
STATUTORY INSTRUMENTS

2000 No. 124

**The Health Service Medicines (Price
Control Appeals) Regulations 2000**

PART VII

DECISION OF THE TRIBUNAL

The decision

31.—(1) The tribunal must decide, taking into account in particular the appellant's grounds of appeal—

- (a) whether the enforcement decision is justified on its merits, and
- (b) what (if any) enforcement action should be taken in relation to the matter, and what (if any) other action should be taken by either party in relation to the matter;

and it is the duty of the parties to give effect to its decision.

(2) A decision of the tribunal may be taken by a majority, and the decision must record whether it was unanimous or taken by a majority; provided that where the tribunal is constituted by two members the chairman shall have a second or casting vote.

(3) The decision of the tribunal may be made and announced at the end of the hearing, but in any event, whether there has been a hearing or not, must be recorded immediately it is made in a document which must also contain a statement of the reasons for the decision and must be signed and dated by the chairman.

(4) Where the decision is not announced at the end of the hearing, the tribunal must—

- (a) within 7 days of the end of the hearing, inform each party of its decision under paragraph (1)(a), and
- (b) as soon as reasonably possible, send to each party a copy of the document mentioned in paragraph (3).

(5) Except where the decision is announced at the end of a hearing, it shall be treated as having been made on the day on which a copy of the document mentioned in paragraph (3) is sent to the appellant.

(6) Where either party is required to pay any sum in consequence of the decision—

- (a) in the case of proceedings of a tribunal in relation to matters arising in England and Wales or Northern Ireland, either party or the tribunal may, after the end of the period during which an appeal may be brought under regulation 34, apply to a county court for an order requiring the party to pay the sum;
- (b) in the case of Scottish proceedings, the party entitled to payment may, as soon as practicable after the expiry of the period during which an appeal may be brought under regulation 34, register an extract of the decision containing a requirement to pay the sum for preservation and execution in the Books of Council and Session, and an extract of a document so registered shall be enforceable accordingly.

Publication

32.—(1) The Secretary of State must make such arrangements for the publication of the tribunal’s decisions as he considers appropriate, but in doing so must have regard to the need to preserve the confidentiality of any evidence heard in private or of any confidential material supplied to the tribunal.

(2) For the purposes of any arrangements made under paragraph (1), the tribunal may make any necessary deletions from the text of a decision.

Costs and expenses

33.—(1) The tribunal may make an order awarding costs to or against the appellant or the Secretary of State.

(2) The tribunal must, unless it is satisfied that it would not be just to do so, make an order under paragraph (1) against the appellant where the appeal has been decided against him and a notice was issued to him under regulation 11.

(3) An order under paragraph (1) may require the party against whom it is made to pay to the other party either—

- (a) a specified sum not exceeding the relevant costs incurred by that other party, or
- (b) the whole or part of those costs as taxed (if not otherwise agreed);

and, in determining how much the party is required to pay, the tribunal must take account of the conduct of both parties in relation to the appeal.

(4) The relevant costs of a party are the costs incurred by the party in—

- (a) attending the hearing, including loss of income,
- (b) reimbursing the expenses of witnesses attending the hearing on his behalf, or
- (c) being represented at the hearing.

(5) Any costs required by an order under this regulation to be taxed are to be taxed—

- (a) in the case of proceedings of a tribunal in relation to matters arising in England, Wales and Northern Ireland, in the county court according to such of the scales prescribed by the county court rules for proceedings in the county court as shall be directed in the order;
- (b) in the case of Scottish proceedings, by the Auditor of the Sheriff Court according to such mode and such scale as shall be directed in the order.