
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 259

Tribunal Regulations (Northern Ireland) 2004

PART V

PROCEDURE FOR DEALING WITH REVIEW

Procedure in regard to application to the Tribunal for a review

- 22.**—(1) An application to the Tribunal shall –
- (a) be made as set out in Form 5 and shall –
 - (i) contain a concise statement of the alleged facts and grounds upon which the applicant intends to rely; and
 - (ii) be signed by the applicant or on the applicant’s behalf by some person authorised by the applicant;
 - (b) subject to paragraph (2), be accompanied by 2 copies of each document which the applicant proposes to put in evidence; and
 - (c) be sent together with the copies of each document relevant to it to the clerk to the Tribunal.
- (2) If a document which the applicant proposes to put in evidence is of a nature which renders it difficult to make or obtain a copy of it, the applicant shall not be required to submit copies of it.
- (3) If it appears to the Tribunal, after due consideration of an application, that no good cause has been shown why an inquiry should be held for the purposes of any review, it may refuse to hold an inquiry and shall inform the applicant of its refusal to hold an inquiry, and its reasons for that refusal in writing.
- (4) Where the Tribunal considers that an inquiry should be held, the clerk to the Tribunal shall send to the respondent and to any Board (not being the applicant or the respondent) which was represented at the inquiry following which the decision, in respect of which the application relates, was made –
- (a) a notice as set out in Form 6 informing the respondent or the Board that an application has been made by the applicant and that the Tribunal considers that an inquiry should be held;
 - (b) one copy of the application and of each document, if any, which accompanied it; and
 - (c) information as to arrangements by which any document which the applicant proposes to put in evidence, but which the applicant is not required to submit copies of in accordance with paragraph (2), may be examined by the respondent and any such Board.
- (5) As soon as may be practicable after sending a copy of the application as referred to in paragraph (4), the Tribunal shall –
- (a) fix a date and time at which an inquiry shall commence and the place where it will be held; and
 - (b) not less than 2 weeks before the date fixed for the inquiry to commence, send to –
 - (i) the applicant;

- (ii) the respondent; and
- (iii) any Board to whom a notice as set out in Form 6 has been sent pursuant to paragraph (4),

a notice as set out in Form 7 containing the information referred to in sub-paragraph (a).

(6) Except where the application is made by a Board under paragraph 5(3)(b) or (c) of Schedule 11 to the Order, an applicant may at any time before the inquiry commences, with the consent of the Tribunal and on such terms as it thinks fit, withdraw the application by giving notice of withdrawal to the Tribunal and the Tribunal shall so inform the rest of the parties in writing.

(7) Where the application is made by a Board under paragraph 5(3)(b) or (c) of the Schedule 11 to the Order the provisions of regulations 5 (power of the Tribunal to require further statement), 12 (power to treat representations as withdrawn in certain cases), 13 (withdrawal of representations), 18 (power to dispense with oral inquiry), 20 (applications for interim suspension) and 21 (statement by the Tribunal following an inquiry on interim suspension) shall have effect with respect to an application as they apply to representations as if –

- (a) in regulation 5 –
 - (i) “complainant” read “applicant” in both places where it appears;
 - (ii) in paragraph (a) “representations are” read “application is”;
 - (iii) in paragraph (b) “complainant's” read “applicant's” in both places where it appears; and
 - (iv) in paragraph (c) “representations” read “application”;
- (b) in regulation 12 –
 - (i) “complainant” read “applicant” in both places where it appears;
 - (ii) in paragraph (a) “regulation 10 (notice of inquiry)” read “regulation 22(5)”;
 - (iii) “representations” read “application”;
- (c) in regulation 13 –
 - (i) in paragraph (1) “complainant” read “applicant”;
 - (ii) in paragraphs (1) and (2) “representations” read “application”;
 - (iii) in paragraph (3) –
 - (aa) “representations have” read “application has”;
 - (bb) sub-paragraph (c) were omitted; and
 - (iv) paragraph (4) were omitted;
- (d) in regulation 18 –
 - (i) in paragraph (1) –
 - (aa) “Subject to paragraph (2),” were omitted;
 - (bb) “representations are” read “an application is”;
 - (cc) “representations” in the second place where it occurs read “application”;
 - (ii) paragraph (2) were omitted;
- (e) in regulation 20 –
 - (i) “complainant” read “applicant” at every place where it appears; and
 - (ii) the provisions referred to in paragraph (9) shall have effect as indicated but, additionally, as if “complainant” read “applicant”;

(f) in regulation 21(2) “complainant” read “applicant”.

(8) The provisions of regulations 11 (power to postpone inquiry), 14 (failure to appear at inquiry), 16 (representation and evidence at inquiry) and 17 (procedure at and provisions as to inquiry) shall have effect with respect to an inquiry held in relation to an application as they apply to an inquiry held in relation to a representation as if –

- (a) in regulation 11 “complainant” read “applicant”;
- (b) in regulation 14(1) “regulation 10 (notice of inquiry)” read “regulation 22(5)”; and
- (c) in regulation 16 –
 - (i) in paragraph (1)(b), “complainant (not being a Board) and the respondent” read “applicant and the respondent (other than an applicant or respondent which is a Board)”; and
 - (ii) in paragraphs (1)(b)(iii),(iv) and (2) “complainant” read “applicant”.

Statement by the Tribunal following review

23.—(1) As soon as may be practicable after the conclusion of an inquiry in relation to an application, the Tribunal shall prepare a statement under the hand of the chairman of the Tribunal who presided over the inquiry stating –

- (a) its findings of fact;
- (b) the conclusions it has reached;
- (c) any determination it makes in accordance with paragraph 5(2) or (5), and where applicable, paragraph 5(6), of Schedule 11 of the Order; and
- (d) any order it makes as to costs.

(2) The Tribunal shall –

- (a) send a copy of the statement prepared pursuant to paragraph (1) to –
 - (i) the Department;
 - (ii) the applicant; and
 - (iii) the respondent;
- (b) where the Tribunal, following a review –
 - (i) in the case of a practitioner subject to a disqualification, or a conditional disqualification, does not remove the disqualification or conditional disqualification, under paragraph 5(2) or (5) of Schedule 11 to the Order; or
 - (ii) in the case of a practitioner subject to a declaration of unfitness, does not provide that a declaration of unfitness is to cease to have effect under paragraph 5(2) of Schedule 11 to the Order,

inform the practitioner of the practitioner’s right of appeal under paragraph 6 of Schedule 11 of the Order in respect of the Tribunal’s decision.

(3) Except for a Board to whom a copy of the statement has been sent pursuant to paragraph (2) (a), the Department shall send a copy of the statement to such Boards or relevant professional body as appear to it concerned.