
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 380

General Medical Services Regulations (Northern Ireland) 1997

Part IV

**Child health surveillance services, contraceptive services,
maternity medical services and minor surgery services**

Child health surveillance list

26.—(1) Each Board shall maintain a list (in these regulations referred to as “a child health surveillance list”) of the names of those doctors in its area who have satisfied it or, on appeal, the Department, in accordance with the following provisions of this regulation, that they have such medical experience and training as are necessary to enable them properly to provide child health surveillance services.

(2) A doctor may apply, in accordance with paragraph (3), to the Board for the area in which his main practice premises are situated for the inclusion of his name in the child health surveillance list.

(3) An application for the purpose of paragraph (2) shall be made in writing and shall include the information specified in Part VI of Schedule 3.

(4) Unless the doctor otherwise agrees, the Board shall determine an application made in accordance with paragraph (3) within 2 months of receiving it.

(5) The Board may hold an oral hearing of any application and shall not refuse an application without giving the doctor an opportunity of an oral hearing.

(6) Where the Board decides to hold an oral hearing, it shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the doctor.

(7) When determining an application under this regulation the Board shall have regard in particular to—

- (a) any postgraduate qualification held by him relevant to the provision of child health surveillance services; and
- (b) the criteria listed in paragraph 1 of Part VII of Schedule 3,

and shall seek and take into account any medical advice it considers necessary to enable it to determine the application.

(8) The Board shall determine an application by either—

- (a) granting the application; or
- (b) refusing the application.

(9) The Board shall give notice in writing to the doctor of its determination and shall—

- (a) where it grants the application, include the doctor’s name in the child health surveillance list; or
- (b) where it refuses the application, inform him of the reasons for its determination and of his right to appeal under paragraph (10).

(10) If an application is refused in accordance with paragraph (8)(b), the doctor may appeal in writing to the Department within 30 days of receiving notice in writing of the Board's determination.

(11) On any appeal pursuant to paragraph (10) or (15) the Department—

- (a) may, if it thinks fit, hold an oral hearing of the appeal and, in such a case, shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the Board;
- (b) in determining the appeal, shall either confirm or reverse the determination of the Board and shall communicate its decision in writing, together with the reasons for it, to the appellant and the Board;
- (c) where it reverses the determination of the Board, shall direct that the Board include the doctor's name in the child health surveillance list.

(12) Subject to paragraphs (13) to (17), a doctor's name may be removed by the Board from the child health surveillance list if—

- (a) it has been removed from the medical list pursuant to regulation 5(3) or regulation 6; or
- (b) the Board has determined that the doctor has not provided child health surveillance services at any time during the past 5 years; or
- (c) the Board has determined that the doctor has not complied with the criterion set out in paragraph 2 of Part VII of Schedule 3 for continued inclusion in the child health surveillance list.

(13) Before making any determination under sub-paragraph (b) or (c) of paragraph (12) the Board shall—

- (a) give the doctor 30 days' written notice of its intention to do so; and
- (b) afford the doctor an opportunity of making representations in writing or, if he so desires, orally to the Board.

(14) Where the Board makes a determination under sub-paragraph (b) or (c) of paragraph (12), it shall send to the doctor a notice which shall include a statement—

- (a) to the effect that, subject to any appeal to the Department under paragraph (15), the doctor's name will, after 30 days from the date of the notice, be removed from the child health surveillance list;
- (b) of the Board's reasons for its determination; and
- (c) of the doctor's right of appeal under paragraph (15).

(15) A doctor who has received a notice in accordance with paragraph (14) may, within 21 days of receiving it, appeal to the Department against the determination of the Board and, pending the determination of the appeal, the Board shall not remove his name from the child health surveillance list.

(16) An appeal to the Department pursuant to paragraph (15) shall be made in writing and shall include a statement of the grounds of appeal and on any such appeal the Department shall, if it allows the appeal, direct that the Board shall not remove the doctor's name from the child health surveillance list.

(17) The Board shall comply with any direction given to it under this regulation.

(18) Where the Department holds an oral hearing of an appeal pursuant to paragraph (11)(a), the appellant and the Board may be represented by counsel, solicitor or any other person.