

2015 No. 205

HEALTH AND SOCIAL CARE

**The Health and Social Care (Disciplinary Procedures)
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - *30th March 2015*

Coming into operation - *23rd April 2015*

The Department of Health, Social Services and Public Safety (a), makes the following Regulations in exercise of the powers conferred on it by Articles 61, 62, 63 and 106 of the Health and Personal Social Services (Northern Ireland) Order 1972 (b) and Article 10 of the Health and Medicines (Northern Ireland) Order 1988(c).

In accordance with Articles 61(4), 62(3) and 63(3) of the Health and Personal Social Services (Northern Ireland) Order 1972, the Department has consulted with such organisations as appear to it to be representative of the dental, ophthalmic and pharmaceutical professions.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health and Social Care (Disciplinary Procedures) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 23rd April 2015.

(2) In these Regulations—

“the principal regulation” means the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2014(d).

Amendment of regulation 3 of the principal regulations

2. In regulation 3 of the principal regulations (time limits)—

- (a) in paragraph (3)(b)(i) omit “subject to paragraph (4),”; and
- (b) in paragraph (4) for “paragraph (3)(a), (b) or (c)” substitute “paragraph (3)(b)(ii)”.

Amendment of regulation 5 of the principal regulations

3. In regulation 5 of the principal regulations (appeal to the Department)—

- (a) in paragraph (3)—
 - (i) for “Subject to paragraph (6), on” substitute “On”; and
 - (ii) in subparagraphs (c)(ii) and (e)(ii) for “paragraph (5)” substitute “paragraph (4)”; and

(a) S.I. 1999/283 (N.I. 1), Article 3(6)
(b) S.I. 1972/1265 (N.I. 14)
(c) S.I. 1988/2249 (N.I. 24)
(d) S.R. 2014 No. 267

(b) in paragraph (4) for “and (4)(b)” substitute “and (e)(ii)”.

Amendment of regulation 7 of the principal regulations

4. In regulation 7 of the principal regulations (recovery of amounts from practitioners following appeal) for paragraph (1)(b) substitute—

“(b) an appeal is made under regulation 5(1)(b) or (c);

the Department shall, subject to the following provisions of this regulation, determine whether any, and if so what, amount shall be recovered from the practitioner, whether by way of deduction from their remuneration or otherwise.”.

Amendment of regulation 8 of the principal regulations

5. In regulation 8 of the principal regulations (prior approval in dental cases) for paragraph (1)(b) substitute—

“(b) an appeal is made by a dentist under regulation 5(1)(b);

the Department shall, subject to the following provisions of this regulation, determine whether a prior approval requirement should be imposed in relation to the dentist, that is to say that the dentist should, in respect of all or any specific description of treatment, be required to submit estimates for the prior approval of the Dental Committee.”.

Amendment of regulation 12 of the principal regulations

6. In regulation 12 of the principal regulations (fresh appointments) for paragraph (1)(b) substitute—

“(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.”.

Amendment of regulation 14 of the General Ophthalmic Services Regulations (Northern Ireland) 2007

7. In regulation 14 of the General Ophthalmic Services Regulations (Northern Ireland) 2007(a) (payment for services) at sub-paragraph (3)(b) for “regulation 5(5)” substitute “regulation 2(5)”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 30th March 2015.

(L.S.)

Fiona Hamill
A senior officer of the
Department of Health, Social Services and Public Safety

(a) S.R. 2007 No.436. There is a relevant amendment in S.R. 2014 No.267 (regulation 16)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations correct minor drafting errors in the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2014 which provide for the investigation and determination by the Regional Health and Social Care Board of questions whether chemists, dentists, ophthalmic medical practitioners and opticians providing services under Part VI of the Health and Personal Social Services Order (Northern Ireland) 1972 have failed to comply with their terms of service, and for the consideration and determination of appeals.

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