
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 104

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

Appeal to the [F¹Family Practitioner Services Independent Appeal Panel]

5.—(1) An appeal may be made to the [F²Family Practitioner Services Independent Appeal Panel] by a practitioner—

- (a) against a finding of fact, or an inference drawn from a finding of fact which, in either case, is adverse to the practitioner pursuant to regulation 4 (1)(a) or (b);
- (b) against any determination by the [F³Department] under regulation 4(1)(c)(ii) to take action in accordance with regulation 4(2)(a), (b) or (c);
- (c) in respect of a determination by the [F³Department] that an overpayment has or has not been made in respect of the practitioner's remuneration;

by giving notice of appeal in accordance with paragraph (2).

(2) A notice of an appeal shall be in writing and sent to the [F⁴Family Practitioner Services Independent Appeal Panel] within 45 days beginning on and including the date on which notice of the [F⁵Department] decision was given to the practitioner under regulation 4(4), and shall contain a concise statement of the grounds of appeal upon which the practitioner intends to rely.

(3) On an appeal to which paragraph (1)(a) or (c) applies, the [F⁶Family Practitioner Services Independent Appeal Panel] shall consider the appeal on the basis of such evidence as was available to the [F⁷Department] and of such further evidence as shall have been adduced on the appeal, and shall—

- (a) make such findings of fact as it sees fit;
- (b) draw such inferences from those findings as it sees fit;
- (c) in the case of an appeal to which paragraph (1)(a) applies—
 - (i) determine whether or not the practitioner has failed to comply with any one or more of their terms of service; and
 - (ii) determine in accordance with any one or more of the following provisions, that is regulation 4(2)(a), (b) and (c) (as modified in accordance with paragraph (4)) or regulations 7 and 8 whether any, and if so what, action should be taken in relation to that practitioner;
- (d) in the case of an appeal to which paragraph (1)(c) applies determine whether there has been an overpayment and, if so, of what amount;
- (e) in the case of an appeal to which paragraph (1)(b) applies—
 - (i) accept as conclusive—
 - (aa) those findings of fact made by the [F⁷Department]; and
 - (bb) the inferences drawn from those findings;

(ii) determine in accordance with any one or more of the following provisions, that is, regulation 4(2)(a), (b) and (c) (as modified in accordance with paragraph (4)) or regulations 7 and 8, whether any, and if so what, action should be taken in relation to the practitioner.

(4) For the purposes of paragraphs (3)(c)(ii) and (e)(ii), regulation 4(2)(a), (b) and (c), and (3) shall have effect as if for any reference to “the [F8Department]” there were substituted a reference to “the [F9Family Practitioner Services Independent Appeal Panel]”.

(5) The practitioner may withdraw their appeal at any time before it is determined—

(a) by giving notice to the [F10Family Practitioner Services Independent Appeal Panel] of their intention to do so; and

(b) with the consent of the [F10Family Practitioner Services Independent Appeal Panel].

F11(6)

- F1 Words in reg. 5 heading 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. 27(2)** (with reg. 13)
- F2 Words in reg. 5(1) 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. 27(3)(a)** (with reg. 13)
- F3 Word in reg. 5(1) 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. 27(3)(b)** (with reg. 13)
- F4 Words in reg. 5(2) 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. 27(4)(a)** (with reg. 13)
- F5 Word in reg. 5(2) substituted (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. 27(4)(b)** (with reg. 13)
- F6 Words in reg. 5(3) 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. 27(5)(a)** (with reg. 13)
- F7 Word in reg. 5(3) 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. 27(5)(b)** (with reg. 13)
- F8 Word in reg. 5(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. 27(6)(a)** (with reg. 13)
- F9 Words in reg. 5(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. 27(6)(b)** (with reg. 13)
- F10 Words in reg. 5(5) 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. 27(7)** (with reg. 13)
- F11 Reg. 5(6) 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. 27(8)** (with reg. 13)

Commencement Information

I1 Reg. 5 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 5.