evidence on behalf of the other party.
7. A Board to whom notice has been sent under paragraph 2 may take such part in the proceedings as the person holding the inquiry thinks proper.
- 8.—(1) Where any party to whom notice of the hearing has been sent in accordance with paragraph 1 fails to appear at the hearing, either in person or by a representative, the person holding the inquiry may, after having regard to all the

circumstances, including any explanation offered for the absence, proceed with the hearing notwithstanding that party's absence.

(2) Subject to any direction or other orders or instructions given under regulation 6 and to the other provisions of this Schedule, the procedure at the hearing shall be for the person holding the inquiry to decide.

9.—(1) Subject to sub-paragraph (2), the Tribunal may, by notice, require a person—

(a) to attend at the time and place specified in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or

(b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the Tribunal may think fit and as the person so required is able to furnish.

(2) This paragraph shall not empower the Tribunal to require any person—

(a) to attend at a hearing by the Tribunal unless the necessary expenses are paid or tendered to him; or

(b) to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or otherwise, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

10. For the purposes of this Schedule the parties to an inquiry are—

(a) in the case of representations or suspension proceedings, the complainant and the respondent,

(b) in the case of an application, the applicant and the respondent.

11. In this Schedule—

(a) "suspension proceedings" means proceedings relating to an application for interim suspension under paragraph 8A of Schedule 11 to the Order^(a) or a proposal to give a direction under paragraph 8B(1)^(b) of that Schedule; and

(b) "inquiry" includes any hearing relating to suspension proceedings.

(a) Article 8A is inserted by Article 4 of S.I. 1995/2704 (N.I. 14)
(b) Article 8B(1) is inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

(This note is not part of the Regulations.)

These regulations replace the Health and Personal Social Services (Tribunal) Regulations (Northern Ireland) 1973 ("the 1973 regulations") and provide for the determination of representations and applications to the Tribunal and for appeals to the Supreme Court.

The provisions made by these regulations differ from those made in the 1973 regulations in a number of respects.

Regulation 3 makes provision for the appointment of deputy chairmen and makes other minor amendments relating to members or officers of the Tribunal.

Regulation 6 makes provision for the chairman of the Tribunal to give practice directions and for the chairman or a deputy chairman to determine Tribunal procedures.

Regulation 8 provides for the procedures relating to applications for interim suspension.

Regulation 9 provides for the withdrawal of representations and suspension procedures.

Regulation 11 makes provision for the chairman or a deputy chairman to carry out Tribunal functions in connection with suspension applications.

Regulation 12 makes provision for the procedure relating to applications for removal or disqualification.

Regulation 13 makes provision for the procedure relating to applications to the Tribunal.

Regulation 17 makes provision for the extension, by the Tribunal, of time limits imposed under these regulations in relation to the making of appeals, the submission of observations and other matters.

Regulation 18 makes provision for the referral of matters, by the Department, to professional bodies.

Regulation 19 provides that certain of these regulations, which relate to the suspension of practitioners, shall apply only to doctors and dentists.

Other provisions of these regulations differ from those of the 1973 regulations in minor respects, or in consequence of other changes which are mentioned above.

Schedule 11 to the Health and Personal Social Services (Northern Ireland) Order 1972 ("the 1972 Order"), one of the enabling provisions under which

these regulations are made, is amended by Articles 3, 4, 5 and 6 of the Health and Personal Social Services (Amendment) (Northern Ireland) Order 1995 ("the 1995 Order"). These Articles are brought into operation on 20th December 1995 by virtue of the Health and Personal Social Services (Amendment) (1995 Order) (Commencement No. 1) Order (Northern Ireland) 1995 (S.R. 1995 No. 486 (C. 12)) for the purpose of amending the 1972 Order. Articles 3 and 4 of the 1995 Order are brought into operation on that date in relation to general medical and general dental services only.