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SCHEDULES

[^{F1}SCHEDULE 3A

Section 34B

REGISTRATION [^{F2}AND TRAINING] APPEALS

Textual Amendments

- F1** Sch. 3A inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(2)** (with Sch. 2)
- F2** Words in Sch. 3A heading inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(2)**; S.I. 2010/478, art. 2(b)

Modifications etc. (not altering text)

- C1** Sch. 3A extended (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(6)**

Interpretation

- 1 In this Schedule—
- “appealable registration decision” shall be construed in accordance with [^{F3}paragraphs 2 and 2A] below;
- “person concerned” means the person in respect of whom an appealable registration decision is made or, as the case may be, an applicant to whom paragraph 3(2) [^{F4}or (3)] below applies;
- “person making the decision” means—
- in relation to a decision on an application made under paragraph 2 of Schedule 3 to this Act, the appropriate registrar as defined in subparagraph (3) of that paragraph;
 - in relation to a decision under [^{F5}section ^{F6}... 39, 44, 44B or 44C] of this Act, [^{F7}or under Schedule 2A to this Act,] the Registrar; and
 - in any other case, the General Council; and
- [^{F8}“the requisite period” has the meaning given—
- in relation to a decision which is treated as an appealable registration decision by virtue of paragraph 2A(1), by regulations under paragraph 2A(5); or
 - in any other case, by paragraph 5(1A) of Schedule 3 to this Act.]

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Textual Amendments

- F3** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(a)**; S.I. 2010/478, art. 2(b)
- F4** Words in Sch. 3A para. 1 inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(b)**; S.I. 2010/478, art. 2(b)
- F5** Words in Sch. 3A para. 1 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(a)**
- F6** Word in Sch. 3A para. 1 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(i)**
- F7** Words in Sch. 3A para. 1 inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(ii)**
- F8** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(c)**; S.I. 2010/478, art. 2(b)

Modifications etc. (not altering text)

- C2** Sch. 3A para. 1 modified (temp.) (19.10.2007) by [The Medical Act 1983 Amendments \(Further Transitional Provisions\) Order of Council 2007 \(S.I. 2007/2796\)](#), arts. 1(1), **5**

Appealable registration decisions

- 2 (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
- (a) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 3 of this Act as a fully registered medical practitioner (registration by virtue of primary United Kingdom or primary European qualifications);
 - ^{F9}(aa) [a decision on an application made under Schedule 3 to this Act not to register the applicant under section 14A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc without certain acquired rights certificates);
 - (ab) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 14A(1) to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]
 - (b) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15 of this Act (provisional registration);
 - (c) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15A of this Act (provisional registration for EEA nationals);
 - (d) a decision on an application made under Schedule 3 to this Act not to register a qualification under section 16(1) of this Act (registration of qualifications);
 - ^{F10}(e)

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- (f) a decision not to direct that a person shall be registered under section 19(1) of this Act (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.);
- ^{F11}(fa) [a decision on an application made under Schedule 3 to this Act not to register the applicant under section 19A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom);
- (fb) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 19A to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]
- (g) a decision not to direct that a person shall be registered provisionally under section 21(2) of this Act (provisional registration);
- ^{F12}(h)
- ^{F13}(i)
- ^{F13}(j)
- ^{F13}(k)
- ^{F14}(ka) [a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
- (kb) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);]
- (l) a decision not to register a qualification under section 26(1) ^{F15}... of this Act (registration of qualifications);
- ^{F16}(m) [a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to any conditions specified in a direction that a person be registered under that section;
- (ma) a decision under section 27B of this Act (special purpose registration)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to the conditions specified in a direction that a person be registered under that section;]
- ^{F17}(mb) [a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register^{F18}, the General Practitioner Register or the Specialist Register;]
- (n) a decision under section 44 of this Act (effect of disqualification in another member State on registration in the United Kingdom)—
 - (i) under subsection (1) ^{F19}... , not to register a person, or
 - (ii) under subsection (3), to remove a person’s name from the register;
- ^{F20}(o) [a decision under section 44B of this Act (fitness to practise matters prior to registration) to refuse to register a person or to erase a person’s name from the register;]
- ^{F21}(p) [a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.]

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[a decision that a person shall not, or shall no longer, be registered under Schedule 2A to this Act in the list of visiting medical practitioners from relevant European States.]^{F22(q)}

- (2) But a decision is not an appealable registration decision for the purposes of this Schedule if it is a decision to refuse registration to a person, or to erase a person's name from the register, by reason only that the person failed to—
- (a) pay the prescribed fee for registration;
 - (b) make an application as required under this Act; or
 - (c) produce a certificate obtained under section 10 of this Act.

