1971. No. 271 [C]

HEALTH SERVICES

Services Committee

REGULATIONS, DATED 20TH AUGUST 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1971.

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The Ministry of Health and Social Services in exercise of the powers conferred on it by Sections 6, 7, 13, 14, 15 and 87 of the Health Services Act (Northern Ireland) 1971(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health Services (Services Committee) Regulations (Northern Ireland) 1971 and shall come into operation on the 19th October 1971.

Interpretation

2.—(1) In these Regulations,

"the Act" means the Health Services Act (Northern Ireland) 1971;

"Board" means the Northern Ireland General Health Services Board;

"chemist" means a person registered in the Register of Pharmaceutical Chemists for Northern Ireland made out and maintained under Section 9 of the Pharmacy and Poisons Act (Northern Ireland) 1925(b);

"dental officer" means a dental officer appointed by the Board;

"dispensing optician" means a person or body corporate qualified as a dispensing optician in accordance with the Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1961(c);

"drugs" includes in the case of persons receiving general medical services medicines, oxygen and any prescribed chemical reagents and in the case of persons receiving general dental services means such drugs and medicines as are included in a list for the time being approved by the Ministry;

"Drug Tariff" means the statement prepared by the Ministry under Regulation 28 of the General Service Regulations as hereinafter defined specifying the prices and standards of drugs and appliances to be provided under those Regulations;

"General Dental Regulations" means the Health Services (General Dental Services) Regulations (Northern Ireland) 1964(d);

"General Service Regulations" means the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956(e);

"health centre" means premises at which facilities are available for all or any of the purposes specified in Section 20 of the Act;

"Local Medical Committee", "Local Dental Committee", "Local Pharmaceutical Committee", "Local Ophthalmic Medical Committee" and "Local Ophthalmic Optical Committee" mean the committees recognised by the Board under Section 6 of the Act;

"medical adviser" means a registered medical practitioner in the full-time employment of the Board;

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by the Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1961;

"ophthalmic optician" means a person or body corporate qualified as an ophthalmic optician in accordance with the Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1961;

(a) 1971. c. 1 (N.I.).
(b) 15 & 16 Geo. 5. c. 8 (N.I.).
(c) S.R. & O. (N.I.) 1961, No. 123
(d) S.R. & O. (N.I.) 1964, No. 60.
(e) S.R. & O. (N.I.) 1956, No. 150.

"optician" means an ophthalmic optician or a dispensing optician as the context may require;

"practitioner" means a registered medical practitioner, an ophthalmic medical practitioner or a registered dental practitioner;

"treatment" in relation to general medical services has the same meaning as in the General Service Regulations and in relation to general dental services has the same meaning as in the General Dental Regulations;

"the terms of service" means the terms of service for medical practitioners contained in Part I of the First Schedule to the General Service Regulations, the terms of service for chemists contained in Part I of the Third Schedule to the General Service Regulations, the terms of service for dental practitioners contained in the First Schedule to the General Dental Regulations, or the terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians contained in the First Schedule to the Health Services (Supplementary Eye Services) Regulations (Northern Ireland) 1948(f), as the case may be;

"the Tribunal" means the Tribunal constituted under Schedule 3 to the Act.

(2) The Regulations shall also apply to any other person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

Constitution of Services Committee

3.—(1) For the purposes of these Regulations the Board shall draw up the following panels of persons:—

(i) a panel of medical practitioners nominated by the Local Medical Committees;

(ii) a panel of ophthalmic medical practitioners nominated by the Local Ophthalmic Medical Committee;

(iii) a panel of dental practitioners nominated by the Local Dental Committee;

(iv) a panel of chemists nominated by the Local Pharmaceutical Committee;

(v) a panel of opticians nominated by the Local Ophthalmic Optical Committee; and

(vi) a panel of lay persons appointed by the Board, being neither members of the Board nor officers of the Ministry.

(2) Any complaint made by a person against a practitioner, chemist or optician in respect of an alleged failure to comply with the terms of service shall be investigated by a committee (hereinafter referred to as the "Services Committee").

(3) The chairman and deputy chairman of the Services Committee shall be appointed by the Board from their lay members.

(4) The terms of office of the chairman and deputy chairman shall be fixed by the Board.

(5) The members of the Services Committee shall be appointed by the Board and shall consist of two members drawn from the panel of lay persons, and

(*a*) where the complaint is made against a medical practitioner, two members drawn from the panel of medical practitioners;

(f) S.R. & O. (N.I.) 1948, No. 166.

