

2022 No. 109

HEALTH AND SOCIAL CARE

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

Made - - - - *16th March 2022*

Coming into operation - *1st April 2022*

The Department of Health^(a) makes these Regulations in exercise of the powers conferred on it by Articles 15D(1), (3D) and (3DA), 57F(1), (2) and (2A), 57G(1), (3)(j) and (3C), 61 (2), (2AA) and (2AB), 62 (2)(c) and (2A), 63 and 63AA(3A) and (3AA) of the Health and Personal Social Services (Northern Ireland) Order 1972^(b), Article 10(1)(b) (iii) to (v) of the Health and Medicines (Northern Ireland) Order 1988^(c) and Article 8(6), (9A) and (9B) of the Health and Personal Social Services (Northern Ireland) Order 1991^(d), and after consulting such organisations as appear to the Department to be representative of (a) the dental profession, (b) medical practitioners practising as ophthalmic medical practitioners and (c) the pharmaceutical profession, as required by Articles 61(4), 62(3) and 63(3) respectively of the Health and Personal Social Services (Northern Ireland) Order 1972.

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.

Interpretation

2.—(1) In these Regulations—

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- (a) Formerly the Department of Health, Social Services and Public Safety; see 2016 c. 5 (N.I.), s. 1(5)
- (b) S.I.1972/1265 (N.I. 14). Article 15D was inserted by Article 22 of S.I. 1997/1177 (N.I.7); paragraph (3D) was inserted by Article 6(9) of S.I. 2004/311 (N.I. 2) and amended by paragraph 9(7) of Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022 (2022 c.3 (N.I.)) (the 2022 Act) and paragraph (3DA) was inserted by paragraph 9(8) of that Schedule. Article 57F was inserted by Article 4 of S.I. 2004/311 (N.I.2); paragraph (2) was amended by paragraph 27(2) of Schedule 1 to the 2022 Act and paragraph (2A) was inserted by paragraph 27(3) of that Schedule. Article 57G was inserted by Article 8 of S.I. 2004/311 (N.I.2); paragraph (3)(j) was amended by paragraph 28(3) of Schedule 1 to the 2022 Act and paragraph (3C) was inserted by paragraph 28(5) of that Schedule. Article 61(2AA) was inserted by Article 30(3) of S.I. 1991/194 (N.I.1) and paragraph (2AB) was inserted by paragraph 31(4) of Schedule 1 to the 2022 Act. Article 62(2)(c) was inserted by section 10 of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (2016 c.26) and amended by paragraph 32(3) of Schedule 1 to the 2022 Act and paragraph (2A) was inserted by paragraph 32(4) of that Schedule. Article 63(2) was amended by paragraph 33 of Schedule 1 to the 2022 Act. Article 63AA was inserted by section 10(3) of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (2008 c.2) and amended by paragraph 34 of Schedule 1 to the 2022 Act. paragraph (3A) was inserted by section 11(5) of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (2016 c. 26) and paragraph (3AA) was inserted by paragraph 34(5) of Schedule 1 to the 2022 Act.
- (c) S.I. 1988/2249 (N.I.24).
- (d) S.I. 1991/194 (N.I.1). Paragraphs (9A) and (9B) were inserted by paragraph 139 (b) of Schedule 1 to the 2022 Act.

“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(a);

“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(b);

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

“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(d);

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

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

The Family Practitioner Services Independent Appeal Panel

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

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.

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.

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

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

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

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

(e) 1954 c. 33 (N.I.)

(3) A person appointed in accordance with paragraph (1) is to be appointed for a term of 4 years.

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^(a) 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.

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;
- (d) the primary medical services performers list.

(a) S.R. 2004 No. 140

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.

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.

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.

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.

Consequential amendments

12. The Schedule (consequential amendments) has effect.

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.

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



Martina Moore
A senior officer of the Department of Health

SCHEDULE

Regulation 12

CONSEQUENTIAL AMENDMENTS

The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993

1. The Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993(a) are amended as follows.

2.—(1) Regulation 2 (Interpretation) is amended as follows.

