
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 137

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

Part II

Provisions relating to investigations, disputes, appeals etc

Decision as to treatment for which fees may be charged by doctors

17.—(1) If any question arises, either in the course of an investigation by a medical discipline committee or otherwise, as to whether any treatment given by a medical practitioner to a patient is treatment for which he may demand or accept a fee from that patient (unless it arises in relation to sub-paragraph (1)(a), (e) or (f) of paragraph (17) of the terms of service) the question shall be referred to and determined by the Local Medical Committee.

(2) Where the Board is dissatisfied with the determination of the Local Medical Committee, it shall notify the Department in writing of its dissatisfaction and the matter shall be submitted to referees appointed under paragraph (3) for decision.

(3) For the purpose of giving effect to this regulation, the Department shall, on being notified under paragraph (2) of a Board's dissatisfaction, appoint as referees—

- (a) two doctors in actual practice; and
- (b) a medical officer of the Department.

(4) The referees shall determine any matter submitted to them under paragraph (2) and their determination—

- (a) shall be given after hearing such parties and taking such evidence as they think proper; and
- (b) may be by a majority.

(5) Subject to the provisions of this regulation and of Schedule 4, the procedure to be followed by referees shall be such as they may determine.

(6) Where the Board is satisfied with a determination of the Local Medical Committee under paragraph (1), it shall report the matter to the Department which may, if it thinks fit, refer the question for decision to referees appointed in accordance with paragraph (3).

(7) The foregoing provisions of this regulation shall apply in the case of a question referred under paragraph (6) as they apply to a matter submitted under paragraph (2).

(8) Schedule 4 shall have effect with respect to the procedure for the determination of questions referred and matters submitted under this regulation.