
STATUTORY INSTRUMENTS

1996 No. 177

The National Health Service (General Dental Services) (Scotland) Regulations 1996

PART II

general arrangements for provision of general dental services

Procedure on appeal

8.—(1) A dentist whose application for a vocational training number has been refused by the Council may appeal against the refusal by giving to the Appeal Body, within 28 days after he has received notice of the refusal pursuant to regulation 6(7) (or such extended period as the Appeal Body may allow pursuant to paragraph (2)), a written notice of appeal setting out a statement of the facts and contentions on which he intends to rely.

(2) The Appeal Body may agree to an extension or further extension of the period of 28 days for lodging an appeal (either before or after that period has expired).

(3) In any case in which a dentist appeals to the Appeal Body in terms of paragraph (1), that dentist shall also send a copy of the written notice of appeal to the Council.

(4) The Council shall, within 21 days of the date of receipt of the copy of its notice of appeal referred to in paragraph (3), send to the Appeal Body a statement, signed and dated, saying whether or not the appeal is opposed.

(5) The Appeal Body may agree to an extension or further extension of the period of 21 days set out in paragraph (4) for lodging the statement by the Council (either before or after that period has expired).

(6) On receipt of a notice of appeal the Appeal Body shall appoint to determine the appeal an appeal committee consisting of the chairman and two other persons, of whom—

- (a) one shall be drawn from the dentists appointed under regulation 7(1) following their nomination under regulation 7(2)(b); and
- (b) the other shall be drawn from the dentists appointed under regulation 7(1) following their nomination under regulation 7(2)(c).

(7) If the appeal is opposed by the Council then the Council shall—

- (a) set out fully on what grounds the appeal is opposed;
- (b) specify any representations which the Council may desire to submit with regard to the information furnished by the appellant; and
- (c) send to the Appeal Body—
 - (i) a certified copy of the application made by the dentist under regulation 6(1);
 - (ii) a certified copy of the notice to the dentist and the statement of reasons specified in regulation 6(7);

(iii) certified copies of any further written correspondence between the applicant and the Council in relation to the application; and

(iv) any documentary evidence which the Council may desire to submit.

(8) In connection with an appeal, the appeal committee may require such further particulars from an appellant and such documents in support of his appeal, and may make such inquiries of such persons as it thinks fit.

(9) The appeal committee shall send to the appellant and to the Council (if the appeal is opposed) a copy of any comments made by such persons in reply to those inquiries and shall give the appellant and the Council (if the appeal is opposed) a period of 21 days beginning with the date on which the comments are sent to the respective parties in which to reply to such comments.

(10) The appeal committee shall give notice to the appellant that he may, within such period as is specified in the notice, require the appeal committee to give him an opportunity of appearing before and being heard by the appeal committee.

(11) The appeal committee shall appoint a date, time and place for the consideration of the appeal, and may, or shall if so required by the appellant, hold a hearing for that purpose.

(12) If a hearing is to be held, the appeal committee shall appoint a date, time and place for the hearing and, not less than 21 days before the date, shall send notice to the appellant and to the Council informing them of such date, time and place.

(13) At a hearing by the appeal committee, the appellant may appear and be heard in person or by counsel or a solicitor or by any other person on his behalf, and the Council may appear and be represented by counsel or a solicitor or by any duly authorised member or officer.

(14) The appellant may withdraw his appeal at any time.

(15) Where the appellant does not appear at a hearing and is not represented, the appeal committee may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat any request for a hearing as having been withdrawn.

(16) The proceedings of the appeal committee shall be in private.

(17) The appeal committee shall determine the appeal and shall, within 10 days of that determination, notify the appellant and the Council in writing of their decision and the reasons for it.

(18) Where the Council receives notice that a dentist's appeal has been allowed, it shall allocate a vocational training number to the dentist, notify him of that number within 10 days, and enter that number in its register of vocational training numbers.

(19) Subject to the foregoing paragraphs, the procedure of the Appeal Body and of the appeal committee shall be such as that body and committee respectively think fit.