

---

STATUTORY INSTRUMENTS

---

**1995 No. 3091**

**The National Health Service (Service Committees  
and Tribunal) Amendment Regulations 1995**

**PART V**

**OTHER AMENDMENTS AND TRANSITIONAL PROVISIONS**

**Proceedings before the Tribunal**

**12.**—(1) The principal Regulations shall be amended as follows.

(2) In regulation 21 (interpretation and forms), after paragraph (1) there shall be inserted the following new paragraph—

“(1A) In this Part, references to “proceedings” before the Tribunal are to any such proceedings, whether relating to representations, applications, or suspension, and include inquiries, hearings and preliminary matters.”.

(3) After regulation 23 there shall be inserted the following new regulation—

**“Procedure of the Tribunal**

**23A.** The chairman of the Tribunal may give practice directions applying generally to any Tribunal proceedings, and subject to any such directions, the person (being the chairman or a deputy chairman) presiding over any such proceedings may give procedural directions, order pre-hearing reviews, and generally determine the procedure to be followed.”.

(4) In regulation 24 (making of representations and preliminary matters), in paragraph (2), for “within 30 days of being so required” there shall be substituted “before the end of the period of 28 days beginning with the day on which the Tribunal sent him notice of its requirement”.

(5) In regulation 25 (withdrawal of representations and suspension of procedures), after paragraph (4) there shall be inserted the following new paragraph—

“(5) The Tribunal may also direct that no further steps shall be taken for the time being under this Part in any other circumstances where it appears to the Tribunal that it would be appropriate so to direct.”.

(6) In Schedule 9 (hearings under Part III), in paragraph 8—

(a) in sub-paragraph (1), for “given” there shall be substituted “sent”; and

(b) in sub-paragraph (2), after “Subject to” there shall be inserted “any directions or other orders or instructions given under regulation 23A and to”.

**Application of section 250 of the Local Government Act 1972**

**13.**—(1) The principal regulations shall be amended as follows.

(2) After regulation 31 there shall be inserted the following new regulation—

### **“Costs**

**31A.** Section 250(5) of the Local Government Act 1972<sup>(1)</sup> (costs) shall apply to Tribunal proceedings as though the reference there to the Minister causing an inquiry to be held under section 250 were to the Tribunal, and as if the reference to the parties at the inquiry were to the parties to Tribunal proceedings.”

(3) Accordingly, in regulation 25 (withdrawal of representations and suspension of procedures), in paragraph (3), for “paragraph 9 of Schedule 9” there shall be substituted “regulation 31A”.

(4) In Schedule 9 (hearings under Part III), for paragraph 9 there shall be substituted—

“**9.** Section 250(2) and (3) of the Local Government Act 1972<sup>(2)</sup> (summoning of witnesses, evidence, etc) shall apply to an inquiry as though the Tribunal were a person appointed to hold a local inquiry under that section.”

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

**14.** In regulation 37 of the principal Regulations (referral of matters to professional bodies), after paragraph (2) there shall be inserted the following new paragraph—

“(2A) Where the Secretary of State receives a copy of a decision of the Tribunal pursuant to regulation 24A(7) or 26(4), and 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 the representations or the application for interim suspension to which the Tribunal’s decision relates.”

### **Transitional provisions and application of amendments**

**15.—**(1) The amendments made by regulations 5 and 13 above shall not have effect in relation to—

- (a) any appeal to the Secretary of State under regulation 27 of the principal Regulations; or
- (b) any application to the Secretary of State for removal of disqualification under regulation 28 of the principal Regulations,

made before the date on which these Regulations came into force.

(2) The amendments made by Part IV above, and so much of the amendments made elsewhere in these Regulations as relates to the suspension of practitioners, shall apply only in relation to respondents who are doctors or dentists.

---

(1) 1972 c. 70.

(2) Section 250(2) was amended by the Statute Law (Repeals) Act 1989 (c. 43), Schedule 1, Part I; and section 250(3) was modified by virtue of the Criminal Justice Act 1982 (c. 48), sections 38 and 46.