



Osteopaths Act 1993

1993 CHAPTER 21

Appeals

30 Appeals against decisions of the Health Committee

- (1) Any person with respect to whom a decision of the Health Committee is made under section 23 may, before the end of the period of 28 days beginning with the date on which notification of the decision is sent to him, appeal against it in accordance with the provisions of this section.
- (2) An appeal under subsection (1) shall lie to an appeal tribunal, consisting of a chairman and two other members, established for the purposes of the appeal in accordance with rules made by the General Council for the purposes of this section.
- (3) The General Council shall make rules as to the procedure to be followed by an appeal tribunal hearing an appeal under this section.
- (4) The rules may, in particular, make similar provision to that made by virtue of section 26(2)(d), (f), (g), (h), (i) or (j).
- (5) No decision against which an appeal may be made under this section shall have effect before—
 - (a) the expiry of the period within which such an appeal may be made; or
 - (b) the appeal is withdrawn or otherwise disposed of.
- (6) The chairman of an appeal tribunal—
 - (a) shall be selected in accordance with rules made by the General Council; and
 - (b) shall be qualified as mentioned in section 27(4).
- (7) Each of the other two members of an appeal tribunal shall be selected in accordance with rules made by the General Council—
 - (a) one of them being a fully registered osteopath, and
 - (b) the other being a registered medical practitioner.
- (8) The rules may not provide for the selection of any member of an appeal tribunal to be by the General Council.

Status: This is the original version (as it was originally enacted).

- (9) The chairman of an appeal tribunal shall appoint a person approved by the members of the tribunal to act as clerk of the tribunal.
- (10) Subject to any provision made by the rules, an appeal tribunal shall sit in public and shall sit—
- (a) in Northern Ireland, in the case of an osteopath whose registered address is in Northern Ireland;
 - (b) in Scotland, in the case of an osteopath whose registered address is in Scotland; and
 - (c) in England and Wales, in any other case.
- (11) On any appeal under this section—
- (a) the appeal shall be by way of a rehearing of the case;
 - (b) the General Council shall be the respondent; and
 - (c) the tribunal hearing the appeal shall have power to make any decision which the Health Committee had power to make under section 23.
- (12) An appeal tribunal shall have the same powers of interim suspension as the Health Committee has under section 24(1)(b) and that section shall have effect in relation to suspension orders made by appeal tribunals with the necessary modifications.
- (13) No person shall be required by any rules made under this section to give any evidence or produce any document or other material at a hearing held by an appeal tribunal which he could not be compelled to give or produce in civil proceedings in any court in that part of the United Kingdom in which the hearing takes place.
- (14) An appeal tribunal shall have power to award costs.
- (15) Any expenses reasonably incurred by a tribunal, including any incurred in connection with the appointment of a clerk, shall be met by the General Council.