(2) In the appropriate place insert—

“Family Practitioner Services Independent Appeal Panel” means the body established under regulation 3 of the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022(b);”

3.—(1) Regulation 5 (Application for inclusion in the dental list) is amended as follows.

(2) In paragraph (2A)(c)—

(a) for “Board” (in each place) substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (2B), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(4) In paragraph (2C), for “Board” substitute “Department”.

(5) In paragraph (2D), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(6) In paragraph (2E)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” (in both places) substitute “Department”.

4.—(1) Schedule 2 (Terms of service for dentists) is amended as follows.

(2) In paragraph 2(b) (Incorporation of provisions of Regulations)—

(a) for “Regional Board” (in each place) substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph 35 (Deputies and assistants) –

(a) in sub-paragraph (3)—

(i) for “Board” substitute “Department”;

(ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) in sub-paragraph (4), for “Board” (in each place) substitute “Department”;

(c) in sub-paragraph (5), for “Board” (in each place) substitute “Department”;

(d) in sub-paragraphs (7) and (8), for “Board” substitute “Department”;

(e) in sub-paragraph (9), for “Board” (in both places) substitute “Department”;

(f) in sub-paragraph (10), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(a) S.R. 1993 No. 326.

(b) S.R. 2022 No. 109.

(c) Paragraphs (2A) to (2E) were inserted by regulation 4 of S.R. 2001 No. 89.

Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004

5. The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004^(a) are amended as follows.

6.—(1) Regulation 2 (Interpretation) is amended as follows.

(2) In the appropriate place insert—

“Family Practitioner Services Independent Appeal Panel” means the body established under regulation 3 of the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022^(b);

7.—(1) Regulation 7 (Appeal) is amended as follows.

(2) For “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”.

(3) For “Board” (in both places) substitute “Department”.

8.—(1) Regulation 9 (Pre-contract disputes) is amended as follows.

(2) In paragraphs (1) and (2), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (3)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” substitute “Department”.

9.—(1) Schedule 2 (Opt outs of additional and out of hours services) is amended as follows.

(2) Paragraph 2 (Temporary opt outs and permanent opt outs following temporary opt outs) is amended as follows—

(a) in sub-paragraph (5)(c)—

(i) for “Board” (in both places) substitute “Department”;

(ii) for “Department” (in each place) substitute “Family Practitioner Services Independent Appeal Panel”;

(b) in sub-paragraph (5)(d)(iii)—

(i) for “Board” substitute “Department”;

(ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(c) in sub-paragraph (11)—

(i) for “a Board” substitute “the Department”;

(ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(d) in sub-paragraph (12)—

(i) for “a Board” substitute “the Department”;

(ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(e) in sub-paragraph (13)—

(a) S.R. 2004 No. 140.

(b) S.R. 2022 No. 109.

- (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board’s” substitute “Department’s”;
- (f) in sub-paragraph (14)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in both places) substitute “Department”;
 - (iii) for “Board’s” substitute “Department’s”.
- (3) Paragraph 3 (Permanent opt outs) is amended as follows—
 - (a) in sub-paragraph (7)(b)—
 - (i) for “Board” substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (b) in sub-paragraph (8)—
 - (i) for Board” (in both places) substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (c) in sub-paragraph (10)—
 - (i) for “Board” substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (d) in sub-paragraph (11)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” substitute “Department”;
 - (e) in sub-paragraph (12)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in each place) substitute “Department”;
 - (f) in sub-paragraph (13)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in each place) substitute “Department”;
 - (g) in sub-paragraph (14)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” substitute “Department”;
 - (h) in sub-paragraph (15)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” substitute “Department”;
 - (i) in sub-paragraph (17)—
 - (i) for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in each place) substitute “Department”;
 - (j) in sub-paragraph (18)—

