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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 137**

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

**Part II**

Provisions relating to investigations, disputes, appeals etc

**Recovery of amounts from practitioners following appeal**

**11.**—(1) Where—

- (a) in the case of an appeal under regulation 9(1)(a), the Department determines that a practitioner has failed to comply with one or more of his terms of service as specified in Schedule 3; or
- (b) an appeal is made under regulation 9(1)(b) or (c),

the Department shall, subject to the following provisions of this regulation, determine whether any, and if so what, amount shall be recovered from the practitioner, whether by way of deduction from his remuneration or otherwise.

(2) The Department shall give notice in writing of its determination under paragraph (1) to the practitioner and the Board, and shall include with the notice a statement of the reasons for its determination.

(3) Where the Department has determined under paragraph (1) that an amount shall be recovered from a practitioner, it shall direct the appropriate Board to recover that amount either by deduction from the practitioner's remuneration or otherwise and, subject to regulation 8(8) (as modified by paragraph (4) of this regulation), that Board shall comply with that direction.

(4) For the purposes of paragraph (3), regulation 8(8) shall have effect as if for the words "the appropriate Board determines under this regulation that action should be taken in accordance with any of the provisions of paragraphs (3), or (5)(a), (b) or (c) that action shall be taken" there were substituted the words "the Department determines under regulation 11(1) that an amount should be recovered, that amount shall be recovered".

(5) Where the appropriate Board determines that any amount which it has been directed to recover under paragraph (3) is to be recovered by deduction from the practitioner's remuneration, it shall notify the Agency of the amount in question and the Agency shall deduct that amount from the practitioner's remuneration.

(6) Any sum which falls by virtue of paragraph (3) to be recovered by the Board shall, to the extent that it is not recovered by deduction from the practitioner's remuneration, be a debt owed by the practitioner to that Board.