

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 11

#### DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

**F1** 2001 c. 3 (NI)

### PART II

#### CONSTITUTION OF THE TRIBUNAL

##### Membership

**15.** The Tribunal shall consist of—

- (a) a chairman appointed by the Lord Chief Justice;
- (b) such number of deputy chairmen as the Lord Chief Justice may appoint;
- (c) such number of persons as the Department may appoint for the purposes of this sub-paragraph;
- (d) such number of medical practitioners as the Department may appoint for the purposes of this sub-paragraph;
- (e) such number of medical practitioners having the qualifications prescribed under Article 62 as the Department may appoint for the purposes of this sub-paragraph;
- (f) such number of dental practitioners as the Department may appoint for the purposes of this sub-paragraph;
- (g) such number of ophthalmic opticians as the Department may appoint for the purposes of this sub-paragraph; and
- (h) such number of pharmacists as the Department may appoint for the purposes of this sub-paragraph.

##### **Modifications etc. (not altering text)**

- C1** [Sch. 11 para. 15\(c\)-\(h\)](#): functions transferred from Department of Health, Social Services and Public Safety to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), [arts. 1\(2\), 6\(a\)](#) (with [art. 8\(2\)](#))

##### Chairman and deputy chairman

**16.** A person appointed as the chairman or a deputy chairman shall be either a barrister-at-law practising in Northern Ireland or a practising solicitor of the Supreme Court of not less than ten years' standing.

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, PART II is up to date with all changes known to be in force on or before 24 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

### Other members of the Tribunal

**17.—**(1) Any appointment for the purposes of paragraph 15(c) shall be made after consultation with [<sup>F2</sup>the Department] .

(2) Any appointment for the purposes of any of sub-paragraphs (d) to (h) of paragraph 15 shall be made after consultation with such organisations as the Department may recognise as representative of the profession or calling concerned.

**F2** Words in [Sch. 11 para. 17\(1\)](#) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 53\(9\)](#); S.R. 2022/102, art. 2(b)

#### Modifications etc. (not altering text)

**C2** [Sch. 11 para. 17](#): functions transferred from Department of Health, Social Services and Public Safety to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011 \(S.R. 2011/44\)](#), [arts. 1\(2\)](#), 6(a) (with [art. 8\(2\)](#))

### Functions of the Tribunal

**18.—**(1) The functions of the Tribunal shall be exercised by three members consisting of—

- (a) the chairman or a deputy chairman;
- (b) a person appointed under paragraph 15(c); and
- (c) a person appointed under such one of sub-paragraphs (d) to (h) of paragraph 15 as provides for the appointment of persons of the same profession or calling as that of the person concerned.

(2) In sub-paragraph (1)(c) as it has effect in relation to the functions mentioned below, the reference to the person concerned is—

- (a) in the case of functions under paragraphs 1 to 4, to the person to whom the representations in question relate;
- (b) in the case of functions under paragraph 5, to the person whose disqualification, conditional disqualification or declaration of unfitness is under consideration;
- (c) in the case of functions under paragraph 9, to the person to whom the application in question relates; and
- (d) in the case of functions under paragraph 10, to the person in relation to whom paragraph 9(5) may be made to apply or continue to apply.

(3) In sub-paragraph (1)(c) as it has effect in relation to functions of the Tribunal conferred by or under any statutory provision relating to the preferential treatment of medical practitioners on transferring to medical lists, the reference to the person concerned is a reference to the medical practitioner to whom the matter before the Tribunal relates.

(4) In the case of functions under paragraph 9 or 10, sub-paragraph (1) is subject to paragraph 11(2)(b).

### Regulations

**19.** Regulations may provide for the appointment, tenure of office and vacation of office of members of the Tribunal.]

**Changes to legislation:** *Health and Personal Social Services (Northern Ireland) Order 1972, PART II is up to date with all changes known to be in force on or before 24 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*

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**Modifications etc. (not altering text)**

- C3** [Sch. 11 para. 19](#): functions transferred from Department of Health, Social Services and Public Safety to Department of Justice (1.4.2011) by [Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2011](#) (S.R. 2011/44), **arts. 1(2)**, 6(a) (with art. 8(2))

**Changes to legislation:**

Health and Personal Social Services (Northern Ireland) Order 1972, PART II is up to date with all changes known to be in force on or before 24 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\(4\)\(b\)](#)