
STATUTORY INSTRUMENTS

2013 No. 259

The National Institute for Health and Care Excellence
(Constitution and Functions) and the Health and Social
Care Information Centre (Functions) Regulations 2013

PART 2

The National Institute for Health and Care Excellence

Transitional provision – Appeal Panels

17.—(1) Where the Institute has made arrangements for an appeal, on the application of a person aggrieved by a recommendation made by the Institute on the grounds that the Institute—

- (a) failed to act fairly,
- (b) exceeded its powers, or
- (c) formulated guidance which cannot reasonably be justified in the light of the evidence submitted⁽¹⁾,

but has not determined the application before the relevant date, paragraph (2) applies.

(2) Where this paragraph applies, on and after the relevant date—

- (a) any Appeal Panel that has been appointed by the Institute to determine the application of a person aggrieved is to be treated as an appeal panel constituted in accordance with regulation 10; and
- (b) NICE must make arrangements in accordance with regulation 11 for the determination of the application.

⁽¹⁾ See paragraph 5 of the NICE 2005 Directions, as amended by the 2007 Directions.