
STATUTORY INSTRUMENTS

2013 No. 335

The National Health Service (Performers Lists) (England) Regulations 2013

PART 4

Ophthalmic Performers List

CHAPTER 3

Ophthalmic Medical Practitioners

Appeals from the Committee

44.—(1) Any person (“an appellant”) dissatisfied with a determination of the Committee that the appellant is not qualified to be an ophthalmic medical practitioner may, within one month from the date on which the appellant received notice of that determination, or such longer period as the Secretary of State may at any time allow, appeal against the determination by sending to the Secretary of State a notice of appeal stating the facts and contentions on which the appellant relies.

(2) The Secretary of State must—

- (a) after consultation with such bodies or organisations representing doctors as appear to the Secretary of State to be concerned with the issues relating to qualification as an ophthalmic medical practitioner, appoint an appeal committee of 3 persons to determine the appeal;
- (b) refer the appeal to that appeal committee;
- (c) send a copy of the notice of appeal to the Committee and to such other persons as may appear to the Secretary of State to be interested in the appeal; and
- (d) inform the appellant, the Committee and any such other persons that the appeal has been referred to an appeal committee and of the address to which communications to the appeal committee must be sent.

(3) The appeal committee may, and if the appellant so requests the Committee must, hold a hearing in connection with an appeal at such time and place as it may direct.

(4) Notice of the hearing must, not less than 14 days before the date of the hearing, be sent by recorded delivery service to the appellant, the Committee and any other person to whom the Secretary of State has under paragraph (2) sent notice of the appeal.

(5) If either party wish to appear before an appeal committee that party must give notice of the that fact within one month of being informed that the appeal has been referred to an appeal committee.

(6) Either party to an appeal is entitled to appear and be heard by counsel or solicitor and—

- (a) the Committee is entitled to appear by a member or by its clerk or other officer duly appointed for the purpose; and
- (b) the appellant is entitled to appear in person, by any member of the appellant's family, by any friend, or by any officer or member of any organisation of which the appellant is a member.

(7) The procedure of the appeal committee in determining the appeal is to be such as it thinks fair and proper.

This is subject to the preceding provisions of this regulation.

(8) An appeal committee is to have all the powers of the Committee, including in particular the power of approval, and if satisfied that an appellant possesses the qualifications and experience prescribed by regulation 42, it must give that approval.

(9) The appeal committee must as soon as practicable notify its determination to the appellant, the Committee, the Secretary of State and any other person to whom the Secretary of State has under paragraph (2) sent notice of the appeal.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (England) Regulations 2013, Section 44.