- (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in each place) substitute “Department”;
 - (k) in sub-paragraph (19)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in both places) substitute “Department”.
- (4) Paragraph 5 (Out of hours opt outs where the opt out notice is served before 1st October 2004) is amended as follows—
- (a) in sub-paragraph (10)—
 - (i) for “Board” substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (b) in sub-paragraph (11)—
 - (i) for “Board” (in each place) substitute “Department”;
 - (ii) for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;
 - (c) in sub-paragraph (13)—
 - (i) for “Board” (in each place) substitute “Department”;
 - (ii) for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;
 - (d) in sub-paragraph (14)—
 - (i) for “Board” substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (e) in sub-paragraph (16)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” substitute “Department”.
- 10.—**(1) Schedule 5 (Other contractual terms) is amended as follows.
- (2) Paragraph 36 (Assignments to closed lists: dispute resolution procedure relating to determinations of the assessment panel) is amended as follows—
- (a) in sub-paragraph (1)—
 - (i) for “Board” substitute “Department”;
 - (ii) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (b) in sub-paragraphs (2) to (11), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (c) in sub-paragraph (12), for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;
 - (d) in sub-paragraph (13)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in both places) substitute “Department”;
 - (e) in sub-paragraphs (14) and (15), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

- (f) in sub-paragraph (16)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” substitute “Department”;
 - (g) in sub-paragraph (17), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.
- (3) Paragraph 91 (Local resolution of contract disputes) is amended as follows—
- (a) in sub-paragraph (1), for “Board” substitute “Department”;
 - (b) in sub-paragraph (2)—
 - (i) for “Board” (in the first place) substitute “Department”;
 - (ii) after “invite the”, insert “relevant”;
 - (iii) omit “for the area of the Board”.
- (4) Paragraph 92 (Dispute resolution: non-HSS contracts) is amended as follows—
- (a) in sub-paragraph (1)—
 - (i) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (ii) for “Board” (in both places) substitute “Department”;
 - (b) in sub-paragraph (2), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.
- (5) Paragraph 93 (Dispute resolution procedure) is amended as follows—
- (a) in sub-paragraphs (1), (3) and (5) to (9), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
 - (b) in sub-paragraph (13), for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”.
- (6) Paragraph 111 (Termination and the dispute resolution procedure) is amended as follows—
- (a) in sub-paragraph (1), for “Board” (in each place) substitute “Department”;
 - (b) in sub-paragraphs (2) to (4), for “Board” substitute “Department”;
 - (c) in sub-paragraph (5), for “Board” (in both places) substitute “Department”.

Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004

11. The Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(a) are amended as follows.

12.—(1) Regulation 2 (Interpretation) is amended as follows.

(2) In the appropriate place insert –

“Family Practitioner Services Independent Appeal Panel” means the body established under regulation 3 of the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022(b);”.

(3) omit the definition of “Board”.

13. In regulation 5(2) (Publication of primary medical services performers lists), omit “(a) the Department;”

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

(b) S.R. 2022 No. 109.

14.—(1) Regulation 6C(a) (Removal of emergency registered practitioners from the primary medical services performers list) is amended as follows—

(2) In paragraph (3)(c), for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (4), omit “or the Department”.

15.—(1) Regulation 8A(b) (Conditional inclusion in the primary medical services performers list) is amended as follows.

(2) In paragraph (1), for “A Board” substitute “The Department”.

(3) In paragraphs (2) and (3), for “a Board” substitute “the Department”.

(4) In paragraph (4)—

(a) for “Board” substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(5) In paragraphs (5) and (6)—

(a) for “Board” substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(6) In paragraph (7), for “Board” (in both places) substitute “Department”.

(7) In paragraph (8), for “Board” substitute “Department”.

(8) In paragraph (9)—

(a) for “Board” substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

16.—(1) Regulation 10 ((Removal from the primary medical performers list of medical practitioners not performing primary medical services) is amended as follows.

