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STATUTORY INSTRUMENTS

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**1992 No. 664**

**The National Health Service (Service  
Committees and Tribunal) Regulations 1992**

**PART IV**

**MISCELLANEOUS PROVISIONS**

**Service of documents**

**32.** Any notice or other document required or authorised by any provision of these Regulations to be served on any person or to be given or sent to any person may be served, given or sent—

- (a) by delivering it or sending it by post to him at his usual or last-known address, which in the case of a doctor, dentist, ophthalmic medical practitioner, optician or chemist may be the address given in the medical, dental, ophthalmic or pharmaceutical list in which his name is included;
- (b) in the case of the Tribunal, an FHSA, a Local Representative Committee or a committee mentioned in regulation 3, by delivering it or sending it by post to their Clerk, chief officer or secretary at its principal office;
- (c) in the case of the Secretary of State, by delivering it or sending it by post to his principal office;
- (d) in the case of a person represented by—
  - (i) a solicitor, by delivering it or sending it by post to that solicitor at his professional address,
  - (ii) an officer of a Community Health Council, by delivering it or sending it by post to the Council's secretary at its principal office,
  - (iii) any other person, by delivering it or sending it by post to that other person at his usual or last-known address.

**Attendance by member of Council on Tribunals**

**33.** A member of the Council on Tribunals may attend in that capacity—

- (a) a hearing before the Tribunal;
- (b) a hearing before any committee mentioned in regulation 3;
- (c) a meeting of an FHSA while it is considering a report of such a committee;
- (d) a hearing before persons appointed under regulation 11(6), 13(8), 14(8), 15(3), or (22), 27(2) or 30(4);

and may remain with the Tribunal, committee, FHSA or persons appointed during, but may take no part in, their deliberations as to their decision or recommendations, notwithstanding that other persons present at the hearing have been required to withdraw.

### **Power to dispense with requirements as to notices**

**34.** The Secretary of State or the Tribunal may dispense with any requirements of these Regulations respecting notices, applications, documents or otherwise in any case where it appears to the Secretary of State or the Tribunal just and proper to do so.

### **Power to extend time limits**

**35.—**(1) Where, by virtue of a provision of these Regulations mentioned in paragraph (3)—

(a) a person or body is required—

- (i) to give notice of an appeal or of a wish to make representations orally, or otherwise to signify any wish or intention,
  - (ii) to provide documents or reasons,
  - (iii) to submit observations or comments,
  - (iv) to make any statement or representations, or
  - (v) to admit or dispute the truth of an allegation,
- within a time specified in or under that provision; and

(b) that person applies (whether before or after the expiry of the time so specified) to the relevant authority in accordance with paragraph (2) for that time to be extended,

the relevant authority may, where it is satisfied that it is in all the circumstances reasonable to do so, extend that time by such further period as it shall specify.

(2) An application under paragraph (1) shall—

- (a) where it seeks the extension of the time allowed for the giving of a notice of appeal, be made in writing;
- (b) in any other case, be made either orally or in writing,

and shall include a statement of the grounds for the application.

(3) For the purposes of this regulation, the relevant authority is, in relation to any application in connection with a time specified in—

- (a) regulation 15(5) or 19(3) or (5), or paragraph 1(2) or (5), 2(2), 3(1)(b) or (2)(b) or 4(1)(c) or (3)(a) of Schedule 4, the FHSA;
- (b) regulation 24(2), (4)(b) or (6)(d), the Tribunal;
- (c) regulation 10(2), 11(2) or (3), 13(7), 14(7) or (13)(a) or (b), 15(19) or (21)(a) or (b), 16(7), 17(10) or 27(1), or paragraph 4(1) of Schedule 3, the Secretary of State.

### **Fresh appointments**

**36.—**(1) Where a person appointed by the Secretary of State for any purpose of any provision of regulation 11, 13, 14, 27 or 30 or of Schedule 5—

- (a) dies or resigns before the completion of that purpose; or
- (b) is unable or refuses to complete that purpose,

the Secretary of State may rescind that appointment together with that of any other person so appointed in relation to the same matter, and appoint different persons in accordance with the provision in question.

(2) Where different persons are appointed pursuant to paragraph (1), any matter referred to them shall be considered afresh.

(3) For the purposes of this regulation a person has completed the purpose for which he was appointed if he has indicated to any other person also appointed for that purpose the decision to be given or recommendation to be made, even if he has not signed a report embodying the decision or recommendation.

### **Referral of matters to professional bodies**

**37.**—(1) Where, in relation to any complaint or reference investigated by an appropriate committee under regulation 6, 7 or 8—

- (a) an FHSa makes a determination under regulation 9(1); and
- (b) having regard to the facts found by the service committee in relation to that matter, that FHSa considers that the matter should be brought to the attention of the relevant professional body,

it may refer to that body any documents in its possession connected with that complaint or reference.

(2) Where, in relation to any such complaint or reference—

- (a) the Secretary of State—
  - (i) receives, pursuant to regulation 9(9) a copy of the report of an appropriate committee and the decision of an FHSa thereon, or
  - (ii) makes a determination following a recommendation by an FHSa under regulation 9(5)(c) or (d) or an appeal under regulation 10; and
- (b) that matter has not been the subject of a referral by the FHSa under paragraph (1); and
- (c) the Secretary of State considers that the matter should be brought to the attention of the relevant professional body,

he may refer to that body any documents in his possession connected with that complaint or reference.

(3) In this regulation, “the relevant professional body” means—

- (a) in relation to a doctor or an ophthalmic medical practitioner, the General Medical Council<sup>(1)</sup>;
- (b) in relation to a dentist, the General Dental Council<sup>(2)</sup>;
- (c) in relation to an optician, the General Optical Council<sup>(3)</sup>;
- (d) in relation to a pharmacist, the Royal Pharmaceutical Society of Great Britain.

### **Transitional provisions**

**38.** Where, before 1st April 1992—

- (a) a complaint has been made under regulation 4, or a matter has been referred under regulation 6(6), of the National Health Service (Service Committees and Tribunal) Regulations 1974<sup>(4)</sup>;
- (b) an application has been made to the Secretary of State under regulation 15(3) of those Regulations;
- (c) a matter has been referred to a Local Representative Committee, or to a joint committee of Local Medical Committees, under regulation 16(1)(a), 17, 18 or 19 of those Regulations;

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(1) See the Medical Act 1983 (c. 54), section 1.

(2) See the Dentists Act 1984 (c. 24), section 1.

(3) See the Opticians Act 1989 (c. 44), section 1.

(4) S.I. 1974/455, as amended by S.I. 1974/907, 1982/288, 1985/39, 1987/445, 1989/1630, 1990/538, 1638, 1752, 1938, 1991/555, 581, 1992/24.

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- (d) an appeal has been made under regulation 21 of those Regulations;
- (e) a matter has been referred to an ophthalmic service committee under regulation 23(1) of those Regulations; or
- (f) representations have been made to the Tribunal under regulation 28, or an application has been made to the Tribunal or the Secretary of State under regulation 43, of those Regulations,

the provisions of those Regulations shall, notwithstanding regulation 39, continue to apply on and after that date, as respects any investigation, consideration, hearing, referral, report or determination which, by virtue of any provision of those Regulations, falls to be undertaken, held or made in relation to any such application, reference, appeal or representations, or in relation to any appeal under those Regulations from any determination of such application, reference or representations.

### **Revocations**

**39.** The Regulations specified in column (1) of Schedule 10 are hereby revoked to the extent specified in column (3) of that Schedule.