2. A night allowance shall be deemed to cover a single period of absence of 24 hours.

3. A day allowance in respect of duties not involving a night's absence shall be payable at the rate of 3s. 6d. when a member is necessarily absent from his home or place of business for more than five hours but not more than eight hours and at the rate of 8s. 4d. when his absence exceeds eight hours.

PART III

RULES WITH RESPECT TO OTHER OUT-OF-POCKET EXPENSES

1. Payment may be made of an amount not exceeding the actual amount of out-of-pocket expenses necessarily incurred by a member on the business of the body or committee of the body, not being expenses referred to elsewhere in this Schedule. Where the amount of a claim by a member under this Part of this Schedule exceeds ten shillings, payment may be made only with the approval of the Ministry of Health and Local Government.

Tribunal

REGULATIONS, DATED 21ST OCTOBER, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 16 AND 80 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 290

The Ministry of Health and Local Government for Northern Ireland (in these Regulations referred to as " the Ministry ") in exercise of the powers conferred on it by Sections sixteen and eighty of the Health Services Act (Northern Ireland), 1948, hereby makes the following Regulations, that is to say :—

Short title and interpretation.

1.—(1) These Regulations may be cited as the Health Services (Tribunal) Regulations (Northern Ireland), 1948.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

" the Act " means the Health Services Act (Northern Ireland), 1948 ;

" the Authority " means the Northern Ireland Hospitals Authority ;

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

" complainant " means any person or body making a representation to the Tribunal ;

" inquiry " means an inquiry held under Section sixteen of the Act ;

" representation " means a representation made to the Tribunal that the inclusion or continued inclusion of any person in any of the lists mentioned in sub-section (1) of Section sixteen of the Act would be prejudicial to the efficiency of the services in question ;

" respondent " means any person against whom a representation is made ;

" the Tribunal " means the Tribunal constituted under Section sixteen of the Act.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Forms.

2. The forms set out in the First Schedule to these Regulations, or forms substantially to the like effect, shall be used in all cases to which those forms are applicable.

Term of office of members of Tribunal.

3.—(1) The Chairman of the Tribunal shall hold office during the pleasure of the Lord Chief Justice.

(2) The members of the Tribunal appointed by the Board and the Authority shall hold office during the pleasure of the Board or the Authority as the case may be.

(3) The members of the panel of six persons appointed by the Governor of Northern Ireland shall be appointed to the panel for such period as the Governor thinks fit.

Ineligibility to act in certain cases.

4. If in the opinion of the Chairman any member of the Tribunal is interested, or is partner or principal or assistant to a person interested in an inquiry held by the Tribunal, that member shall take no part in the inquiry but a deputy shall be appointed in his place.

Remuneration of members.

5. The Ministry may remunerate the members of the Tribunal in accordance with the scale contained in PART I of the Second Schedule to these Regulations.

Expenses of members.

6. The Ministry may make to the members of the Tribunal payments in respect of travelling and subsistence allowances in accordance with the rules contained in PART II and PART III of the Second Schedule to these Regulations and payment shall be conditional on the certification by the member that the expenses were actually and necessarily incurred whilst he was engaged on the business of the Tribunal.

Officers of Tribunal.

7. The Ministry shall appoint an officer to act as Clerk of the Tribunal and shall also appoint such other officers as may be necessary.

Remuneration and expenses of officers.

8. The officers of the Tribunal shall be paid such remuneration and out-of-pocket expenses as may be determined by the Ministry.

Representation and preliminary statement.

9.—(1) A representation shall be in writing signed by or on behalf of the complainant and addressed to the Clerk of the Tribunal.

(2) The Chairman of the Tribunal may, if he thinks fit, require the complainant to send to the Clerk of the Tribunal a preliminary

statement setting out the alleged facts and grounds on which the representation is based and, where a fact is not within the personal knowlege of the complainant, the source of the information and grounds for the belief of the complainant that the information is true, together with such further particulars as he may think necessary and he may require the preliminary statement to be verified by statutory declaration.

Power to refuse inquiry.

10. If it appears to the Chairman of the Tribunal, after due consideration of any representation or of any preliminary statement furnished by the complainant, not being the Board or the Authority, that no good cause has been shown why an inquiry should be held, he may refuse to hold an inquiry and the Clerk of the Tribunal shall inform the complainant accordingly.

Notices to be sent in case of inquiry.

11.—(1) The Tribunal shall, in all cases where an inquiry is to be held, send the following notices, namely :—

(*a*) a notice to the respondent informing him that it is proposed to hold an inquiry as to the representation made by the complainant ; and — Form 1.

(*b*) a notice to the complainant informing him that it is proposed to hold an inquiry as to the representation made by him, and requiring him, within a time specified in the notice, to send to the Tribunal a concise statement of the alleged facts and grounds on which the representation is based (in these Regulations referred to as " the statement of complaint ") together with a list of all the documents which he proposes to put in evidence : — Form 2. Form 2A.

Provided that where the complainant has sent a preliminary statement to the Tribunal, the Tribunal may, if they think fit, dispense with a statement of complaint and in that case the preliminary statement shall, for the purposes of the inquiry, be treated as the statement of complaint.

