

Statutory Document No. 2004/0679



*National Health Service Act 2001*

## NATIONAL HEALTH SERVICE (INDEPENDENT REVIEW BODY) REGULATIONS 2004<sup>1</sup>

*Laid before Tynwald:* 14 December 2004  
*Coming into Operation:* 1 January 2005

In exercise of the powers conferred on the Department of Health and Social Security by sections 2 and 38 of the National Health Service Act 2001<sup>1</sup> and of all other enabling powers, and after the consultations required by section 42(5) of that Act, the following Regulations are hereby made:-.

### 1 Citation commencement and interpretation

- (1) These Regulations may be cited as the National Health Service (Independent Review Body) Regulations 2004, and shall come into operation on the 1st January 2005.
- (2) In these Regulations —
  - “**the Act**” means the National Health Service Act 2001;
  - “**Department**” means the Department of Health and Social Security;
  - “**health care professional**” means a person who is a member of a profession which is regulated by a health regulatory body;
  - “**health regulatory body**” means a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professionals Act 2002<sup>2</sup> (an Act of Parliament);
  - “**Manx Care**” means the statutory board established under section 12 of the Manx Care Act 2021;<sup>2</sup>
  - “**primary care provider**” has the meaning given in paragraph (3);
  - “**the Regulations**” mean the National Health Service (Complaints) Regulations 2004<sup>3</sup>;
- (3) A primary care provider means —

<sup>1</sup> 2001 c.14

<sup>2</sup> 2002 c.17

<sup>3</sup> SD 216/04

- (a) a general medical services contractor;
- (b) a dental practitioner who provides general dental services in accordance with arrangements made under the Act or the Manx Care Act 2021;<sup>3</sup>
- (c) a person who provides general pharmaceutical services in accordance with arrangements made under the Act or the Manx Care Act 2021; and<sup>4</sup>
- (d) an ophthalmic optician or ophthalmic medical practitioners who provides general ophthalmic services in accordance with arrangements made under the Act or the Manx Care Act 2021.<sup>5</sup>

## 2 Independent Review Body

The Department shall establish a Body to be called the “Independent Review Body” (in these regulations referred to as “the Body”) for the purposes of reviewing complaints concerning the provision of services under the Act or the Manx Care Act 2021 in accordance with the requirements of the Regulations.<sup>6</sup>

## 3 Membership

- (1) The Independent Review Body shall comprise of six members who shall be appointed by the Council of Ministers.
- (2) The following persons are not eligible for membership of the Body —
  - (a) a member of Tynwald;
  - (b) an employee of the Department;
  - (ba) a member of Manx Care’s staff, as provided for in paragraph 6 of Schedule 1 to the Manx Care Act 2021;<sup>7</sup>
  - (c) a primary care provider or an employee of a primary care provider;
  - (d) an independent provider or an employee of an independent provider of health services to Manx Care; or<sup>8</sup>
  - (e) a person who is or has been a healthcare professional.
- (3) Members should be appointed for a term not exceeding five years, as the Council of Ministers should specify upon appointment, no member should be appointed for more than 10 years.
- (4) Where the Council of Ministers is of the opinion that it is not in the interests of the Body that a member should continue to hold office, they may terminate his tenure of office by giving the member notice in writing to that effect.
- (5) If a member fails to attend any meeting of the Body for a period of six months the Council of Ministers shall terminate that person’s tenure of office, unless they are satisfied that —
  - (a) the absence was due to a reasonable cause; and

- (b) the person in question will be able to attend meetings of the Body within such a period as the Council of Ministers considers reasonable.

#### **4 Conduct of Business**

- (1) The conduct of the Body is governed by the Regulations.
- (2) The decisions of the Body shall be recorded in the minutes of its meetings maintained by the Secretary.

#### **5 Appointment of Panels**

- (1) The Body may appoint a Panel to review in detail any complaint referred to it, the panel should consist of at least one lay member who should be chosen from a list of people maintained for the purpose.
- (2) Regulation 3(2) should apply to the appointment of lay persons.

#### **6 Expenses of the Body**

- (1) The Department shall meet the expenses of the members of the Body.
- (2) The members of the Body shall be paid an honorarium the level of which shall be decided by the Department.
- (3) The members of the Body shall be entitled to claim travelling allowances in accordance with those set out in the Travelling Allowances Order 2002<sup>4</sup> made under the Payment of Members' Expenses Act 1989<sup>5</sup>.

#### **7 Annual Report**

The Independent Review Body shall submit an Annual Report to the Department on the discharge of its functions.

MADE 1 NOVEMBER 2004

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<sup>4</sup> SD 536/02

<sup>5</sup> 1989 c.4

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Definition of “Manx Care” inserted b SD2021/0066.

<sup>3</sup> Subpara (b) amended by SD2021/0066.

<sup>4</sup> Subpara (c) amended by SD2021/0066.

<sup>5</sup> Subpara (d) amended by SD2021/0066.

<sup>6</sup> Reg 2 amended by SD2021/0066.

<sup>7</sup> Subpara (ba) inserted by SD2021/0066.

<sup>8</sup> Subpara (d) amended by SD2021/0066.