Textual Amendments

- F9** Sch. 3A para. 2(1)(aa)(ab) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(i)**
- F10** Sch. 3A para. 2(1)(e) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(ii)**
- F11** Sch. 3A para. 2(1)(fa)(fb) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iii)**
- F12** Sch. 3A para. 2(1)(h) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(i)**
- F13** Sch. 3A para. 2(1)(i)-(k) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(a)**
- F14** Sch. 3A para. 2(1)(ka)(kb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(ii)**
- F15** Words in Sch. 3A para. 2(1)(l) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(b)**
- F16** Sch. 3A para. 2(1)(m)(ma) substituted for Sch. 3A para. 2(1)(m) (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(iii)**
- F17** Sch. 3A para. 2(1)(mb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(b)**
- F18** Words in Sch. 3A para. 2(1)(mb) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(4)**; S.I. 2010/478, art. 2(b)
- F19** Words in Sch. 3A para. 2(1)(n)(i) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iv)**
- F20** Sch. 3A para. 2(1)(o) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **54**
- F21** Sch. 3A para. 2(1)(p) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **71**
- F22** Sch. 3A para. 2(1)(q) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(v)**

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Appealable decisions relating to postgraduate medical education and training

[^{F23}2A (1) The following decisions are also appealable registration decisions for the purposes of this Schedule—

- (a) a decision on an application made under section 34C(3) not to include a person's name in the General Practitioner Register;
- (b) a decision on an application made under section 34D(4) not to include a person's name in the Specialist Register;
- (c) a decision on an application made under section 34D(4) not to indicate a field in the Specialist Register;
- (d) a decision on a request made under section 34G(2) not to issue a certificate for the purposes of Article 30(1) of the Directive;
- (e) a decision on an application made under section 34L(1) to refuse to award a CCT;
- (f) a decision to withdraw a CCT under section 34L(7).

(2) But a decision mentioned in sub-paragraph (1)(a) or (b) is not to be treated as an appealable registration decision under this paragraph if, in respect of that decision, there is a right of appeal by virtue of section 29F(1)(d) or (e).

(3) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar as to the length of additional training, the fields to be covered by it or any examination, assessment (including a specified period of assessment) or other test of competence that the Registrar has specified when notifying the person concerned of the decision.

(4) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.

(5) In relation to any appealable registration decision falling within sub-paragraph (1), references in this Schedule to the requisite period are references to such period as may be prescribed by the General Council in rules; and different periods may be prescribed in relation to different decisions.

(6) Rules under sub-paragraph (5) shall not come into force until approved by order of the Privy Council.]

Textual Amendments

F23 Sch. 3A para. 2A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), [Sch. 1 para. 17\(5\)](#); S.I. 2010/478, art. 2(b)

Notice of appealable registration decisions

3 (1) Where an appealable registration decision is made, the person making the decision shall give the person concerned notice of—

- (a) the decision;
- (b) the reasons for the decision; and
- (c) the person's right to appeal under paragraph 4 below.

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- (2) Failure to notify an applicant of a decision made in respect of an application for registration under section [F243, 14A, 15, 15A, 19, 19A or 21] of this Act within the requisite period shall be treated as a decision from which the applicant may appeal under paragraph 4 below.
- [Failure to notify an applicant of a decision made in respect of an application for
- F25(3) inclusion in the General Practitioner Register or the Specialist Register within the requisite period shall, in cases prescribed by the General Council in rules, be treated as a decision from which the applicant may appeal under paragraph 4.
- (4) Rules under sub-paragraph (3) shall not come into force until approved by order of the Privy Council.]

Textual Amendments

- F24** Words in Sch. 3A para. 3(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(c)**
- F25** Sch. 3A para. 3(3)(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(6)**; S.I. 2010/478, art. 2(b)

Appeals from appealable registration decisions

- 4 (1) A person in respect of whom an appealable registration decision has been made may appeal against the decision to a Registration Appeals Panel.
- (2) An appeal under sub-paragraph (1) above shall be made by giving notice of appeal to the Registrar.
- (3) Any such notice of appeal must be given before the end of the period of 28 days beginning with the date on which notice of the decision was given under paragraph 3(1) above.

This sub-paragraph is subject to any extension of time under paragraph 7 below.

