
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 259

Tribunal Regulations (Northern Ireland) 2004

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Tribunal Regulations (Northern Ireland) 2004 and shall come into operation on 1st July 2004.

Interpretation

2.—(1) In these regulations –

“application” means an application for a review;

“Board” means a Health and Social Services Board;

“chairman” includes a deputy chairman acting in the chairman’s place;

“Chief Executive” means a chief officer of a Board or officer of a Board duly authorised to act on behalf of the chief officer;

“complainant” means a Board or any other person who makes representations to the Tribunal;

“conditional disqualification” shall be construed in accordance with paragraph 4 of Schedule 11 to the Order;

“dentist” means dental practitioner;

“dental list” means a list prepared by the Agency under regulation 4 of the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(1);

“document” means a document in writing and includes –

(a) any map, plan, graph or drawing;

(b) any photograph;

(c) any disk, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

(d) any film (including any microfilm), negative, tape or other device in which one or more visual images are recorded so as to be capable (as foresaid) of being reproduced therefrom;

“first condition for disqualification” has the meaning indicated in paragraph 1(6) of Schedule 11 to the Order;

“fraud case” has the meaning indicated in paragraph 1(11) of Schedule 11 to the Order;

“general medical practitioner” has the same meaning as in the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004(2);

“Health Scheme” has the meaning indicated in paragraph 1(9) of Schedule 11 to the Order;

“inquiry” means an inquiry held under Part I of Schedule 11 to the Order;

“list” has the meaning indicated in paragraph 1(8) of Schedule 11 to the Order;

“local or general disqualification” has the meaning indicated in paragraph 3(2)(a) and (b) of Schedule 11 to the Order;

“medical list” has the same meaning as in the Health and Personal Social Services (Primary Medical Services Performers List) Regulations (Northern Ireland) 2004(3);

“ophthalmic list” has the same meaning as in regulation 8(1) of the General Ophthalmic Services Regulations (Northern Ireland) 1986(4);

“ophthalmic medical practitioner” has the same meaning as in the General Ophthalmic Services Regulations (Northern Ireland) 1986;

“optician” means ophthalmic optician;

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“pharmaceutical list” has the same meaning as in the Pharmaceutical Services Regulations (Northern Ireland) 1997(5);

“pharmacist” has the same meaning as in the Pharmaceutical Services Regulations (Northern Ireland) 1997;

“practitioner” means the general medical practitioner, dentist, ophthalmic medical practitioner, optician or pharmacist who is the subject of representations by a complainant or who is subject of an application;

“relevant professional body” means –

- (a) in relation to a general medical practitioner or an ophthalmic medical practitioner, the General Medical Council(6);
- (b) in relation to a practitioner who is a dentist, the General Dental Council(7);
- (c) in relation to a practitioner who is an optician, the General Optical Council(8); and
- (d) in relation to a practitioner who is a pharmacist, the Royal Pharmaceutical Society of Northern Ireland(9);

“representations” means representations made to the Tribunal under paragraph 1of Part I of Schedule 11 to the Order;

“respondent” means –

- (a) in the case of representations or an application for interim suspension, any practitioner in respect of whom representations are, or an application for interim suspension is, made;
- (b) in the case of an application by a practitioner, the complainant in respect of whose representations the decision to which the application relates was made; and
- (c) in the case of an application by a person other than a practitioner, the practitioner.

(2) S.R. 2004 No. 140

(3) S.R. 2004 No. 149

(4) S.R. 1986 No. 163

(5) S.R. 1997 No. 381

(6) See Medical Act 1983 c. 54 – Section 1

(7) See Dentists Act 1984 c. 24 – Section 1

(8) See Opticians Act 1989 c. 44 – Section 1

(9) S.I. 1976/1213 (N.I. 22) – Article 3

“second condition for disqualification” has the meaning indicated in paragraph 1(7) of Schedule 11 to the Order;

(2) In these regulations, references to “proceedings” before the Tribunal are to any such proceedings, whether relating to representations, applications for review or for interim suspension, and include inquiries, hearings and preliminary matters.

(3) A reference to a numbered form in these regulations is a reference to the form bearing that number set out in Schedule 2.