
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 109

The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022

Citation and commencement

1. These Regulations may be cited as the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022 and come into operation on 1st April 2022.

Commencement Information

II Reg. 1 in operation at 1.4.2022, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“appliance” means an appliance which is included in a list for the time being approved by the Department for the purposes of Article 63 of the Health and Personal Social Services (Northern Ireland) Order 1972;

“the Department” means the Department of Health;

“dental list” has the same meaning as in the General Dental Services Regulations (Northern Ireland) 1993(1);

“dentist” means a dental practitioner;

“doctor” means a medical practitioner;

“ophthalmic list” has the same meaning as in the General Ophthalmic Services Regulations (Northern Ireland) 2007(2);

“pharmaceutical list” is to be construed in accordance with regulation 6 of the Pharmaceutical Services Regulations (Northern Ireland) 1997(3);

“pharmacist” means a pharmacist, other than a supplier of appliances only, whose name is included in the pharmaceutical list under Article 63 of the Health and Personal Social Services (Northern Ireland) Order 1972;

“primary medical services performers list” has the same meaning as in the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(4);

“working day” means any week-day other than a public holiday.

(1) S.R. 1993 No. 326; definition inserted by reg. 2 of S.R. 2001 No. 89.

(2) S.R. 2007 No. 436.

(3) S.R. 1997 No. 381.

(4) S.R. 2004 No. 149.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁵⁾ applies to these Regulations as it applies to an Act of the Assembly.

Commencement Information

I2 Reg. 2 in operation at 1.4.2022, see [reg. 1](#)

The Family Practitioner Services Independent Appeal Panel

3. There is to be a body called the Family Practitioner Services Independent Appeal Panel.

Commencement Information

I3 Reg. 3 in operation at 1.4.2022, see [reg. 1](#)

Chairperson

4.—(1) The Department must appoint two or more persons as chairperson of the Family Practitioner Services Independent Appeal Panel.

(2) A person appointed in accordance with paragraph (1) must be a Barrister or Solicitor who has been entitled, for a period of at least 5 years, to practise either at the Bar of Northern Ireland or as a Solicitor of the Court of Judicature of Northern Ireland.

- (3) The term of office of a person appointed in accordance with paragraph (1)—
- (a) is to be 4 years;
 - (b) may be extended on one occasion only by a further 4 years.

Commencement Information

I4 Reg. 4 in operation at 1.4.2022, see [reg. 1](#)

List of lay members

5.—(1) The Department may prepare and maintain a list of lay persons appointed by the Department for the purposes of the Family Practitioner Services Independent Appeal Panel.

- (2) A person appointed in accordance with paragraph (1) must not be—
- (a) a doctor, dentist, ophthalmic optician or pharmacist; or
 - (b) a person or employee of a person whose name is included in the dental list, the ophthalmic list, the pharmaceutical list or the primary medical services performers list.
- (3) A person appointed in accordance with paragraph (1) is to be appointed for a term of 4 years.

Commencement Information

I5 Reg. 5 in operation at 1.4.2022, see [reg. 1](#)

(5) [1954 c. 33 \(N.I.\)](#)

Notice of appeal, application or referral

6.—(1) A notice of appeal received by the Family Practitioner Services Independent Appeal Panel must be referred by the Panel to a chairperson appointed under regulation 4(1).

(2) If the chairperson, after considering a notice of appeal, is of the opinion that that notice discloses no reasonable grounds of appeal or that an appeal is otherwise vexatious or frivolous, the chairperson may determine that appeal by dismissing it forthwith, in which case the chairperson must notify the parties accordingly.

(3) Except where an appeal is dismissed in accordance with paragraph (2), where a notice of appeal, application or referral is received by the Family Practitioner Services Independent Appeal Panel, a panel must be convened in accordance with regulation 7 and, subject to paragraph (4), the panel must determine the appeal, application or referral, as the case may be.

(4) Where paragraph 93(5) of Schedule 5 to the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004⁽⁶⁾ applies and in accordance with that paragraph the panel appoints a person to consider and determine the dispute referred, the following provisions do not apply—

- (a) the requirement in paragraph (3) for the panel to determine the referral; and
- (b) regulation 10.

(5) For the purposes of this regulation, a relevant notice of appeal, application or referral is one given under a statutory provision that prescribes the Family Practitioner Services Independent Appeal Panel as the body that is to determine the matter.