(2) The Chairman of the Tribunal may, if he thinks proper on the application of the complainant, extend the time for sending to the Tribunal the statement of complaint.

Respondent may admit or deny allegations.

12. The Clerk of the Tribunal shall not less than fourteen days before the day appointed for the holding of the inquiry send to the respondent a copy of the statement of complaint and of the list of documents which the complainant proposes to put in evidence together with a notice informing him that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the Clerk of the Tribunal, admit or dispute the truth of all or any of the allegations appearing in the statement of complaint. Form 3.

Amendment of statement of complaint.

13. The Tribunal may, at any time before the conclusion of the inquiry, allow the statement of complaint to be amended upon such conditions as they may think just.

Right of respondent to inspect documents.

14.—(1) The respondent may, on giving due notice to the complainant, inspect, either personally or by an agent authorised in writing, the documents included in the list sent by the complainant to the Tribunal and the complainant shall give reasonable facilities for the purpose.

(2) The respondent shall be entitled, on making application to the Tribunal, to a copy of any document in that list and the Tribunal may require the complainant to furnish to the Clerk of the Tribunal a copy of the document for the respondent's use.

Notice of inquiry to be given. Form 4.

15.—(1) The Chairman of the Tribunal shall appoint a day for the holding of the inquiry and the Clerk shall, not less than fourteen days before the appointed day, send notices to the complainant and the respondent informing them of the date, time and place of the inquiry.

(2) The Tribunal shall send to any body on whose list, prepared under PART II or PART III of the Act, the name of the respondent appears notice of the date, time and place of the inquiry and that body may appear and take such part in the proceedings at the inquiry as the Tribunal shall think proper.

Power to postpone inquiry.

16. The Chairman of the Tribunal may, if he thinks fit or on the application of either party, postpone the date for the holding of the inquiry.

Power to treat representation as withdrawn in certain cases.

17. If the complainant fails, within the time specified in the notice or within any extended period, to send a statement of complaint to the Tribunal or if he fails to comply with any other requirement of these Regulations, the Tribunal may treat the representation as having been withdrawn.

Withdrawal of representation.

18.—(1) The complainant may at any time before the inquiry, with the consent of the Tribunal and on such terms, which may include the payment of all or part of the costs incurred by the respondent, as the Tribunal think fit, withdraw the representation by giving notice of withdrawal in writing to the Clerk of the Tribunal.

(2) Where the representation has been withdrawn or is treated by the Tribunal as having been withdrawn, the Tribunal shall forthwith inform the respondent that the representation has been withdrawn or is treated as having been withdrawn, as the case may be.

Procedure at inquiry.

19. The proceedings shall be held *in camera* unless the respondent has applied for the inquiry to be held in public and the provisions as to inquiries contained in the Third Schedule to these Regulations shall apply. Subject to the aforesaid the procedure at the inquiry shall be within the discretion of the Tribunal.

20.—(1) Any body (whether corporate or incorporate) entitled to appear at the inquiry may appear by their secretary or other officer duly appointed for the purpose or by counsel or solicitor. Appearance by representatives.

(2) The complainant and the respondent shall be entitled to appear and be heard at the inquiry in person or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family, and shall be entitled to call witnesses and to produce other evidence upon his behalf.

21. Where it appears to the Tribunal that the alleged facts on which any representation is based are or may be the subject of investigation by any other tribunal, they may, if they think fit, direct that no further steps shall be taken under these Regulations pending the issue of such other investigation. Power to suspend proceedings in certain cases.

22. Notwithstanding anything in these Regulations, where the grounds on which any representation is based consist solely of an allegation that the respondent has been convicted of a criminal offence and he admits the truth of such allegation, the Tribunal may, with the consent of the respondent, dispense with an oral inquiry and determine the case upon such documentary evidence as may be submitted to them. Power to dispense with oral inquiry.

23.—(1) At the conclusion of the inquiry the Tribunal shall, as soon as may be, issue a statement under the hand of the Chairman containing their findings of fact, the conclusion which they have reached and such directions as they may give under subsection (3) of Section 16 of the Act, and any order they may decide to make with respect to the costs of the parties. Report by Tribunal.

(2) A copy of such statement shall be forwarded by the Tribunal to the Ministry, the respondent and the complainant, and the Ministry shall send a copy of the statement to the Board or the Authority whichever appears to the Ministry to be concerned.

24. The Tribunal shall give notice to the respondent of his right of appeal to the Supreme Court, in accordance with the terms of subsection (4) of Section 16 of the Act, against any direction given by them for the exclusion or removal of his name from any list. Notice of right of appeal to the Supreme Court.

25. Notice of any direction of the Tribunal or of a decision on appeal shall be published in such manner as the Ministry thinks fit : Publication of decisions of Tribunal, etc.

Provided that notice of the imposition of any disqualification shall not be published until after the expiration of the time limited for appeal against a direction of the Tribunal.

26. The period, after the giving or the confirmation of any direction of the Tribunal, within which a person may apply to the Tribunal for the inclusion of his name in the list from which it has been excluded or the restoration of his name to the list from which it has been removed, shall be one year. Applications for reinstatement