
STATUTORY INSTRUMENTS

1992 No. 3204

The Registered Homes (Northern Ireland) Order 1992

PART V

REGISTERED HOMES TRIBUNALS

Constitution of panels for chairmen and members

30.—(1) For the purpose of enabling a tribunal to hear an appeal under Article 14 or 27 to be constituted as occasion may require there shall be—

- (a) a panel appointed by the Lord Chancellor (in this Part referred to as “the legal panel”) of persons available to act as chairmen of any such tribunals; and
- (b) a panel appointed by the Department (in this Part referred to as “the panel of experts”) of persons available to act as members.

(2) Tribunals constituted under this Part are to be known as Registered Homes Tribunals.

(3) No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.

(4) No person shall be qualified to be appointed to the panel of experts unless he has had experience in social work, medicine, nursing or midwifery or such other experience as the Department considers suitable.

(5) No officer of a government department may be appointed to either panel.

(6) A person appointed to a panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the person or body appointing him.

(7) The Department may—

- (a) pay to members of Registered Homes Tribunals such fees and allowances as the Department, with the approval of the Department of Finance and Personnel, may determine;
- (b) defray the expenses of such tribunals up to such amount as the Department, with the approval of the Department of Finance and Personnel, may determine; and
- (c) provide for such tribunals, such officers and servants and such accommodation as the tribunals may require.

Constitution of tribunals-general

31.—(1) A Registered Homes Tribunal shall consist of a chairman and two other members.

(2) The chairman shall be a member of the legal panel appointed to the tribunal by the Lord Chancellor.

(3) The other two members shall be members of the panel of experts appointed to the tribunal by the Department.

Tribunal for appeals relating to nursing homes

32.—(1) A Registered Homes Tribunal to hear an appeal relating solely to registration under Part III shall include a medical practitioner.

(2) Such a tribunal shall also include—

- (a) if the appeal relates to registration of a maternity home, a registered midwife; and
- (b) in any other case, a nurse registered in a prescribed part of the register maintained under section 10 of the Nurses, Midwives and Health Visitors Act 1979⁽¹⁾.

(3) A tribunal which is constituted to hear both an appeal relating to registration under Part II and an appeal relating to registration under Part III shall include a person selected in accordance with paragraph (2).

Procedure of tribunals

33.—(1) The Department may make rules as to the practice and procedure to be followed with respect to the constitution of Registered Homes Tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings; and without prejudice to the generality of this paragraph such rules may make provision—

- (a) requiring particulars to be supplied of matters relevant to the determination of an appeal;
- (b) enabling two or more appeals to be heard together; and
- (c) as to representation before a tribunal, by counsel or a solicitor or otherwise.

(2) Rules under this Article shall be subject to negative resolution.

(3) The Arbitration Act (Northern Ireland) 1937⁽²⁾ shall not apply to any proceedings before Registered Homes Tribunals except so far as any provision of that Act may be applied to such tribunals with or without modifications by rules made under this Article.

Appeal from decision of tribunal

34. Where a person who appeals to a Registered Homes Tribunal or the Board is dissatisfied in point of law with a decision of the tribunal, that person or the Board may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.

(1) 1979 c. 36
(2) 1937 c. 8 (N.I.)