(2) In paragraph (1), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (5), for “Board” (in both places) substitute “Department”.

(4) In paragraph (6)—

(a) for “Board” (in both places) substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(5) In paragraph (7) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

17.—(1) Regulation 10A(c) (Contingent removal from the primary medical services performers list) is amended as follows.

(2) In paragraphs (5) to (7) and (10), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

18.—(1) Regulation 12A(d) (suspension) is amended as follows.

(2) In paragraph (6)—

(a) for “Board” (in both places) substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

19.—(1) Regulation 12B(e) (Reviews) is amended as follows.

(a) Regulation 6C was inserted by regulation 4 of S.R. 2010 No. 376.

(b) Regulation 8A was inserted by regulation 9 of S.R. 2008 No. 434.

(c) Regulation 10A was inserted by regulation 11 of S.R. 2008 No. 434.

(d) Regulation 12A was inserted by regulation 13 of S.R. 2008 No. 434.

(e) Regulation 12B was inserted by regulation 14 of S.R. 2008 No. 434.

(2) In paragraphs (5), (7) and (8), for “Board” substitute “Department”.

20.—(1) Regulation 13 (Appeal to the Family Practitioner Services Independent Appeal Panel) is amended as follows.

(2) In the heading to the regulation, for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (1)(a), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(4) In paragraph (1A)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” substitute “Department”.

(5) In paragraph (1B)(b), for “Regional Board” substitute “Department”.

(6) In paragraph (2)—

(a) for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” (in both places) substitute “Department”.

(7) In paragraph (4)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” substitute “Department”.

(8) Omit paragraph (5).

(9) In paragraph (6)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” substitute “Department”.

(10) In paragraph (7), for “Board” substitute “Department”.

(11) For paragraph (9) substitute—

“(9) The Family Practitioner Services Independent Appeal Panel shall give its decision in writing, with reasons for that decision and send it to the appellant and the Department.”.

(12) In paragraph (10)—

(a) for “Department” (in both places) substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” (in both places) substitute “Department”.

(13) In paragraph (11)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” (in both places) substitute “Department”.

(14) In paragraph (12)(c)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Board” (in each place) substitute “Department”.

(15) In paragraph (13), for “Board” substitute “Department”.

21.—(1) Regulation 14 (Disclosure of information) is amended as follows.

(2) In paragraph (2), omit “ (a) the Department;”

(3) In paragraph (7), for “Board” substitute “Department”.

(4) In paragraph (8), omit “(a) the Department;”.

(a) Regulation 13(1) was substituted and regulation 13 (1A) was inserted by regulation 15 of S.R. 2008 No. 434.

(b) Regulation 13(1B) was inserted by regulation 5 of S.R. 2010 No. 376.

(c) Paragraphs (12) and (13) were inserted by regulation 15 of S.R. 2008 No. 434.

General Ophthalmic Services Regulations (Northern Ireland) 2007

22. The General Ophthalmic Services Regulations (Northern Ireland) 2007^(a) are amended as follows.

23.—(1) In Regulation 2 (Interpretation) in the appropriate place, insert—

““Family Practitioner Services Independent Appeal Panel” means the body established under regulation 3 of the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022^(b);”

(2) In Schedule 1 (terms of service) paragraph 2(b) (incorporation of provisions)—

- (a) for “the Regional Board”, in each place it occurs, substitute “the Department”; and
- (b) for “Department from decisions of the Board” substitute “Family Practitioner Services Independent Panel from decisions of the Department”.

Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016

24. The Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016^(c) are amended as follows.

25.—(1) Regulation 1(2) (Citation, commencement and interpretation) is amended as follows.

(2) In the appropriate place insert –

“Family Practitioner Services Independent Appeal Panel” means the body established under regulation 3 of the Health and Social Care (Family Practitioner Services Independent Appeal Panel) Regulations (Northern Ireland) 2022^(d);”

26. In regulation 4 (4) (Determination of the Regional Board)—

- (a) omit “and the Department”;
- (b) for “Department” in the second place it appears substitute “Family Practitioner Services Independent Appeal Panel”.

