

SCHEDULE 4

Regulation 17(8)

Rules of procedure under regulation 17

1.—(1) The Board shall prepare and submit to the Local Medical Committee a written statement of the facts in connection with which the question has arisen and of the decision given by the Board and the grounds on which it is based.

(2) The Local Medical Committee shall, as soon as may be after receipt of the statement mentioned in sub-paragraph (1)—

- (a) furnish the Board with a written statement of the decision given by the Local Medical Committee and of the grounds on which the decision is based, and
- (b) inform the Board whether it concurs in the statement of facts prepared by the Board and, if not, in what respect it does not concur in that statement.

(3) The Board shall send the statements prepared by itself and by the Local Medical Committee to the Department and the Department may, if it thinks fit, require both or either of those bodies to furnish it with further particulars regarding the facts of the case, or the decision, or the grounds for the decision.

2.—(1) Where the Department thinks fit to refer a matter under regulation 17(6), it may require either the Board or the Local Medical Committee to furnish written statements of the facts in connection with which the question has arisen and of its decision and the grounds on which the decision is based.

(2) The Department shall inform any body which has furnished a statement under sub-paragraph (1)—

- (a) whether it concurs in the statement of facts; and
- (b) if it does not so concur, in what respects it does not concur; and
- (c) where head (b) applies, of its grounds for disagreeing with the decision.

(3) The Department shall furnish copies of all documents mentioned in sub-paragraphs (1) or (2) to each of the referees appointed under regulation 17(3).

(4) If, on consideration of the documents furnished under sub-paragraph (3), the referees are of the opinion that the question referred to them is similar to a question previously determined by them under regulation 17, they may dispense with a hearing and determine the case summarily.

(5) Except in a case to which sub-paragraph (4) applies, the Department shall fix the time and place of the hearing, and shall not give less than 21 days notice in writing thereof to the Board and the Local Medical Committee.

(6) The Board and the Local Medical Committee shall be entitled to be represented at the hearing by a member or officer duly appointed for the purpose, or by counsel or solicitor, and the Department may be represented by one of its officers.

(7) Any person entitled by virtue of sub-paragraph (6) to appear at the hearing may produce such evidence as, in the opinion of the referees, may be relevant to the matters in issue.

(8) The referees shall, as soon as may be after the hearing or after determining a case summarily, report to the Department the decision at which they have arrived.