
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 137

Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996

Part I

General

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996 and shall come into operation on 1st April 1996.

Interpretation

2.—(1) In these Regulations—

“Agency” means the Northern Ireland Central Services Agency for the Health and Social Services as established under Article 26 of the Order;

“appliance” means an appliance which is included in a list for the time being approved by the Department for the purposes of Article 63 of the Order;

“appropriate Board” has the meaning given by regulation 4(5);

“assistant” has, in relation to a dentist, the same meaning as in the Dental Regulations;

“Board” means a Health and Social Services Board constituted under Article 16 of the Order and when the context requires means the Health and Social Services Board responsible for the provision of the service which is the subject of the investigation;

“chemist” has the same meaning as in the General Medical and Pharmaceutical Regulations;

“complaint” means a complaint made in accordance with directions, concerning the establishment and operation of procedures for dealing with complaints against practitioners, given under Article 17 of the Order or in accordance with the provisions of the regulations specified in paragraph (2);

“Dental Committee” means the Dental Committee constituted by the Agency under regulation 30 of the Dental Regulations;

“dental discipline committee” means a committee referred to in regulation 3(1)(b);

“dental list” means the list prepared by the Agency under regulation 4 of the Dental Regulations;

“dental officer” means a dentist in the service of the Department or Board;

“Dental Regulations” means the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(1);

“dentist” means a registered dental practitioner;

“deputy”—

(a) in relation to a doctor, means a person to whom the doctor has, under paragraph 14 of his terms of service, delegated the treatment of his patient,

(b) in relation to a dentist, has the same meaning as in the Dental Regulations;

“discipline committee” has the meaning it bears in regulation 3(2);

“disciplinary matter” means a matter referred under regulation 5(1);

“doctor” means a registered medical practitioner, other than one acting in the capacity of an ophthalmic medical practitioner;

“drug” includes medicine;

“Drug Tariff” means the statement prepared by the Department under regulation 40 of the General Medical and Pharmaceutical Regulations specifying the prices and standards of drugs and appliances to be provided under these regulations;

“estimate” has the same meaning as in the Dental Regulations;

“General Medical and Pharmaceutical Regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(2);

“joint discipline committee” means a committee referred to in regulation 3(1)(e);

“Local Dental Committee”, “Local Medical Committee”, “Local Ophthalmic Medical Committee”, “Local Ophthalmic Optical Committee”, and “Local Pharmaceutical Committee” mean the committees of those names which are recognised by the Board in relation to its area under Article 55 of the Order(3), and “Local Representative Committee” means any of those committees;

“Maternity Medical Services” means the personal medical services (other than services which involve the application of special skills or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess) provided by a general practitioner whose name is included in the obstetric list;

“medical certificates” means any certificate or statement issued by a doctor under and for the purposes of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(4);

“medical discipline committee” means a committee referred to in regulation 3(1)(a);

“medical list” has the meaning assigned to it in regulation 4(1) of the General Medical and Pharmaceutical Regulations;

“medical officer” means a doctor in the employment of the Department or a Board;

“obstetric list” has the meaning assigned to it in regulation 14 of the General Medical and Pharmaceutical Regulations;

“ophthalmic discipline committee” means a committee referred to in regulation 3(1)(c);

“ophthalmic list” has the same meaning as in regulation 8 of the Ophthalmic Regulations;

“ophthalmic medical practitioner” has the same meaning as in the Ophthalmic Regulations;

“Ophthalmic Regulations” means the General Ophthalmic Services Regulations (Northern Ireland) 1986(5);

“optician” means ophthalmic optician;

(2) S.R. 1973 No. 421

(3) Article 55 was amended by Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1991

(4) S.R. 1976 No. 175

(5) S.R. 1986 No. 163

“Part VI service” means any of the services to be provided under Part VI of the Order, that is to say general medical services, general dental services, general ophthalmic services or pharmaceutical services;

