

SCHEDULE 9

regulations 26(1), 27(4), 29(5) and 30(3)

HEARINGS UNDER PART III

1. The person holding the inquiry shall appoint a day for the hearing and shall, not less than 14 days before that day, send notice to the parties of the date, time and place of the hearing.

2. Where the inquiry concerns representations, the person holding it may send to any FHSA which is not a party but in whose medical, dental, ophthalmic or pharmaceutical list the respondent's name is included a notice of the date, time and place of the hearing.

3. The person holding the inquiry may, whether or not on an application by any party, postpone the date of the hearing, and the provisions of paragraphs 1 and 2 shall apply as respects the postponed inquiry.

4. The hearing shall be in public if—

- (a) in the case of representations, the respondent; or
- (b) in the case of an application, the applicant,

so requests; otherwise, it shall be in private.

5.—(1) Subject to regulation 33 (attendance by member of Council on Tribunals), where the hearing is to be in private, no person shall be admitted to it unless he is—

- (a) a person entitled under sub-paragraph (2) to represent an FHSA which—
 - (i) is a party to the inquiry, or
 - (ii) is not a party to which a notice has been sent under paragraph 2;
- (b) a party to the inquiry, other than an FHSA; or
- (c) a person permitted under sub-paragraph (3) to represent a party referred to in head (b) of this sub-paragraph.

(2) An FHSA referred to in sub-paragraph (1)(a) may be represented at the hearing by a member or an officer or by counsel or solicitor.

(3) Any party referred to in paragraph (1)(b) may be represented at the hearing by counsel or solicitor or by any other person.

6. At any hearing either party may—

- (a) address the person holding the inquiry;
- (b) call witnesses and produce other evidence, including evidence not produced prior to the inquiry; and
- (c) put questions to any person giving evidence on behalf of the other party.

7. An FHSA to whom notice has been sent under paragraph 2 may take such part in the proceedings as the person holding the inquiry thinks proper.

8.—(1) Where any party to whom notice of the hearing has been given in accordance with paragraph 1 fails to appear at the hearing, either in person or by a representative, the person holding the inquiry may, after having regard to all the circumstances, including any explanation offered for the absence, proceed with the hearing notwithstanding that party's absence.

(2) Subject to the other provisions of this Schedule, the procedure at the hearing shall be for the person holding the inquiry to decide.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

9. The provisions of subsections (2), (3) and (5) of section 250 of the Local Government Act 1972⁽¹⁾ (summoning of witnesses, evidence, costs, etc.) shall apply to an inquiry under Part III of these Regulations as though the person holding the inquiry were a person appointed to hold a local inquiry under that section and as though the references in subsection (5) to the Minister causing the inquiry to be held under section 250 were to the Secretary of State or the person holding the inquiry.

10. For the purposes of this Schedule—

(a) the parties to an inquiry are—

- (i) in the case of representations, the complainant and the respondent,
- (ii) in the case of an application, the applicant and the respondent; and

(b) the person holding the inquiry is—

- (i) in the case of an inquiry as to representations under regulation 26 or as to an application made in accordance with regulation 29, the Tribunal,
- (ii) in the case of an inquiry as to an appeal to the Secretary of State under regulation 27, the person appointed under regulation 27(2) to hear the appeal,
- (iii) in the case of an application made in accordance with regulation 30, the person appointed under regulation 30(4) to hold the inquiry.

(1) 1972 c. 70, as amended by Part IV of Schedule 1 to the Statute Law (Repeals) Act 1989 (c. 43).