
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.

(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.

(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.