Commencement Information

I6 Reg. 6 in operation at 1.4.2022, see [reg. 1](#)

Membership of a panel of the Family Practitioner Services Independent Appeal Panel

7.—(1) A panel of the Family Practitioner Services Independent Appeal Panel must consist of at least 3 members of whom—

- (a) one must be a chairperson appointed in accordance with regulation 4;
- (b) one or more must be a person whose name is included in a professional list relevant to the subject-matter of the appeal, application or referral, appointed by the chairperson following consultation with such organisation as is, in the opinion of the chairperson, representative of the respective profession;
- (c) one or more must be a person appointed by the chairperson from a list of lay members maintained in accordance with regulation 5.

(2) A member of a panel must not be an official of the Department or of the Regional Business Services Organisation.

(3) A panel must include an equal number of persons with professional experience appointed under paragraph (1)(b) and lay members appointed under paragraph (1)(c).

(4) For the purposes of paragraph (1)(b), a professional list means any of the following—

- (a) the dental list;
- (b) the ophthalmic list;
- (c) the pharmaceutical list;

⁽⁶⁾ S.R. 2004 No. 140

- (d) the primary medical services performers list.

Commencement Information

I7 Reg. 7 in operation at 1.4.2022, see [reg. 1](#)

Declaration of interest

8.—(1) Before the start of any meeting of a panel of the Family Practitioner Services Independent Appeal Panel the chairperson must ask the members intending to be present whether, in respect of the appeal, application or referral to be considered at the meeting, any of them—

- (a) has an interest to declare; or
- (b) is associated with a person who has such an interest,

and any such member who has or, as the case may be, is associated with a person who has any such interest, must declare it accordingly.

(2) Any member who has, pursuant to paragraph (1), declared an interest or who, in the opinion of the chairperson, should have declared such an interest, may not be present at the consideration, discussion or determination of the appeal, application or referral.

Commencement Information

I8 Reg. 8 in operation at 1.4.2022, see [reg. 1](#)

Quorum

9. No business of the Family Practitioner Services Independent Appeal Panel may be transacted unless the chairperson and one person appointed under each of regulation 7(1)(b) and 7(1)(c) are present.

Commencement Information

I9 Reg. 9 in operation at 1.4.2022, see [reg. 1](#)

Decisions by the Family Practitioner Services Independent Appeal Panel

10.—(1) A panel of the Family Practitioner Services Independent Appeal Panel may determine an appeal, application or referral in such manner as it thinks fit and may, if it considers that oral representations are unnecessary, determine the appeal, application or referral without hearing any oral representations, and its decision in respect of that appeal, application or referral is final.

(2) The chairperson of the Family Practitioner Services Independent Appeal Panel must, within 5 working days of making its decision, cause written notification of that decision together with reasons therefor to be given to the parties.

(3) This regulation is subject to any procedural requirements specified in the regulations under which the appeal, application or referral is made to the Family Practitioner Services Independent Appeal Panel.

Commencement Information

I10 Reg. 10 in operation at 1.4.2022, see [reg. 1](#)

Fees and allowances

11. Members of a panel of the Family Practitioner Services Independent Appeal Panel are to be paid such fees and allowances as the Department may determine.

Commencement Information

I11 Reg. 11 in operation at 1.4.2022, see [reg. 1](#)

Consequential amendments

12. The Schedule (consequential amendments) has effect.

Commencement Information

I12 Reg. 12 in operation at 1.4.2022, see [reg. 1](#)

Transitional provision

13.—(1) Where a function relating to an appeal, application or referral has transferred from the Department to the Family Practitioner Services Independent Appeal Panel in accordance with the provisions set out in the Schedule—

- (a) anything which was done before 1st April 2022 by the Department in relation to that function, if in effect immediately before that date, is to continue to have effect to the same extent and subject to the same provisions as if it had been done by the Family Practitioner Services Independent Appeal Panel;
 - (b) anything (including any legal proceedings) in the process of being done by the Department in relation to that function immediately before 1st April 2022 may be continued by the Family Practitioner Services Independent Appeal Panel.
- (2) Paragraph (1) does not apply if the context requires otherwise.

Commencement Information

I13 Reg. 13 in operation at 1.4.2022, see [reg. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022. (See end of Document for details)

Sealed with the Official Seal of the Department of Health on 16th March 2022.



Martina Moore
A senior officer of the Department of Health

Changes to legislation:

There are currently no known outstanding effects for the The Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022.