

SCHEDULES

[^{F1}SCHEDULE 11

DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

F1 2001 c. 3 (NI)

PART I

THE TRIBUNAL

Review etc. of disqualification

5.—(1) The Tribunal may review any disqualification, conditional disqualification or declaration of unfitness—

- (a) if the disqualified or conditionally disqualified person requests a review; or
- (b) in any other circumstances in which it considers it appropriate.

(2) On a review under sub-paragraph (1), the Tribunal may—

- (a) remove a disqualification or provide that a declaration of unfitness is to cease to have effect;
- (b) make a disqualification conditional;
- (c) in the case of a conditional disqualification, remove it, vary the conditions or make it unconditional,

and, on a review of a fraud case, may make any further disqualification or conditional disqualification which it considers appropriate.

(3) If [^{F2}the Department] requests a review of a conditional disqualification on the ground that—

- (a) there has been a change in the circumstances by reference to which the conditions were imposed;
- (b) the person concerned has failed to comply with the conditions; or
- (c) in a fraud case, the person concerned has since the Tribunal imposed the conditions (or made the disqualification conditional) again satisfied the second condition for disqualification,

the Tribunal shall review the conditional disqualification.

(4) In the case of a person who is providing [^{F3}, [^{F4}approved to assist in providing] or as the case may be performing,] services in Scotland or England and Wales, the reference in sub-paragraph (3) to [^{F5}the Department] includes [^{F6}a reference to any authority which] under the provisions in force in Scotland or England and Wales corresponding to Part VI of this Order [^{F7}would be entitled to request a review corresponding to that mentioned in that sub-paragraph].

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, Review etc. of disqualification is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) On a review under sub-paragraph (3) of a conditional disqualification, the Tribunal may remove it, vary the conditions or make it unconditional and, on a review of a fraud case, may make any further disqualification or conditional disqualification which it considers appropriate.

(6) If, on a review under this paragraph of a fraud case—

- (a) there is a general disqualification which the Tribunal does not remove or make conditional;
- (b) there is a general disqualification which is conditional and which the Tribunal makes unconditional; or
- (c) the Tribunal makes a general disqualification,

it may also make a declaration of unfitness.

(7) The Tribunal shall not under this paragraph—

- (a) in the case of a conditional disqualification, make it unconditional or vary the conditions;
- (b) make any further disqualification or conditional disqualification; or
- (c) make a declaration of unfitness,

if it is of the opinion that it would be unjust to do so.

(8) A determination of the Tribunal under this paragraph shall have effect—

- (a) if no appeal is brought against it, at the end of the period for bringing an appeal;
- (b) if an appeal is brought against it, when the appeal process is exhausted.

(9) The Tribunal may hold an inquiry for the purposes of any review under this paragraph.]

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| F2 | Words in Sch. 11 para. 5(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3) , s. 8(1)(b), Sch. 1 para. 53(5)(a) ; S.R. 2022/102, art. 2(b) |
| F3 | Words in Sch. 11 para. 5(4) inserted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 11, 18(1)(a)(b), Sch. 1 para. 5(a) |
| F4 | Words in Sch. 11 para. 5(4) inserted (13.6.2016) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26) , ss. 12(1)(p) , 20(2) |
| F5 | Words in Sch. 11 para. 5(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3) , s. 8(1)(b), Sch. 1 para. 53(5)(b) ; S.R. 2022/102, art. 2(b) |
| F6 | Words in Sch. 11 para. 5(4) substituted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 11, 18(1)(a)(b), Sch. 1 para. 5(b) |
| F7 | Words in Sch. 11 para. 5(4) added (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2) , ss. 11, 18(1)(a)(b), Sch. 1 para. 5(c) |

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Review etc. of disqualification is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)