27.—(1) Regulation 5 (Appeal to the Family Practitioner Services Independent Appeal Panel) is amended as follows.

(2) In the heading to the regulation, for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (1)—

- (a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
- (b) for “Regional Board” in both places substitute “Department”.

(4) In paragraph (2)—

- (a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
- (b) for “Regional Board” substitute “Department”.

(5) In paragraph (3)—

- (a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;
- (b) for “Regional Board” in both places substitute “Department”.

(6) In paragraph (4)—

- (a) for “Regional Board” substitute “Department”;
- (b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(a) S.R. 2007 No. 436

(b) S.R. 2022 No. 109.

(c) S.R. 2016 No. 104.

(d) S.R. 2022 No. 109.

(7) In paragraph (5), for “Department” in both places substitute “Family Practitioner Services Independent Appeal Panel”.

(8) Omit paragraph (6).

28.—(1) Regulation 6 (Procedure on appeal) is amended as follows.

(2) In paragraph (1)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” in both places substitute “Department”.

(3) In paragraph (2), for “Department” substitute “Family Practitioner Services Independent Appeal Panel”.

(4) Omit paragraphs (3) to (8).

(5) In paragraph (9)—

(a) for “Regional Board” substitute “Department”;

(b) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(c) for “panel” substitute “Family Practitioner Services Independent Appeal Panel”.

(6) In paragraph (10)—

(a) for “panel” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” substitute “Department”.

(7) In paragraph (11)—

(a) for “panel” in each place substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” in both places substitute “Department”.

(8) In paragraph (12)—

(a) for “Regional Board” in both places substitute “Department”;

(b) for “panel” in each place substitute “Family Practitioner Services Independent Appeal Panel”.

(9) In paragraph (13)—

(a) for “panel” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” substitute “Department”.

(10) Omit paragraph (14).

29.—(1) Regulation 7 (Recovery of amounts from practitioners following appeal) is amended as follows.

(2) In paragraph (1), for “Department” in both places substitute “Family Practitioner Services Independent Appeal Panel”.

(3) In paragraph (2)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” substitute “Department”.

(4) In paragraph (3)—

(a) for “Department” substitute “Family Practitioner Services Independent Appeal Panel”;

(b) for “Regional Board” substitute “Department”.

(5) In paragraph (4), for “Regional Board” substitute “Department”.

(6) In paragraph (5), for “Regional Board” in both places substitute “Department”.

30.—(1) Regulation 8 (Prior approval in dental cases) is amended as follows.

(2) In paragraph (3), omit “and the Regional Board”.

(3) Omit paragraph (6).

(4) In paragraph (7)—

(a) for sub-paragraph (a), substitute—

“(a) terminating the prior approval requirement on a specified date falling before the end of the period specified under paragraph (2)(b); or”;

(b) omit “, the Regional Board”.

(5) Omit paragraph (10).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of powers conferred by the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), the Health and Medicines (Northern Ireland) Order 1988 (S.I. 1988/2249 (N.I. 24)) and the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)), as amended in each case by Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022 (2022 c. 3 (N.I.)). They provide for the establishment of the Family Practitioner Services Independent Appeal Panel and make provision about the membership of the body, including as to the payment of fees and allowances. They also make consequential amendments to the Health and Personal Social Services General Dental Services Regulations (Northern Ireland) 1993 (S.R. 1993 No. 326), the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 140), the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 149), the General Ophthalmic Services Regulations (Northern Ireland) 2007 (S.R. 2007 No. 436) and the Health and Social Care (Disciplinary Procedures) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 104).

[An impact assessment has not been produced for this Statutory Rule as no, or no significant impact on the private, voluntary or public sector is foreseen.]

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£6.90

<http://www.legislation.gov.uk/id/nisr/2022/109>

ISBN 978-0-33-801909-7



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