“patient”, except in Part III, means any person who is or who claims to be, entitled to the provision of a Part VI service;

“pharmaceutical discipline committee” means a committee referred to in regulation 3(1)(d);

“pharmaceutical list” has the same meaning as in regulation 37 of the General Medical and Pharmaceutical Regulations;

“pharmacist” means a registered pharmacist;

“practitioner” means a doctor, dentist, ophthalmic medical practitioner, optician or chemist against whom a complaint has been made or in respect of whom a matter has been referred under regulation 5(1);

“prescription form” has the same meaning as in Schedule 1 of the General Medical and Pharmaceutical Regulations;

“prior approval requirement” has the meaning given to it in regulation 12;

“relevant local representative committee” means—

- (a) in relation to a doctor, or the discipline committee hearing medical cases, the Local Medical Committee;
- (b) in relation to a dentist, or the discipline committee hearing dental cases, the Local Dental Committee;
- (c) in relation to an ophthalmic medical practitioner or an optician, or the discipline committee hearing ophthalmic cases, the Local Ophthalmic Medical Committee or the Local Ophthalmic Optical Committee;
- (d) in relation to a chemist, or the discipline committee hearing pharmaceutical cases, the Local Pharmaceutical Committee,

recognised by the Department under Article 55 of the Order;

“relevant professional body” has the meaning it bears in regulation 20(3);

“salaried dentist” has the same meaning as in the Dental Regulations;

“statement of case” means a statement sent by the Board to the practitioner and the discipline committee in accordance with paragraph 1 of Schedule 2;

“Statement of Dental Remuneration” has the same meaning as in the Dental Regulations;

“terms of service” means the terms of service for doctors contained in Schedule 1 and the terms of service for chemists contained in Schedule 4 to the General Medical and Pharmaceutical Regulations, the terms of service for dental practitioners contained in Schedule 2 to the Dental Regulations, or the terms of service for ophthalmic medical practitioners and ophthalmic opticians contained in Schedule 1 to the Ophthalmic Regulations, as the case may be;

“treatment”, in relation to general medical services, has the same meaning as in the General Medical and Pharmaceutical Regulations, and, in relation to general dental services, means—

- (a) except in the context mentioned in sub-paragraph (b) of this definition—
 - (i) where at the material time the dentist is providing occasional treatment under the Dental Regulations, treatment within the meaning of those Regulations,
 - (ii) in any other case, care and treatment within the meaning of those Regulations;
- (b) in the context of the description of treatment to be specified under regulation 8(5)(b) or 12(2)(a), treatment within the meaning of the Dental Regulations other than—
 - (i) one examination in the course of any single consultation,

- (ii) treatment in an emergency within the meaning of those Regulations,
- (iii) two radiographs, each of a size not exceeding 16 square centimetres, in the course of any single consultation, and
- (iv) treatment for which a dentist is remunerated in accordance with Section X (treatment under capitation) of Determination I of the Statement of Dental Remuneration effective from 1st October 1990 and amended with effect from 1st July 1992 and for which he receives no remuneration other than a capitation payment;

“Tribunal” means the Tribunal constituted under Schedule 11 to the Order.

- (2) The provisions referred to in the definition of “complaint” in paragraph (1) are—
- (a) paragraphs 31A and 31B of Schedule 2 to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland 1993⁽⁶⁾);
 - (b) paragraphs 11B and 11C of Schedule 1 and 9A and 9B of Schedule 4 to the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973⁽⁷⁾;
 - (c) paragraphs 8A and 8B of Schedule 1 to the General Ophthalmic Services Regulations (Northern Ireland) 1986⁽⁸⁾.

⁽⁶⁾ S.R. 1993 No. 326; relevant amending regulations are S.R. 1996 No. 114.

⁽⁷⁾ S.R. & O. 1973 No. 421; relevant amending regulations are S.R. 1996 No. 136

⁽⁸⁾ S.R. 1986 No. 163; relevant amending regulations are S.R. 1996 No. 135