
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 13

**Medical Practitioners (Vocational Training)
Regulations (Northern Ireland) 1998**

Part IV

APPEALS AGAINST REFUSAL OF CERTIFICATES

Procedure on appeal

16.—(1) Subject to the provisions of these Regulations, the procedure of the appeal body shall be determined by that body.

(2) The Department shall transmit a notice of appeal to the appeal body which is to determine the appeal.

(3) Before the appeal body considers the appeal, it may—

- (a) require the practitioner to submit further particulars and documents in support of his appeal; and
- (b) make inquiries of such persons as it may think fit in connection with the appeal.

(4) The appeal body shall—

- (a) send to the practitioner a copy of any comments made in reply to inquiries under paragraph (3)(b);
- (b) if a hearing is not to be held, give the practitioner a period of 21 days beginning with the day on which the comments were sent to him to reply in writing to the comments; and
- (c) give notice to the practitioner that he may, within a period specified in the notice, require the appeal body to give him an opportunity of appearing before and being heard by it.

(5) The appeal body may, or shall if so required by the practitioner, hold a hearing for the purpose of considering the appeal and shall, before the beginning of the period of 21 days ending with the date on which the hearing is to be held, send notice to the practitioner and to the Joint Committee of that date, and of the time and place of hearing.

(6) The proceedings of the appeal body shall be conducted in private, unless the practitioner requests a public hearing.

(7) At a hearing by the appeal body—

- (a) the practitioner may appear and be heard in person, or he may be represented by Counsel, a solicitor, or any other person; and
- (b) the Joint Committee may appear and be represented by Counsel, a solicitor, or any duly authorised member or officer of the Committee.

(8) The provisions of Schedule 8 to the principal Order (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Department) shall apply for the purposes of any appeal held under this regulation as if it was an inquiry caused to be held by the Department and as if, in paragraphs 2, 3 and 4 of that Schedule, for the words “the

person appointed to hold the inquiry” there were substituted the words “the Chairman of an appeal body appointed for the purposes of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998”.

(9) Where the practitioner has required a hearing but does not appear and is not represented at the hearing, and the appeal body are not satisfied that there was good reason for the failure to appear or be represented, it may treat the requirement as having been withdrawn and either hold no hearing or (if the Joint Committee are present or represented) proceed with the hearing in the absence of the practitioner.

(10) Where a hearing was to have been held in any case not falling within paragraph (9), and either the practitioner or the Joint Committee does not appear at the hearing and is not represented, the appeal body may hear the party present or represented or may decide that a hearing is not to be held.

(11) Where at a hearing neither the practitioner nor the Joint Committee appears or is represented, or in any case falling within paragraph (9) or (10), the appeal body may determine the appeal without further notice to the practitioner or to the Joint Committee.

(12) The appeal body may accept the withdrawal of an appeal at any time before a decision on the appeal is made on receipt of written notice of withdrawal from the practitioner.

(13) The appeal body may treat an appeal as having been withdrawn if—

- (a) it has not yet reached a decision on the appeal; and
- (b) it has tried to contact the practitioner but has not, after a reasonable interval, been successful in doing so, or a letter properly sent to the practitioner has been returned on the ground that it could not be delivered; and
- (c) it has sent notice to the practitioner that his appeal will be treated as withdrawn if the practitioner does not, within the period of 28 days beginning with the date on which the notice was sent, confirm that he wishes to proceed with his appeal.