
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 104

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

Procedure on appeal

6.—(1) The [F¹Family Practitioner Services Independent Appeal Panel] shall send a copy of the notice of appeal and of any further particulars furnished by the practitioner to the [F²Department], and shall invite the [F²Department] to submit its observations on the appeal within 28 days of being sent the copy of the notice of appeal.

(2) Where observations are made under paragraph (1), the [F³Family Practitioner Services Independent Appeal Panel] shall send a copy of those observations to the practitioner and shall invite them to submit their comments on the observations within 28 days of the practitioner being sent that copy.

- F⁴(3)
- F⁴(4)
- F⁴(5)
- F⁴(6)
- F⁴(7)
- F⁴(8)

(9) Unless the practitioner and the [F⁵Department] notify the [F⁶Family Practitioner Services Independent Appeal Panel], when providing observations under paragraphs (1) and (2), that they are content for the [F⁷Family Practitioner Services Independent Appeal Panel] to determine the appeal on the basis of written representations, paragraphs (10) to (14) shall apply.

(10) The [F⁸Family Practitioner Services Independent Appeal Panel] shall appoint a day for the hearing and shall give the practitioner and the [F⁹Department] not less than 21 days' notice in writing of the day, time and place of the hearing.

(11) No person shall, without the consent of the practitioner and the [F¹⁰Family Practitioner Services Independent Appeal Panel], be admitted to the hearing unless they are—

- (a) the practitioner;
- (b) a representative of the [F¹¹Department] who is an officer or member of the [F¹¹Department];
- (c) a person (who may be a barrister, a solicitor or any other person) engaged by a person mentioned in sub-paragraph (a) or (b) to represent them before the [F¹⁰Family Practitioner Services Independent Appeal Panel]; or
- (d) a person whose attendance is required for the purpose of giving evidence to the [F¹⁰Family Practitioner Services Independent Appeal Panel].

(12) The practitioner and the [F12Department] shall not rely on any facts or contentions which do not appear to the [F13Family Practitioner Services Independent Appeal Panel] to have been raised in the course of the [F14Department] investigations unless—

- (a) not less than seven days before the hearing, notice in writing was given to the [F13Family Practitioner Services Independent Appeal Panel] of such facts or contentions; or
- (b) the [F13Family Practitioner Services Independent Appeal Panel] give their consent.

(13) The [F15Family Practitioner Services Independent Appeal Panel] shall give notice in writing to the practitioner and the [F16Department] of its determination of the matters mentioned in regulation 5(3)(c), (d) or (4)(b) and shall include with the notice a statement of its reasons for the determination.

F17(14)

F1	Words in reg. 6(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. 28(2)(a) (with reg. 13)
F2	Word in reg. 6(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. 28(2)(b) (with reg. 13)
F3	Words in reg. 6(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. 28(3) (with reg. 13)
F4	Reg. 6(3)-(8) 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. 28(4) (with reg. 13)
F5	Word in reg. 6(9) 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. 28(5)(a) (with reg. 13)
F6	Words in reg. 6(9) 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. 28(5)(b) (with reg. 13)
F7	Words in reg. 6(9) 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. 28(5)(c) (with reg. 13)
F8	Words in reg. 6(10) 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. 28(6)(a) (with reg. 13)
F9	Word in reg. 6(10) 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. 28(6)(b) (with reg. 13)
F10	Words in reg. 6(11) 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. 28(7)(a) (with reg. 13)
F11	Word in reg. 6(11) 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. 28(7)(b) (with reg. 13)
F12	Word in reg. 6(12) 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. 28(8)(a) (with reg. 13)

- F13** Words in reg. 6(12) 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. 28(8)(b)** (with reg. 13)
- F14** Word in reg. 6(12) 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. 28(8)(a)** (with reg. 13)
- F15** Words in reg. 6(13) 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. 28(9)(a)** (with reg. 13)
- F16** Word in reg. 6(13) 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. 28(9)(b)** (with reg. 13)
- F17** Reg. 6(14) 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. 28(10)** (with reg. 13)

Commencement Information

- I1** Reg. 6 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 6.