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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 II**

Provisions relating to investigations, disputes, appeals etc

**Investigation of certification**

**15.**—(1) Where it appears to the Department after an investigation of the medical certificates issued under and for the purposes of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976<sup>(1)</sup> by a doctor to persons for whose treatment he is responsible under his terms of service, that the doctor has failed to exercise reasonable care in the issue of such certificates, the Department may refer the matter to the Local Medical Committee.

(2) Any reference made under paragraph (1) shall be accompanied by a statement indicating the matters on which it appears to the Department that an explanation is required.

(3) The Local Medical Committee shall furnish the doctor concerned with a copy of the statement submitted under paragraph (2), and shall afford him reasonable opportunity of submitting to it a statement in writing and of appearing before, and being heard by it.

(4) A copy of any statement by the doctor under paragraph (3) shall be forwarded to the Department by the Local Medical Committee for its observations, and a representative of the Department shall be entitled, in the event of a hearing, to attend and be heard by the Local Medical Committee.

(5) After considering the case, the Local Medical Committee shall draw up a report of its findings on the question whether there has been a failure on the part of the doctor to exercise reasonable care in certification and, if so, what is the extent and gravity of the failure, together with a recommendation as to the action, if any, which should be taken by the Department.

(6) The Local Medical Committee shall—

- (a) forward the report to the Department;
- (b) furnish the doctor with a copy of the report; and
- (c) notify the doctor in writing of his right of appeal to the Department.

(7) The doctor may appeal against any finding of the Local Medical Committee contained in the report, by sending to the Department notice of appeal within 30 days from the date on which a copy of the report was sent to him.

(8) On its receipt of an appeal made under paragraph (7), the Department shall appoint as a referee a doctor who is not a medical officer, or as referees persons who—

- (a) shall not exceed three in number; and
- (b) shall include a doctor who is not a medical officer,

and shall refer the appeal to the referee for hearing and determination.

(9) Where three referees are appointed under paragraph (8), the determination of the referees may be that reached by the majority of them.

(10) If the Department is dissatisfied with any findings of the Local Medical Committee it may refer the matter for hearing and determination by a referee.

(11) Paragraphs (8) and (9) shall apply in the case of a matter referred under paragraph (10) as they apply in the case of an appeal under paragraph (7).

(12) After consideration of the findings and recommendation—

(a) of the Local Medical Committee; or

(b) if—

(i) an appeal has been made under paragraph (7), or

(ii) the matter has been referred for hearing and determination under paragraph (10),  
of the person or persons determining the appeal or matter,

the Department may, if it is satisfied that there has been a failure on the part of the doctor to exercise reasonable care in certification, consider, subject to paragraph (13), whether an amount should be recovered from the doctor, by deduction from his remuneration or otherwise.

(13) The provisions of paragraph (5) of regulation 11, shall apply to the determination of the question of recovery arising under paragraph (12) of this regulation as if—

(a) that question had arisen in any of the circumstances mentioned in paragraph (1) of that regulation; and

(b) the references to “the Board” in paragraph (5) of that regulation were references to “the Local Medical Committee”.