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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend only to England, make provision about the proceedings of the Family Health Services Appeal Authority (“the FHSAA”) in respect of cases arising under Schedule 1 to the National Health Service (Primary Care) Act 1997 (“the 1997 Act”).

Under the 1997 Act, where Health Authorities do not wish to re-admit to their general medical services list under Part II of the National Health Service Act 1977 (“a Part II list”) a medical practitioner who has been performing personal medical services under a pilot scheme under the 1997 Act, they may apply to the FHSAA for a direction to this effect.

Part I makes provision for citation, commencement and extent and interpretation (regulations 1 and 2).

Part II makes provision for the procedure to be followed and the conduct of hearings. There is provision for the President of the FHSAA and the chairman of any panel dealing with a case to give directions (regulation 3). There is provision for the making of representations to the FHSAA, and the procedure to be followed in doing so, by Health Authorities or any other person, that a practitioner should not be permitted to rejoin a Part II list, and for the FHSAA to notify the practitioner, advising that a written statement may be made (regulation 4).

There is provision for the composition of panels and for the allocation of cases to panels (regulation 5). There is provision for a Health Authority or other person who has made representations to withdraw these and for the practitioner to be informed by the FHSAA if this occurs (regulation 6). There is provision about notice of hearings (regulation 7), hearings and their procedure including representation at a hearing (regulations 7 to 9), for other Health Authorities which have been notified of the hearing to be present (regulation 10) and for hearings in a party’s absence (regulation 11). There is provision for the summoning of witnesses, evidence etc. by virtue of section 250(2) and (3) of the Local Government Act 1972 (regulation 12).

There is provision for a case to proceed on documentary evidence alone if the practitioner has agreed in writing to this, for the FHSAA to issue as soon as possible after the hearing is concluded the decision of the panel, with reasons and any decision that a direction be given which prevents the practitioner from re-joining a Part II list, for the FHSAA to send a copy of the decision in particular to the parties and to the Secretary of State and where the decision is that the practitioner may not re-join the Part II list, information about rights of appeal under section 11(1) of the Tribunals and Inquiries Act 1992 (regulation 13).

Part III makes provision for various general matters. Health Authorities must publish information about applications to re-join their Part II lists and about the rights of persons to make representations against such applications (regulation 14). The FHSAA is required to publish any directions given which prevent a practitioner re-joining a Part II list as well as any subsequent direction which terminates such a direction (regulation 15).

Parties are to bear their own costs (regulation 16), provision is made for the service of documents (regulation 17), for the FHSAA to dispense with requirements regarding notices, applications or documents otherwise required under the Regulations (regulation 18) and for the FHSAA to dispense with any time limits imposed under the Regulations where it is satisfied that it is reasonable to do so (regulation 19). Provision is also made for reviews of FHSAA decisions which prevent a practitioner from re-joining a Part II list, at the request of the practitioner but subject to certain requirements as to time periods first elapsing (regulation 20).