or stock in a company is to be the place of incorporation of the company. Under Rules *(c)*, *(e)* and *(h)*, on the other hand, the situs of debts, of an insurance policy on the deceased's life and of patents, trade marks, designs and copyright, is to follow the domicile. But the code of rules does not apply where the effect of applying it would be to bring within either country's charge to duty property which, apart from the code, would be outside the charge of the country in question (Paragraphs (1), (2) and (3) of Article III).

The Convention applies to the estate duty (separate from British estate duty) which is imposed in Northern Ireland.

The Convention is effective only as regards the estates of persons who die on or after the date when it enters into force.

DENTISTS

DISCIPLINARY COMMITTEE

1957 No. 1265

The General Dental Council Disciplinary Committee (Procedure) Rules Approval Order of Council, 1957

Made - - - - 17*th July*, 1957

At the Council Chamber, Whitehall, the 17th day of July, 1957

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas by subsection (1) of section seven and sub-paragraph (2) of paragraph ten of the First Schedule to the Dentists Act, 1956(a), provision is made for the making of rules by the General Dental Council as to the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee:

And Whereas in pursuance of the said subsection (1) and sub-paragraph (2) the General Dental Council have made the General Dental Council Disciplinary Committee (Procedure) Rules, 1957, being the rules set forth in the Schedule to this Order:

And Whereas by subsection (3) of section seven and sub-paragraph (2) of paragraph ten of the First Schedule to the said Act, such rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the General Dental Council Disciplinary Committee (Procedure) Rules, 1957, into consideration, are pleased to approve the same as set forth in the Schedule to this Order.

This Order may be cited as the General Dental Council Disciplinary Committee (Procedure) Rules Approval Order of Council, 1957.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 29.

SCHEDULE referred to in the foregoing Order

THE GENERAL DENTAL COUNCIL DISCIPLINARY COMMITTEE (PROCEDURE) RULES, 1957

The General Dental Council established by the Dentists Act, 1956, in pursuance of section seven and sub-paragraph (2) of paragraph 10 of the First Schedule to the said Act and of all other powers competent to them under the said Act hereby make the following Rules :

PART I

PRELIMINARY

Citation and Interpretation

1.—(1) These Rules may be cited as the General Dental Council Disciplinary Committee (Procedure) Rules, 1957.

(2) In these Rules, unless the context otherwise requires :

" the Committee " means the Disciplinary Committee ;

" the Council " means the General Dental Council ;

" the President " and " the Solicitor " means the person who for the time being holds the appropriate office in or in behalf of the Council ;

" the Preliminary Proceedings Committee " means the Committee set up by the Council in pursuance of subsection (1) of section six of the Dentists Act, 1956, for the preliminary consideration of disciplinary cases ;

" the Complainant " means the body or person by whom a complaint has been made to the Council alleging that a dentist has been convicted of a crime or been guilty of infamous or disgraceful conduct in a professional respect or giving rise to a question whether an entry in the register is fraudulent or whether such a direction as is mentioned in section twenty-four of the Dentists Act, 1956, should be given in relation to any body corporate ;

" the Respondent " means any registered dentist who is alleged to be liable to have his name erased from the register or in respect of whom a question has arisen whether an entry in the register is fraudulent, or any body corporate the subject of proceedings under Part IV of these rules ; and

" a Crime " means an offence which, if committed in England, would be a felony or misdemeanour.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

PART II

DISCIPLINARY CASES AND CASES RELATING TO FRAUDULENT ENTRIES IN REGISTER

Application of Part II

2. Where in accordance with the provisions of section six of the Dentists Act, 1956, the Preliminary Proceedings Committee decide to refer to the Committee the case of a person alleged to be liable to have his name erased from the register under the second paragraph of section thirteen of the

Dentists Act, 1878, or where in accordance with the provisions of section fifteen of the said Act of 1956, a question whether an entry in the register is fraudulent, is referred to the Committee, the provisions contained in this Part of these Rules shall have effect.

Notice of Inquiry

3.—(1) In a disciplinary case the Solicitor shall, as soon as may be after the case has been referred to the Committee, send to the respondent a "notice of inquiry" as nearly as may be in the form set out in Appendix "A" to these Rules specifying the matters alleged against the respondent in the form of a charge or charges, and stating the day, time and place at which the Committee will hold an inquiry into these matters, together with a copy of these Rules in a registered letter addressed to the respondent at his registered or last known address.

(2) In any case in which there is a complainant, the Solicitor shall send him a copy of the notice of inquiry and a copy of these Rules.

(3) The Committee shall not hold an inquiry unless a notice of inquiry has been served on the respondent in accordance with the foregoing provisions, or otherwise, or unless the Committee is satisfied that all practicable steps have been taken to serve the notice and that the substance of the matters alleged therein against the respondent and the likelihood of an inquiry resulting therefrom are well known to him.

(4) Except with the agreement of the respondent, the inquiry shall not be held on any day earlier than twenty-eight days after the date of posting the notice of inquiry.

Postponement or Cancellation of Inquiry

4.—(1) The President, of his own motion or upon the application of any party thereto, may postpone the hearing of an inquiry, or may refer the matter to the Preliminary Proceedings Committee for further consideration as to whether an inquiry should be held:

Provided that, where the complainant, if any, has intimated his intention of participating in the proceedings, the Preliminary Proceedings Committee shall not direct that an inquiry should not be held except with the agreement of the complainant.

(2) Where before the inquiry opens it appears to the President, or at any stage of the proceedings it appears to the Committee, that a notice of inquiry is defective, he or they shall cause the notice to be amended unless it appears that the required amendment cannot be made without injustice, or, if he or they consider that the circumstances in which an amendment is made require it, may direct that the inquiry shall be postponed or shall not be held.

