STATUTORY RULES OF NORTHERN IRELAND

1997 No. 71

HEALTH AND PERSONAL SOCIAL SERVICES

Tribunal (Amendment) Regulations (Northern Ireland) 1997

Made - - - - 20th February 1997

Coming into operation 20th March 1997

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 65, 89 and 106 of, and Schedule 11 to, the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tribunal (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 20th March 1997.

(2) In these Regulations the "principal Regulations" means the Tribunal Regulations (Northern Ireland) 1995(**2**).

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations the definition of "application" shall be omitted.

Substitution of regulation 8 of the principal Regulations

3. For regulation 8 of the principal Regulations there shall be substituted the following—

"**8.**—(1) An application for interim suspension under paragraph 8A of Schedule 11 to the Order(**3**) shall—

(a) be made in writing;

(b) be signed by some person authorised by the Board;

(c) include a statement of the alleged facts and the grounds upon which the Board intends to rely; and

(d) include a copy of each document which the Board proposes to put in evidence,

(**1**) S.I.1972/1265 (N.I. 14); the relevant amending Instruments are Article 34 of, and Part I of Schedule 5 to, S.I. 1991/194 (N.I. 1) and Articles 3 to 6 of S.I. 1995/2704 (N.I. 14)

(**2**) S.R. 1995 No. 493

(**3**) Paragraph 8A was inserted by Article 4 of S.I. 1995/2704 (N.I. 14)

and shall be sent to the Tribunal.

(2) The statement mentioned in paragraph (1)(*c*) may be made by reference to any other document already before the Tribunal.

(3) The application shall be dealt with by way of oral hearing, and Schedule 2 shall apply with respect to that hearing.

(4) The Tribunal shall give the respondent notice in writing of the application and of its intention to hold an oral hearing on a date to be fixed, and inform him that he may within 2 weeks from the date of receipt of the notice submit a written statement-in-answer, and shall include a copy of—

(a) the Board's application;

(b) any document provided under paragraph (1)(*d*); and

(c) where paragraph (2) applies, any document which is referred to in the statement.

(5) The Tribunal may, if it thinks fit, accept a statement-in-answer by the respondent after the period within which it is required to be submitted in terms of paragraph (4).

(6) Where a respondent submits a statement-in-answer he shall send it to the Tribunal with 2 copies of the statement-in-answer and of each document which he proposes to put in evidence, and the Tribunal shall send to the Board a copy of each of any such statement or document.

(7) After the expiry of the period within which a respondent may submit a statement-in-answer the Tribunal shall fix a date and time at which the hearing shall commence and the place where it will be held, and not less than 2 weeks before the date fixed shall inform the Board and respondent of the date, time and place of the hearing.

(8) The Tribunal may at any time before the conclusion of the proceedings relating to the application allow it to be amended, upon such conditions as it may think just, on the application of the Board.

(9) At the conclusion of proceedings relating to the application, the Tribunal shall, as soon as practicable, issue a decision in writing, signed by the person (being the chairman or a deputy chairman) who presided over the proceedings, containing—

(a) any directions it decides to give under paragraph 8A(2) of Schedule 11 to the Order;

(b) a statement of reasons for its decision; and

(c) any order it decides to make as to costs.

(10) The Tribunal shall send a copy of its decision to the respondent, the Board and the Department and the Department shall send a copy of the decision to the Agency and to any other Board which appears to it to be concerned.

(11) Where the decision includes a direction under paragraph 8A(2) of Schedule 11 to the Order, the Tribunal shall include with the decision a notice to the respondent of his right to appeal to the Court of Appeal under paragraph 4 of Schedule 11 to the Order.".

Amendment of Regulations 10 and 14 of the principal Regulations

4. In regulation 10(6) and in regulation 14(1)(*b*) of the principal Regulations for "Supreme Court" there shall be substituted "Court of Appeal".

Revocation of regulation 19 of the principal Regulations

5. Regulation 19 of the principal Regulations is hereby revoked.