



Jersey

# **HEALTH INSURANCE (HEALTH SERVICES DISCIPLINARY TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 1967**

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## **HEALTH INSURANCE (HEALTH SERVICES DISCIPLINARY TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 1967**

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## **HEALTH INSURANCE (HEALTH SERVICES DISCIPLINARY TRIBUNAL) (PROCEDURE) (JERSEY) ORDER 1967<sup>1</sup>**

**THE EMPLOYMENT AND SOCIAL SECURITY COMMITTEE**, in pursuance of Articles 27 and 36 of the [Health Insurance \(Jersey\) Law 1967](#), orders as follows –

Commencement [[see endnotes](#)]

### **1 Interpretation**

In this Order, unless the context otherwise requires –

“complainant” means the person who makes a representation to the Minister in pursuance of Article 27 of the Law;

“Law” means the [Health Insurance \(Jersey\) Law 1967](#);

“practitioner” has the same meaning as in Article 27(1) of the Law;

“Tribunal” means the Health Services Disciplinary Tribunal.

### **2 Convening of Tribunal**

Where a representation has been referred to the Tribunal in pursuance of Article 27(1) of the Law, the Minister shall give such directions in accordance with paragraph 5 of Schedule 2 to the Law, as to the composition of the Tribunal and, as soon as may be after such directions have been given, the secretary of the Tribunal shall inform the members thereof accordingly.

### **3 Statements to be furnished**

- (1) The complainant shall, within 14 days of the making thereof, furnish to the chairman of the Tribunal a statement setting out the facts and grounds on which the representation relies and a copy of such statement shall be furnished by the secretary of the Tribunal to the practitioner in relation to whom the representation is made and to the Minister.

- (2) A practitioner in relation to whom a representation has been made shall, within 14 days of the receipt by the practitioner of the representation, submit to the chairman of the Tribunal a statement in reply to the representation and a copy of such statement shall be furnished by the secretary of the Tribunal to the complainant and to the Minister.

#### **4 Further particulars**

On application by either the practitioner or the complainant or in any case where the chairman of the Tribunal considers it necessary to do so for the proper enquiry into the representation, the chairman may require the practitioner or the complainant to furnish the chairman with further particulars in writing within such time as the chairman may direct and the secretary of the Tribunal shall furnish copies of such particulars to the other party and to the Minister.

#### **5 Notice of hearing**

The Tribunal shall fix a date and place for the hearing of the enquiry into a representation and shall give not less than 7 days' notice thereof to the Minister, to the practitioner and to the complainant.

#### **6 Procedure at hearing**

- (1) At a hearing before the Tribunal, the practitioner concerned and the complainant shall be entitled to appear and to be heard, or to be represented by an advocate or a solicitor, and any person authorized by the Minister to represent the Minister shall also be entitled to be heard.
- (2) The Tribunal may admit any duly authenticated written statement or other material as *prima facie* evidence of any fact or facts in any case in which it thinks it just and proper so to do.
- (3) The Tribunal may, if it thinks fit, call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the enquiry.
- (4) The Tribunal may require any party to the enquiry or any witness in the proceedings to give evidence on oath and, for that purpose, the person presiding over the Tribunal shall have power to administer an oath.
- (5) If, after notice of a hearing has been duly given, the practitioner concerned, the complainant or the person authorized by the Minister to represent the Minister, fails to appear at the hearing, the Tribunal may proceed with its enquiry into the matter notwithstanding the absence of all or any of them, or may give such directions with a view to the determination of the enquiry as the Tribunal thinks just and proper.
- (6) Notwithstanding the provisions of paragraph (1), no person other than the secretary of the Tribunal shall be present while the Tribunal is considering its decision or discussing any question as to procedure.

## **7 Decision of Tribunal**

- (1) The decision on any matter of the majority of the Tribunal shall be the decision of the Tribunal, and the decision of the Tribunal shall be in writing and signed by the chairman of the Tribunal, who may correct in any decision any clerical mistake or error arising from an accidental slip or omission.
- (2) A copy of the decision, signed as aforesaid, shall be sent by the secretary of the Tribunal, as soon as may be practicable, to the practitioner concerned, to the Minister and to the complainant.

## **8 General provision as to procedure**

Save as otherwise expressly provided by this Order, the procedure at any hearing before the Tribunal shall be such as the Tribunal may determine.

## **9 Citation**

This Order may be cited as the Health Insurance (Health Services Disciplinary Tribunal) (Procedure) (Jersey) Order 1967.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Health Insurance (Health Services Disciplinary Tribunal) (Procedure) (Jersey) Order 1967	R&O.4977	4 December 1967
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	<a href="#">R&amp;O.48/2005</a>	9 December 2005

### Table of Endnote References

<sup>1</sup>

*This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*