
DRAFT STATUTORY INSTRUMENTS

2024 No.

**The Anaesthesia Associates and
Physician Associates Order 2024**

Part 5

REVISIONS AND APPEALS

Revision of decisions

15.—(1) The Regulator may revise such decisions under this Order as are prescribed in rules under paragraph 3 of [Schedule 4](#).

(2) A decision may be revised if—

- (a) the decision was based on an error of fact or law;
- (b) except in respect of a determination under [article 10\(2\) to \(5\)](#) and [\(8\)](#) and [article 11\(1\)](#), a material change in circumstances has occurred since the decision was made.

(3) The Regulator may not revise a decision in order to—

- (a) extend the period for which a Final Measure or an Interim Measure is to remain in force;
- (b) vary a condition to which, by virtue of a Final Measure or an Interim Measure, a person's entry in the register is subject.

(4) For the purpose of any rule as to the time allowed for bringing an appeal under [article 16](#) or [17](#), the decision revised under [this article](#) is to be deemed as made on the date on which it is so revised.

(5) Where—

- (a) an appeal is brought under [article 16](#) or [17](#) against a decision or part of a decision, and
- (b) the decision, or part of it, is revised under [this article](#) before the appeal is determined,

the appeal (or the part of the appeal which relates to the revised part of the decision) will lapse.

(6) A decision prescribed in accordance with [paragraph \(1\)](#) includes such a decision—

- (a) as previously revised under [this article](#), and
- (b) as amended following an appeal under [article 16](#).

Appeal to a Panel

16.—(1) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to a Panel by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(1)	the Registrar	the applicant
article 6(3)	the person prescribed	the applicant

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 7	the Regulator	the person registered
article 8	the Regulator	the person who is subject to the condition
article 9(2)	the Registrar	the person to whom the entry relates
article 10(3), other than sub-paragraph (b)(ii)	the case examiner	the person to whom the determination relates
article 12(4)	the Regulator	the person to whom the Interim Measure relates
article 13(1)	the case examiner	the person to whom the Final Measure relates
article 14(3)	the Regulator	the person to whom the Final Measure relates

(2) A person who wishes to appeal under [paragraph \(1\)](#) must seek permission to do so from the Regulator within 28 days beginning with the date on which the decision was notified to the person listed in the third column of the table.

(3) Following receipt of an application for permission to appeal, the Regulator must—

- (a) grant permission,
- (b) refuse permission, or
- (c) where the rules under [paragraph 3](#) of [Schedule 4](#) permit, revise the decision under [article 15](#).

(4) Rules made under [paragraph 12](#) of [Schedule 4](#) may prescribe other persons who may appeal against a decision made under a provision listed in the first column of the table in [paragraph \(1\)](#).

(5) On an appeal under [this article](#), the Panel may—

- (a) dismiss the appeal;
- (b) quash the decision under appeal;
- (c) substitute for the decision under appeal a decision that could have been made;
- (d) remit the matter to be disposed of in accordance with directions.

(6) No appeal under [paragraph \(1\)](#) lies against a decision made solely on the ground that the person has not—

- (a) applied for registration under [article 6](#) in accordance with rules made under [paragraph 4\(1\)\(a\)](#) of [Schedule 4](#), or
- (b) paid a fee payable in accordance with rules made under [paragraph 8](#) of [Schedule 4](#).

(7) Reference to a decision under [paragraph \(1\)](#) includes a decision—

- (a) as previously revised under [article 15](#), and
- (b) as amended pursuant to [article 17\(6\)\(d\)](#).

Appeal to a court

17.—(1) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to the court by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(2) and (3)	the Panel or person prescribed	the applicant
article 7	the Regulator	the person registered
article 9(1)(c)	the Registrar	the person to whom the entry relates
article 10(3), other than sub-paragraph (b)(ii)	the case examiner	the person to whom the determination relates
article 10(5)	the Panel	the person to whom the determination relates
article 11(1) and (2)	the Panel	the person to whom the Interim Measure relates
article 12(4)	the Regulator	the person to whom the Interim Measure relates
article 13(1)	the case examiner or Panel	the person to whom the Final Measure relates
article 14(3)	the Regulator	the person to whom the Final Measure relates

(2) In respect of a provision listed in the first column of the following table, a decision of the decision maker listed in the corresponding entry in the second column may be appealed to the relevant court by a person listed in the corresponding entry in the third column.

<i>Provision</i>	<i>Decision maker</i>	<i>Appellant</i>
article 6(1)	the Registrar	the applicant
article 8	the Regulator	the person to whom the condition applies
article 9(1)(a)	the Registrar	the person to whom the entry relates
article 9(2)	the Registrar	the person to whom the entry relates

(3) For the purposes of [paragraph \(2\)](#), the “relevant court” means a county court or, in Scotland, the sheriff in whose Sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person listed in the third column of the table, or
- (b) which would have been so shown if the person were registered.

(4) Where an appeal lies against a decision by virtue of [article 16\(1\)](#), such an appeal may not be commenced under [this article](#) unless—

- (a) permission to appeal has been refused under [article 16\(3\)\(b\)](#), or
- (b) the Panel has disposed of the appeal in accordance with [article 16\(5\)](#).

(5) Where a person wishes to appeal to the court, county court or sheriff under [this article](#), the appeal must be commenced within 28 days beginning with the later of the date on which—

- (a) the decision,

- (b) a revision of the decision under [article 15](#),
 - (c) a refusal of permission to appeal under article 16, or
 - (d) the determination of an appeal against the decision under [article 16](#),
- was notified to the person listed in the third column of the table in [paragraph \(1\)](#) or [\(2\)](#).
- (6) On an appeal under [this article](#), the court, county court or sheriff may—
 - (a) dismiss the appeal;
 - (b) quash the decision under appeal;
 - (c) substitute for the decision under appeal a decision that could have been made;
 - (d) remit the matter to be disposed of in accordance with directions.
 - (7) The court, county court or sheriff may make any order as to costs or, in Scotland, expenses as it thinks fit.
 - (8) No appeal under [this article](#) lies against a decision made solely on the ground that the person has not—
 - (a) paid a fee payable in accordance with rules made under [paragraph 8](#) of [Schedule 4](#), or
 - (b) applied for registration in accordance with rules made under [paragraph 4\(1\)\(a\)](#) of [Schedule 4](#).
 - (9) Unless the context otherwise requires, reference to a decision in [this article](#) includes a decision—
 - (a) as revised under [article 15](#), and
 - (b) as amended following an appeal under [article 16](#).