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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 104**

**The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016 and shall come into operation on 1st April 2016.

(2) In these Regulations—

“chemist” has the same meaning as in the Pharmaceutical Services Regulations;

“complaint” means a complaint made in accordance with directions, concerning the establishment and operation of procedures for dealing with complaints against practitioners, given under section 8(1)(b) of the 2009 Act or in accordance with the provisions of the regulations specified in paragraph (3);

“Dental Committee” means the Dental Committee constituted by the RBSO under regulation 30 of the Dental Services Regulations;

“dental list” means the list prepared by the RBSO under regulation 4 of the Dental Services Regulations;

“Dental Services Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(1);

“dentist” means a dental practitioner;

“drug” includes medicine; Services

“estimate” has the same meaning as in the Dental Services Regulations;

“ophthalmic list” has the same meaning as in regulation 8 of the Ophthalmic Services Regulations;

“ophthalmic medical practitioner” has the same meaning as in the Ophthalmic Services Regulations;

“Ophthalmic Services Regulations” means the General Ophthalmic Services Regulations (Northern Ireland) 2007(2);

“optician” means ophthalmic optician;

“Pharmaceutical Services Regulations” means the Pharmaceutical Services Regulations (Northern Ireland) 1997(3);

“practitioner” means a dentist, ophthalmic medical practitioner, optician or chemist against whom a complaint has been made;

“prior approval requirement” has the meaning given to it in regulation 8;

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(1) [S.R. 1993 No. 326](#) relevant amending instrument is [S.R. 1996 No. 114](#)

(2) [S.R. 2007 No. 436](#)

(3) [S.R. 1997 No. 381](#)

“RBSO” means the Regional Business Services Organisation established under section 14 of the 2009 Act;

“the Regional Board” means the Regional Health and Social Care Board established under section 7 of the 2009 Act;

“relevant professional body” has the meaning it bears in regulation 13(3);

“Statement of Dental Remuneration” has the same meaning as in the Dental Services Regulations;

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“the 2009 Act” means the Health and Social Care (Reform) Act (Northern Ireland) 2009(4);

“terms of service” means the terms of service for chemists contained in Schedule 2 to the Pharmaceutical Services Regulations, the terms of service for dental practitioners contained in Schedule 2 to the Dental Services Regulations or the terms of service for ophthalmic medical practitioners and ophthalmic opticians contained in Schedule 1 to the Ophthalmic Services Regulations, as the case may be;

“treatment” in relation to general dental services, means—

- (a) except in the context mentioned in sub-paragraph (b) of this definition—
  - (i) where at the material time the dentist is providing occasional treatment under the Dental Services Regulations, treatment within the meaning of those Regulations,
  - (ii) in any other case, care and treatment within the meaning of those Regulations;
- (b) in the context of the description of treatment to be specified under regulation 4(2)(b) or 8(2)(a), treatment within the meaning of the Dental Services Regulations other than—
  - (i) one examination in the course of any single consultation,
  - (ii) treatment in an emergency within the meaning of those Regulations,
  - (iii) two radiographs, each of a size not exceeding 16 square centimetres, in the course of any single consultation, and
  - (iv) treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration and for which the dentist receives no remuneration other than a capitation payment;

“the Tribunal” mean the Tribunal mentioned in Schedule 11 to the 1972 Order;

- (3) The provisions referred to in the definition of “complaint” in paragraph (2) are—
  - (a) paragraphs 31A and 31B of Schedule 2 to the Dental Services Regulations;(5)
  - (b) paragraph 11 of Schedule 2 to the Pharmaceutical Services Regulations;
  - (c) paragraphs 10 and 11 of Schedule 1 to the Ophthalmic Services Regulations.

(4) 2009 c.1 (N.I.)

(5) Paragraphs 31A and 31B are inserted by regulation 2 of S.R. 1996 No. 114