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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 137**

**Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996**

**Part III**

Miscellaneous provisions

**Power to dispense with requirements as to notices**

**18.** The Department may dispense with any requirements of these Regulations respecting notices, applications, documents or otherwise in any case where it appears to the Department just and proper to do so.

**Power to extend time limits**

**19.—(1)** Where, by virtue of a provision of these Regulations mentioned in paragraph (3)—

(a) a person is required—

- (i) to give notice of an appeal or to signify any wish or intention,
  - (ii) to provide documents or reasons,
  - (iii) to submit observations or comments,
  - (iv) to make any statement or representations, or
  - (v) to admit or dispute the truth of an allegation,
- within a time specified in or under that provision; and

(b) that person applies (whether before or after the expiry of the time so specified) to the relevant authority in accordance with paragraph (2) for that time to be extended,

the relevant authority may, where it is satisfied that it is in all the circumstances reasonable to do so, extend that time by such further period as it shall specify.

(2) An application under paragraph (1) shall—

- (a) where it seeks the extension of the time allowed for the giving of a notice of appeal, be made in writing;
- (b) in any other case, be made either orally or in writing,

and shall include a statement of the grounds for the application.

(3) For the purposes of this regulation, the relevant authority is, in relation to any application in connection with a time specified in—

- (a) regulation 14(5), the Board;
- (b) regulation 14(19) or (21)(a) or (b), 15(7) or 16(10), the Department.

### **Fresh appointments**

**20.**—(1) Where a person appointed by the Department for any purpose of any provision of regulation 10—

- (a) dies or resigns before the completion of that purpose; or
- (b) is unable or refuses to complete that purpose, the Department may rescind that appointment together with that of any other person so appointed in relation to the same matter, and appoint different persons in accordance with the provision in question.

(2) Where different persons are appointed pursuant to paragraph (1), any matter referred to them shall be considered afresh.

(3) For the purposes of this regulation a person has completed the purpose for which he was appointed if he has indicated to any other person also appointed for that purpose the decision to be given or recommendation to be made, even if he has not signed a report embodying the decision or recommendation.

### **Referral of matters to professional bodies**

**21.**—(1) Where, in relation to any disciplinary matter—

- (a) an appropriate Board receives a report of a discipline committee; and
- (b) having regard to the facts found by the discipline committee in relation to that matter, that Board considers that the matter should be brought to the attention of the relevant professional body,

it may refer to that body any documents in its possession connected with that disciplinary matter.

(2) Where, in relation to any such disciplinary matter—

- (a) the Department—
  - (i) receives, pursuant to regulation 8(7) a copy of the report of a discipline committee and the consequent determination of the appropriate Board, or
  - (ii) makes a determination of an appeal under regulation 9; and
- (b) that matter has not been the subject of a referral by the appropriate Board under paragraph (1); and
- (c) the Department considers that the matter should be brought to the attention of the relevant professional body,

it may refer to that body any documents in its possession connected with that disciplinary matter and any appeal.

(3) In this regulation, “the relevant professional body” means—

- (a) in relation to a doctor or an ophthalmic medical practitioner, the General Medical Council<sup>(1)</sup>;
- (b) in relation to a dentist, the General Dental Council<sup>(2)</sup>;
- (c) in relation to an optician, the General Optical Council<sup>(3)</sup>;
- (d) in relation to a pharmacist, the Pharmaceutical Society of Northern Ireland.

### **Transitional provisions**

**22.** Where, before 1st April 1996—

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(1) See the Medical Act 1983 (c. 54), section 1  
 (2) See the Dentists Act 1984 (c. 24), section 1  
 (3) See the Opticians Act 1989 (c. 44), section 1

- (a) a complaint has been made or a matter referred under regulation 4 of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973<sup>(4)</sup>; or
- (b) a matter has been referred to a Central Representative Committee, under regulation 15(1), 16(1), 17(1) or 18(1) of those Regulations; or
- (c) an appeal has been made under regulation 7 of those Regulations,

the provisions of those Regulations shall continue to apply on and after that date, as respects any investigation, consideration, hearing, referral, report or determination which, by virtue of any provision of those Regulations, falls to be undertaken, held or made in relation to any such application, reference, appeal or representations, or in relation to any appeal under those Regulations from any determination of such application, reference or representations.

### **Revocation**

**23.** The Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 are hereby revoked.