

## **APPEALS PROCEDURES**

## Appeals against decisions of the Professional Advisory Committee<sup>1</sup>

1. Where the Professional Advisory Committee—
  - (a) refuses an application for registration, readmission or renewal or for the inclusion of an additional entry;
  - (b) refuses to register a person under the section concerned with visiting health professionals from relevant European States;
  - (c) in determining an application, imposes additional conditions which must be satisfied before the applicant may be admitted to, readmitted to or retained on the register;
  - (d) removes the name of a registrant from the register on the ground that he has breached a condition in respect of continuing professional development or such additional, education, training or experience; or
  - (e) fails to issue a decision,

the person aggrieved may appeal to the Council within the prescribed period.
2. No appeal lies to the Council where the person aggrieved has been refused registration solely because he has failed to pay the prescribed fee for registration or has failed to apply in the prescribed form and manner.
3. No decision removing a registrant from the register against which an appeal to the Council may be made shall have effect before—
  - (i) the expiry of the period within which such an appeal may be made; or
  - (ii) if an appeal is made, the appeal is withdrawn or otherwise finally disposed of.
4. Any appeal shall be subject to such rules as the Council shall make for the purpose of regulating appeals under this article.
5. The rules shall in particular provide—
  - (i) for the quorum of the Council considering such an appeal and for the membership of any panel considering such an appeal on the council's behalf;
  - (ii) that the members considering the appeal are to include registrants and lay members and that the number of members who are registrants may exceed the number of lay members but may not exceed them by more than one;

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<sup>1</sup> In all these papers, use of the word 'he' should be taken also to include 'she'. Similarly, use of the word chaplain should be taken to include spiritual care-giver

- (iii) for a panel considering an appeal to consist of no fewer than three members who are to be selected with due regard to the matter under consideration and to include—
    - (i) one registrant registered in the same part of the register as the one in which the person concerned is, or is applying to be, registered;
    - (ii) one lay member; and
    - (iii) where the health of the person concerned is in issue, one registered medical practitioner;
  - (iv) for the person presiding to be a Council member;
  - (v) that no one who has been involved in any other capacity in the case to be considered is to be a member of the panel;
  - (vi) for the decision to be made by a majority vote of the persons present;
  - (vii) in the event of a tie, for the Chair to have an additional casting vote which he shall exercise in the favour of the person concerned;
  - (viii) for the Professional Advisory Committee to be made a party to the proceedings;
6. For the purposes of paragraph 136, lay member means a person who is not and never has been—
- (a) a registrant;
  - (b) a registered medical practitioner.
7. A hearing provided for by these rules is to be held—
- (a) in the United Kingdom country in which the registered address of the person concerned is situated;
  - (b) if he is not registered and resides in the United Kingdom, in the country in which he resides; or
  - (c) in any other case, in England.
8. Having considered the appeal under this article, the Council may—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision that the Professional Advisory Committee could have made; or
  - (d) remit the case to the Professional Advisory Committee to be disposed of in accordance with its directions.

9. The Council shall publish as soon as reasonably practicable a decision of the Council made under this section together with the reasons for it.
10. If the decision is favourable to the person concerned, the Council is not required to publish it unless the person concerned so requests but it may do so with the consent of the person concerned.

**Appeals against decisions of the Fitness to Practice Committee**

11. An appeal from any order or decision of the Fitness to Practice Committee shall lie to the Council
12. The procedures to be followed match those of appeals against decisions of the Professional Advisory Committee.