
STATUTORY INSTRUMENTS

2001 No. 3750

The Family Health Services Appeal
Authority (Procedure) Rules 2001

PART II

APPEALS TO THE FHSAA

(A)

MAKING AN APPEAL TO THE FHSAA

Time period in which an FHS regulations appeal must be made

5. An appellant who makes an FHS regulations appeal must do so within the period of 28 days beginning with the date on which the Health Authority gave him notice of the disputed decision.

Notice of appeal

6.—(1) An appellant shall make his appeal to the FHSAA by giving notice of appeal in writing in accordance with the following paragraphs.

(2) The notice of appeal shall state—

- (a) the name and address of the appellant,
- (b) his professional registration number where applicable,
- (c) that the notice is a notice of appeal,
- (d) the date of the disputed decision against which the appeal is brought,
- (e) the full name and address of the Health Authority which gave the disputed decision,
- (f) a concise statement of the grounds of the appeal,
- (g) the name and address of his representative (if any) and whether the FHSAA should correspond with that representative concerning the appeal instead of with the appellant.

(3) The appellant shall attach to his notice of appeal a copy of the disputed decision together with two copies of any documents on which he proposes to rely for the purposes of his appeal.

(4) The appellant or his representative shall sign the notice of appeal.

(5) The appellant must send or deliver his notice of appeal to the FHSAA.

Amendment of appeal and delivery of supplementary grounds of appeal

7.—(1) The appellant may, at any time before he is notified of the date of the hearing of his appeal, amend his notice of appeal, deliver a supplementary statement of grounds of appeal or send to the FHSAA any other documents on which he proposes to rely.

(2) The appellant may amend any notice of appeal or supplementary statement, with the leave of the panel to which the case has been allocated, at any time after he has 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.

(3) The appellant shall send a copy of every amendment and supplementary statement to the FHSAA.

Application by appellant for directions

8. The appellant may apply in writing to the FHSAA for directions to be given as to any matter relating to the hearing of his appeal.

Withdrawal of appeal

9. The appellant may—

- (a) at any time before the hearing of the appeal withdraw his appeal by sending to the FHSAA a notice stating he withdraws his appeal, signed by him or by his representative;
- (b) at the hearing of the appeal, with the leave of the panel, withdraw his appeal.

Notice of hearing to appellant

10.—(1) The FHSAA shall serve on the appellant a notice informing him of the time and place of any oral hearing which is to be held.

(2) Such notice shall include guidance regarding the rules of evidence and procedure which apply to the hearing.

(3) When the appellant receives the notice of the time and place of hearing, he shall inform the FHSAA whether or not he intends to attend or be represented at the hearing and whether or not he intends to call any witnesses and where he does intend to call witnesses he shall provide their names and addresses to the FHSAA.

(4) If the appellant does not intend to attend or be represented at the hearing, he may send to the FHSAA additional written representations in support of his appeal.

Representation at hearing

11. At the hearing of an appeal or any other hearing in connection with an appeal including a hearing for directions, the appellant may conduct his case himself (with assistance from his representative if he wishes) or may appear and be represented by his representative or by Counsel.