
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 104

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

Determination of the Regional Board

4.—(1) The Regional Board, after investigating the disciplinary matter and considering the evidence available to it shall—

- (a) make such findings of fact as it sees fit;
- (b) draw such inferences from those findings as it sees fit as to whether the practitioner has failed to comply with any one or more of their terms of service;
- (c) determine either—
 - (i) no further action should be taken in relation to the matter; or
 - (ii) that action should be taken in relation to the practitioner, in accordance with any one or more of the following provisions.

(2) Where the Regional Board determines that a practitioner whom it has investigated has failed to comply with any of their terms of service it may—

- (a) determine that an amount shall be recovered from the practitioner, whether by way of deduction from their remuneration or otherwise;
- (b) where the practitioner is a dentist, determine that the dentist should be required to submit estimates for the prior approval of the Dental Committee—
 - (i) in respect of any treatment of such description; and
 - (ii) during such a period,as shall be specified in the determination;
- (c) determine that the practitioner should be warned to comply more closely with their terms of service in future.

(3) In acting under sub-paragraphs (a) to (c) of paragraph (2) the Regional Board may take into consideration any previous determination made by the Regional Board, so long as such a determination has not been overturned on appeal and was not made more than 6 years prior to the date of investigation under regulation 2(2), that the practitioner had, on some other occasion, failed to comply with their terms of service.

(4) The Regional Board shall give notice in writing of its determination under paragraph (1) and any determination under paragraph (2) to the practitioner^{F1}... and shall include with the notice—

- (a) a statement of its findings of fact and the inferences drawn from those findings; and
- (b) a statement as to the rights of appeal to the [F2Family Practitioner Services Independent Appeal Panel] under regulation 5.

(5) Where, in the case of a dentist, the Regional Board has determined that action should be taken in accordance with paragraph (2)(a), by recovery of an amount from the dentist and is of the opinion that such recovery should be effected by deduction of the amount from the dentist's remuneration, the Regional Board shall notify the RBSO, and the RBSO shall effect the recovery.

(6) Any amount determined under paragraph (2)(a) as being recoverable shall, to the extent that it is not recovered from the practitioner's remuneration, be a debt owed by the practitioner to the Regional Board.

(7) A determination made by the Regional Board under the provisions of paragraph (2)(a), (b) or (c) shall not take effect until the expiration of 45 days from and including the date on which notice thereof is served on the practitioner, or, in a case where an appeal has been brought under regulation 5, until the appeal is determined or withdrawn.

- F1** Words in [reg. 4\(4\)](#) omitted (1.4.2022) by virtue of [The Health and Social Care \(Family Practitioner Services Independent Appeal Panel\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/109\)](#), [reg. 1](#), [Sch. para. 26\(a\)](#) (with [reg. 13](#))
- F2** Words in [reg. 4\(4\)](#) substituted (1.4.2022) by [The Health and Social Care \(Family Practitioner Services Independent Appeal Panel\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/109\)](#), [reg. 1](#), [Sch. para. 26\(b\)](#) (with [reg. 13](#))

Commencement Information

- I1** Reg. 4 in operation at 1.4.2016, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016, Section 4.