
STATUTORY INSTRUMENTS

2001 No. 3750

**The Family Health Services Appeal
Authority (Procedure) Rules 2001**

PART II

APPEALS TO THE FHSAA

(B)

REPLYING TO AN APPEAL

Action by a respondent Health Authority on receipt of a notice of appeal

12.—(1) Where a respondent Health Authority receive a copy of a notice of appeal from the FHSAA in accordance with rule 29(3) they shall reply in accordance with the following paragraphs.

(2) The respondent Health Authority shall send or deliver to the FHSAA a written reply acknowledging service upon them of the notice of appeal and stating—

- (a) the appellant's professional registration number where applicable;
- (b) whether or not they intend to oppose the appeal and if so, enclosing a brief statement of the grounds on which they rely in opposing the appeal; and
- (c) where they intend to instruct a representative in relation to the appeal, the name and address of their representative and whether such address is their address for service for the purposes of the appeal.

(3) The respondent Health Authority shall include with their reply a statement summarising the facts relating to the disputed decision, and shall send or deliver their reply to the FHSAA together with a copy of any document on which they propose to rely.

(4) Every such reply shall be signed by an officer of the respondent Health Authority who is authorised to sign such documents or by their solicitor and shall be delivered to the FHSAA not later than 21 days after the date on which the copy of the notice of appeal was received by the Health Authority from the FHSAA.

(5) The respondent Health Authority may include in their reply, or by way of a separate notice to the FHSAA, a request for further particulars of the appeal.

Amendment of reply and application for directions by respondent Health Authority

13.—(1) The respondent Health Authority may at any time before they are notified of the date of the hearing of the appeal amend their reply or deliver a supplementary statement by way of reply.

(2) The respondent Health Authority may amend any reply or supplementary statement with the leave of the panel to which the case has been allocated at any time after they have been notified of the date of the hearing of the appeal or at the hearing itself and the panel may grant such leave on such terms as it thinks fit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) The Health Authority may apply in writing to the FHSAA for directions to be given as to any matter relating to the hearing of the appeal.

(4) The Health Authority shall send a copy of every amendment and supplementary statement to the FHSAA.

Representation at, and action of the respondent Health Authority on notification of, hearing

14.—(1) At the hearing of an appeal or any other hearing in connection with that appeal including a hearing for directions, the respondent Health Authority may conduct their case themselves (with assistance from their representative if they wish) or may appear and be represented by their representative or by Counsel.

(2) When they receive a notice of the time and place of the hearing of the appeal, the respondent Health Authority shall inform the FHSAA whether or not they intend to attend or be represented at the hearing, and whether or not they intend to call witnesses and where they do intend to call witnesses, they shall supply their names and addresses to the FHSAA.

(3) If the Health Authority do not intend to attend or be represented at the hearing, they may send to the FHSAA additional written representations in support of their reply.