



Health and Social Care Act 2008

2008 CHAPTER 14

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

The Office of the Health Professions Adjudicator

105 Procedural rules

- (1) The OHPA must make rules about—
 - (a) the procedure to be followed in connection with the making of referrals to the OHPA under the Medical Act 1983 (c. 54) or the Opticians Act 1989 (c. 44), and
 - (b) the procedure to be followed, and the rules of evidence to be observed, in proceedings before the OHPA's fitness to practise panels.
- (2) Subject to subsection (4), rules under this section may make such provision as the OHPA considers appropriate including provision about—
 - (a) preliminary hearings,
 - (b) the giving of directions to parties as to the conduct of proceedings and the consequences of failure to comply with such directions,
 - (c) a fitness to practise panel taking account of undertakings given by the person to whom the proceedings relate,
 - (d) voting by fitness to practise panels, including the taking of decisions by majority and the conferral of a casting vote on the chair,
 - (e) the award and assessment of costs and expenses, and
 - (f) the circumstances in which fitness to practise panels may review their own decisions.
- (3) Rules about the award and assessment of costs and expenses may—
 - (a) require that regard be had to a person's ability to pay when considering the making of an award against that person,

Status: This is the original version (as it was originally enacted).

- (b) include provision for all or part of the costs or expenses of the representative of a party to proceedings to be disallowed by reason of that representative's conduct of the proceedings, and
 - (c) provide for an award in respect of costs and expenses to be recoverable as if it had been adjudged to be paid by court order.
- (4) Rules under this section must make—
- (a) provision for securing that—
 - (i) notice that proceedings are to be brought is given to the person to whom the proceedings relate, and
 - (ii) notice of any decision of a fitness to practise panel is given to the parties to the proceedings and to the registrar of the regulatory body which regulates the profession of which the person to whom the proceedings relate is a member,within such time and in such manner as is specified in the rules,
 - (b) provision giving each party to proceedings the opportunity, if the party so requests, to put the party's case at a hearing,
 - (c) provision entitling each party to be represented at any hearing by a person falling within a description of persons specified in the rules, and
 - (d) provision for proceedings to be held in public except and to the extent that the rules provide otherwise.