
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 380

General Medical Services Regulations (Northern Ireland) 1997

Part II

The Medical List

Appeal to the Department

15.—(1) A doctor may appeal to the Department against the refusal of an application to which regulation 9, 10, or 11 applies and any appeal shall be made and determined in accordance with this regulation.

(2) A doctor may appeal by sending to the Department notice of appeal within a period of 21 days beginning with and including the date on which the notice of the refusal of the Board is given to him.

(3) The notice of appeal shall contain a concise statement of the grounds of appeal.

(4) If it appears to the Department that the appeal is of such a nature that it can properly be determined without an oral hearing, it may dispense with an oral hearing and determine the appeal summarily, and shall communicate the decision, together with the reason for it, in writing to the appellant, the Board and the Agency.

(5) If the Department is of the opinion that an oral hearing is required, it shall appoint 3 or more persons to hear the appeal.

(6) An oral hearing shall take place at such time and place as the Department may direct, and, not less than 14 days before the date fixed for the hearing, notice of the hearing shall be sent to the appellant, the Board, the Agency and, in the case of an application to which regulation 9 applies, any doctors whose application for appointment to the vacancy to which the application relates was granted.

(7) Subject to paragraphs (8) and (9), the procedure at the oral hearing shall be such as the person or persons hearing the appeal may determine.

(8) The appellant and any of the parties to whom notice of the hearing is required to be given, may attend and be heard in person or by counsel or solicitor or other representative.

(9) The Board and the Agency may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(10) The persons hearing the appeal shall make a report to the Department, stating the relevant facts and their conclusions, and the Department, after taking the report into consideration, shall give its decision and communicate it, together with the reasons for it, in writing to—

- (a) the appellant;
- (b) the Board;
- (c) the Agency; and
- (d) any doctor to whom notice of the hearing has been sent in accordance with paragraph (6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(11) Where, on allowing an appeal, the Department remits an application to the Board for reconsideration—

- (a) it shall give to the Board such directions as it sees fit; and
- (b) the Board shall redetermine the application and in doing so shall comply with any directions given by the Department under sub-paragraph (a) with respect to the determination of that application.