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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 299**

**The Road Traffic (Health Services Charges)  
(Appeals) Regulations (Northern Ireland) 2001**

**Part IV**

**Procedure in Connection with Determination of Appeals**

**Consideration and determination of appeals**

8.—(1) A legally qualified panel member may give directions requiring a party to the proceedings to comply with any provision of these Regulations and may at any stage of the proceedings, either of his own motion or on a written application made to the clerk to the appeal tribunal by any party to the proceedings, give such directions as he may consider necessary or desirable for the just, effective and efficient conduct of the proceedings and may direct any party to the proceedings to provide such particulars or to produce such documents as may be reasonably required.

(2) Where a clerk to the appeal tribunal is authorised to take steps in relation to the procedure of the tribunal he may give directions requiring any party to the proceedings to comply with any provision of these Regulations.

**Directions concerning oral hearings**

9.—(1) Where an appeal is made to an appeal tribunal, the clerk to the appeal tribunal shall direct every party to the proceedings to notify the clerk to the appeal tribunal in writing whether he wishes to have an oral hearing of the appeal or whether he is content for the appeal to proceed without an oral hearing.

(2) A notification given in accordance with paragraph (1) shall be sent to the clerk to the appeal tribunal within 14 days of the date of issue of the direction under that paragraph or within such longer period as the clerk to the appeal tribunal may direct.

(3) Where a party to the proceedings notifies the clerk to the appeal tribunal in accordance with paragraph (2) that he wishes to have an oral hearing of the appeal, the appeal tribunal shall hold an oral hearing.

(4) The chairman or, in the case of an appeal tribunal which has only one member, that member, may of his own motion direct that an oral hearing of the appeal be held if he is satisfied that such a hearing is necessary to enable the appeal tribunal to reach a decision.

**Withdrawal of appeal**

10.—(1) An appeal may be withdrawn by the appellant or his representative either—

- (a) at an oral hearing; or
- (b) at any other time before the appeal is determined, by giving notice in writing of the withdrawal to the clerk to the appeal tribunal.

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(2) If an appeal is withdrawn in accordance with paragraph (1)(a), the clerk to the appeal tribunal shall send notice in writing to any party to the proceedings who is not present when the appeal is withdrawn, informing him that the appeal has been withdrawn.

(3) If an appeal is withdrawn in accordance with paragraph (1)(b), the clerk to the appeal tribunal shall send notice in writing to every party to the proceedings informing them that the appeal has been withdrawn.

**Non-disclosure of medical advice or evidence**

**11.**—(1) Where, in connection with an appeal there is medical advice or medical evidence relating to a person which has not been disclosed to him and in the opinion of a legally qualified panel member the disclosure to that person of that advice or evidence would be harmful to his health, such advice or evidence shall not be required to be disclosed to that person.

(2) Advice or evidence such as is mentioned in paragraph (1) shall not be disclosed to any person acting for or representing the person to whom it relates unless a legally qualified panel member is satisfied that it is in the interests of the person to whom the advice or evidence relates to do so.

(3) A tribunal shall not be precluded from taking into account for the purposes of the determination advice or evidence which has not been disclosed to a person under the provisions of paragraph (1) or (2).