(*b*) where the complaint is made against an ophthalmic medical practitioner, two members drawn from the panel of ophthalmic medical practitioners;

(*c*) where the complaint is made against a dental practitioner, two members drawn from the panel of dental practitioners;

(*d*) where the complaint is made against a chemist, two members drawn from the panel of chemists; and

(*e*) where the complaint is made against an optician, two members drawn from the panel of opticians:

Provided that the members of the Services Committee shall so far as is practicable be drawn from the area in which the practitioner, chemist or optician resides or practices.

(6) If in the opinion of the Services Committee any matter referred to it involves a question relating to a practitioner, chemist or optician whose profession is not represented on the Services Committee as constituted, the Committee shall inform the Board who shall proceed to reconstitute the Services Committee by adding two members drawn from the panel of representatives of the profession to which the practitioner, chemist or optician who appears to be involved, belongs.

(7) If in the opinion of the chairman any member of the Services Committee is interested, or is partner, principal, assistant or manager to a practitioner, chemist or optician who is interested, in a question referred to it, or if the practitioner, chemist or optician objects to any member on any personal or other reasonable ground specified by him, that member shall take no part in the hearing and a member drawn from the same panel of persons shall be appointed by the Board to act in his place.

(8) Where a case has been opened before the Services Committee and the hearing is adjourned for the purpose of taking further evidence or of preparing or considering the report, a member of the Services Committee who was not present at the hearing shall not be entitled to be present or take part in the proceedings at the adjourned hearing, and it shall not be necessary for the secretary to send him notice of such hearing.

(9) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and shall otherwise be entitled to be present at, and take part in, the proceedings of the Services Committee, but shall not be entitled to vote.

Investigations by Services Committee

4.—(1) (*a*) A person desiring to make a complaint under these Regulations against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician shall, within six weeks of the event which gave rise to the complaint, give written notice to the Board stating the substance of the matter which he desires to have investigated.

(*b*) A person desiring to make a complaint under these Regulations against a dental practitioner shall, within six months of completion of the treatment or within six weeks of the event which gave rise to the complaint came to his notice, whichever is the sooner, give written notice to the Board stating the substance of the matter which he desires to have investigated.

(*c*) Notwithstanding failure to give notice within the periods specified in sub-paragraphs (*a*) and (*b*) the Services Committee may investigate the matter if it is satisfied that such failure was occasioned by illness or other reasonable cause and—

(i) in the case of a complaint against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician the complaint is made within two months after the said event, or

(ii) in the case of a complaint against a dental practitioner the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainant's notice, whichever is the sooner, or

(iii) the practitioner, chemist or optician as the case may be consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iv) the Board's consent to the investigation has been obtained.

(2) The Services Committee shall investigate any matters (other than any question arising under Regulations 16, 17, 18, 19, 20, 22, or 23) referred to it by the Ministry, the Board, or any committee of the Board duly authorised in that behalf by the Board, relating to the administration of general medical services, general dental services, pharmaceutical services or general eye services, whether or not any such matter has been raised on complaint under the foregoing provisions of this Regulation.

(3) The Services Committee shall perform such duties in connection with the testing of drugs and appliances as may be imposed on it by the scheme made for that purpose under Regulation 26 of the General Service Regulations.

Procedure of Services Committee

5.—(1) The Services Committee shall permit a party to an investigation to be assisted in the presentation of his case by some other person:

Provided that unless the complaint is referred to the Services Committee by the Ministry, the Board or any Committee of the Board duly authorised in that behalf by the Board, a person shall not be entitled in the capacity of counsel, solicitor or paid advocate to conduct the case for any party by addressing the Committee or cross-examining witnesses.

(2) The proceedings at the hearing before the Services Committee shall be private and no person shall be admitted to these proceedings except:—

(*a*) the parties to the investigation and the persons, if any, permitted to appear for the purpose of assisting it;

(*b*) the secretary or other officer of the Local Medical, Ophthalmic Medical, Pharmaceutical, Dental or Ophthalmic Optical Committee, whichever is concerned;

(*c*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Services Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(*d*) such officers of the Ministry or the Board as they may appoint for the purpose.

(3) Schedule 1 shall apply with respect to the investigation of complaints, and to the procedure of the Services Committee.