- (4) In the case of an appeal by virtue of paragraph 3(2) [F26 or (3)] above, notice of appeal must be given before the end of the period of 28 days following the end of the requisite period.
- (5) Where a decision to erase or remove a medical practitioner from the register is an appealable registration decision, the decision shall not be carried into effect—
- (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
 - (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (6) Any rules made under paragraph 3 of Schedule 3B to this Act shall apply in relation to an appeal under this Schedule as they apply in relation to an appeal under section 29F of this Act.
- (7) [F27 Paragraph 2 of Schedule 4 and, subject to sub-paragraph (7A), paragraph 7 of that Schedule] shall apply in relation to proceedings under this Schedule before a Registration Appeals Panel as they apply to proceedings before a Fitness to Practise Panel.

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[Where the chair of a Registration Appeals Panel is a legally qualified person,
F28(7A) paragraph 7 of Schedule 4 is to be taken to authorise but not require the General Council to appoint an assessor to the Panel under that paragraph.

(7B) In sub-paragraph (7A), “legally qualified person” means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 or who is an advocate or solicitor in Scotland or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.]

(8) In disposing of an appeal under this paragraph, a Registration Appeals Panel may determine to—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against;
- (c) substitute for the decision appealed against any other decision which could have been made by the person making the decision;
- (d) remit the case to the person making the decision to dispose of in accordance with the directions of the Registration Appeals Panel,

and a Panel may make such order as to costs (or, in Scotland, expenses) as they think fit.

(9) A Registration Appeals Panel shall, as soon as reasonably practicable—

- (a) give the person concerned, and the person making the decision, notice of the Panel’s determination on an appeal under sub-paragraph (1) above and of the reasons for that determination; and
- (b) if that determination is not a determination under sub-paragraph (8)(b) above, give the person concerned notice of his right of appeal under paragraph 5 below.

Textual Amendments

F26 Words in Sch. 3A para. 4(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(a)**; S.I. 2010/478, art. 2(b)

F27 Words in Sch. 3A para. 4(7) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(b)**; S.I. 2010/478, art. 2(b)

F28 Sch. 3A para. 4(7A)(7B) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(c)**; S.I. 2010/478, art. 2(b)

Modifications etc. (not altering text)

C3 Sch. 3A para. 4 extended (30.9.2005 as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), art. 1(2)(3), **23(2)**

Appeals from a Registration Appeals Panel

5 (1) Where—

- (a) a Registration Appeals Panel determines an appeal under paragraph 4 above; and

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(b) the Panel’s determination is any determination other than a determination under paragraph 4(8)(b) above to allow the appeal and quash the decision appealed against,

the person concerned may, before the end of the period of 28 days beginning with the date on which notice of the determination was given to him under paragraph 4(9), appeal against the determination to the relevant court.

(2) In this paragraph, “the relevant court” means the county court or, in Scotland, the sheriff.

(3) In sub-paragraph (2) above, “the sheriff” means the sheriff in whose sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person concerned; or
- (b) which would have been so shown if the person concerned were registered.

(4) On an appeal under this paragraph from a Registration Appeals Panel, the relevant court may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the determination appealed against;
- (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Panel;
- (d) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of the case in accordance with the directions of the relevant court,

and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

Notices

6 (1) Any notice required to be given under paragraph 3 or 4(9) above to the person concerned may be given—

- (a) by delivering it to him;
- (b) by leaving it at his proper address;
- (c) by sending it by a registered post service; or
- (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.

(2) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, the proper address of the person concerned shall be—

- (a) the address—
 - (i) which is shown in the register as his address, or
 - (ii) which would have been so shown if he were registered; or
- (b) if the conditions in sub-paragraph (3) below are satisfied, his last known address.

(3) The conditions are that—

- (a) the last known address of the person concerned differs from the address mentioned in sub-paragraph (2)(a) above; and
- (b) it appears to the body or person giving the notice that a letter sent to the person concerned at his last known address is more likely to reach him.

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- (4) For the purposes of this paragraph—
- (a) the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
 - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.

Modifications etc. (not altering text)

C4 Sch. 3A para. 6 applied (1.4.2005) by [The General Medical Council \(Registration Appeals Panels Procedure\) Rules Order of Council 2005 \(S.I. 2005/400\)](#), Sch. rules 1, **13(1)**

C5 Sch. 3A para. 6 applied (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(7)**

Extension of time for appealing

7 Where—

- (a) any notice required by paragraph 3(1) above to be given to the person concerned is given by sending it to him by post; and
- (b) the Registrar is satisfied, on the application of that person, that he did not receive the notice within the period of 14 days beginning with the day on which the person making the decision gave the decision to which the notice relates, the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(2) above.]

Status:

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