
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 Department shall send a copy of the notice of appeal and of any further particulars furnished by the practitioner to the Regional Board, and shall invite the Regional Board 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 Department 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.

(3) The Department shall appoint a panel of three persons to hear and determine the appeal, of whom—

(a) one shall be a barrister or solicitor, and shall act as chair; and

(b) two shall be selected in accordance with paragraphs (4) to (8).

(4) The persons appointed under paragraph (3)(b) shall be—

(a) where the practitioner is a dentist, two dentists;

(b) where the practitioner is an ophthalmic medical practitioner, two ophthalmic medical practitioners;

(c) where the practitioner is an optician, two opticians;

(d) where the practitioner is a chemist, two pharmacists.

(5) In a case to which paragraph (4)(a) applies, one of the dentists shall be selected after consultation with such organisations as may be recognised by the Department as representative of the dental profession.

(6) In a case to which paragraph (4)(b) applies, one of the ophthalmic medical practitioners shall be selected after consultation with such organisations as may be recognised by the Department as representative of the medical profession.

(7) In a case to which paragraph (4)(c) applies, one of the opticians shall be selected after consultation with such organisations as may be recognised by the Department as representative of the ophthalmic profession.

(8) In a case to which paragraph (4)(d) applies, one of the pharmacists shall be selected after consultation with such organisations as may be recognised by the Department as representative of the pharmaceutical profession.

(9) Unless the practitioner and the Regional Board notify the Department, when providing observations under paragraphs (1) and (2), that they are content for the panel to determine the appeal on the basis of written representations, paragraphs (10) to (14) shall apply.

(10) The panel shall appoint a day for the hearing and shall give the practitioner and the Regional Board 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 panel, be admitted to the hearing unless they are—

- (a) the practitioner;
- (b) a representative of the Regional Board who is an officer or member of the Regional Board;
- (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 panel; or
- (d) a person whose attendance is required for the purpose of giving evidence to the panel.

(12) The practitioner and the Regional Board shall not rely on any facts or contentions which do not appear to the panel to have been raised in the course of the Regional Board's investigations unless—

- (a) not less than seven days before the hearing, notice in writing was given to the panel of such facts or contentions; or
- (b) the panel give their consent.

(13) The panel shall give notice in writing to the practitioner and the Regional Board 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.

(14) The provisions of paragraphs 4, 6 and 7 of Schedule A1 to the Interpretation Act (Northern Ireland) 1954(1) shall apply to an appeal held under this regulation as if in those paragraphs —

- (a) for the words “person appointed to hold the inquiry” there were substituted the words “persons hearing the appeal”; and
- (b) for the word “inquiry” there was substituted “appeal”.