(3) The Solicitor shall, as soon as may be, give to all parties to whom a notice of inquiry has been sent notification of any decision to postpone or not to hold an inquiry, informing them of the date fixed for the hearing of a postponed inquiry.

Access to Documents

5. Upon application by any party to the inquiry the Solicitor shall send to that party copies of any statutory declaration, explanation, answer, admission or other statement or communication sent to the Council by any party to the inquiry, provided that nothing in this Rule shall compel the

Solicitor to produce copies of any written advice sent by himself to the Council which would be privileged from discovery in any legal proceedings to which the Council was a party.

Procedure at Inquiry

6. The procedure at any inquiry held by the Committee under section six or section fifteen of the Dentists Act, 1956, shall be that set out in the following provisions contained in this Part and in Part V of these Rules.

The Reading of the Charge

7.—(1) The charge shall be read in the presence of the parties:

Provided that if the respondent does not appear but the Committee nevertheless decide that the inquiry shall proceed the charge shall be read in his absence.

(2) As soon as the charge has been read the respondent may, if he so desires, object to the charge, or to any part of it, in point of law, and any other party may reply to any such objection; and, if any such objection is upheld, no further proceedings shall be taken on that charge or on that part of the charge.

Proof of Conviction in Disciplinary Cases

8.—(1) In cases arising out of a complaint or information from which it appears that a registered dentist has been convicted of a crime (referred to in these Rules as cases relating to conviction) the following order of proceedings shall be observed concerning proof of the convictions alleged in the charge:—

(*a*) The complainant, or, if no complainant appears, the Solicitor shall adduce evidence of the convictions.

(*b*) If no evidence is adduced concerning any particular conviction, the Chairman of the Committee shall thereupon announce that that conviction has not been proved.

(*c*) If the respondent appears, then the Chairman shall ask him concerning each conviction of which evidence is so adduced whether he admits the conviction; and if he admits it the Chairman shall thereupon announce that the conviction has been proved.

(2) (*a*) If, where the respondent appears, he does not admit all the convictions, he may then adduce evidence, concerning any conviction which he has not admitted, on the question whether he was convicted as alleged, and may address the Committee on that question:

Provided that only one address may be made under this sub-paragraph and, where the respondent adduces evidence, that address shall be made either before that evidence is begun or after it is concluded.

(*b*) Where evidence is adduced under the last foregoing sub-paragraph, the complainant, or, where no complainant appears, the Solicitor may adduce evidence to rebut such evidence.

(3) On the conclusion of proceedings under the last foregoing paragraph, the Committee shall consider every conviction of which evidence has been adduced and shall determine whether or not it has been proved; and the Chairman of the Committee shall announce their determination in such terms as they may approve.

Proof of the facts alleged in cases relating to conduct in Disciplinary Cases

9.—(1) In cases arising out of a complaint or information from which it appears that a question arises whether the conduct of a registered dentist has been infamous or disgraceful in a professional respect (referred to in these Rules as cases relating to conduct) the following order of proceedings shall be observed as respects proof of the charge or charges :—

(*a*) The case against the respondent shall be opened by the complainant (if any appears) or else by the Solicitor.

(*b*) Thereafter evidence shall be adduced of the facts alleged in the charge or charges.

(*c*) If no evidence is adduced concerning any particular charge the Committee shall record and the Chairman shall announce a finding that the respondent is not guilty of infamous or disgraceful conduct in a professional respect in respect of the matters to which that charge relates.

(2) Where the respondent appears the following further order of proceedings shall be observed :—

(*a*) At the close of the case against him the respondent may, if he so desires, make either or both of the following submissions relating to any charge concerning which evidence has been adduced, namely—

(i) that no sufficient evidence has been adduced upon which the Committee could find that the facts alleged in that charge have been proved ;

(ii) that the facts alleged in the charge are not such as to constitute infamous or disgraceful conduct in a professional respect ;

and where such a submission is made, any other party may reply thereto.

(*b*) If a submission is made under the last foregoing sub-paragraph, the Committee shall consider and determine whether it should be upheld ; and—

If the Committee determine to uphold it they shall record and the Chairman shall announce their finding that, in relation to the matters to which that charge relates, the respondent is not guilty of infamous or disgraceful conduct in a professional respect.

(*c*) The respondent may adduce evidence in answer to any charge concerning which evidence has been adduced and, whether he adduces evidence or not, may address the Committee. Except with the leave of the Committee only one address may be made under this paragraph and, where the respondent adduces evidence, shall be made either before that evidence is begun or after it is concluded.

(*d*) At the close of the case for the respondent, the complainant or the Solicitor, as the case may be, may, with the leave of the Committee, adduce evidence to rebut any evidence adduced by the respondent ; and if he does so, the respondent may make a further address limited to the rebutting evidence.

(*e*) The complainant or the Solicitor, as the case may be, may address the Committee by way of reply to the respondent's case—

(i) if oral evidence (not being evidence as to character) other than that of the respondent himself has been given on the respondent's behalf ; or

(ii) with the leave of the Committee, where no such evidence has been given.

(f) Without prejudice to the last foregoing sub-paragraph, if the respondent has made a submission to the Committee on a point of law any other party shall have a right of reply limited to that submission.

(3) On the conclusion of proceedings aforesaid, the Committee shall consider and determine as respects each charge which remains outstanding which, if any, of the facts alleged in the charge have been proved to their satisfaction.

(4) If under the last foregoing paragraph the Committee determine as respects any charge, either that none of the facts alleged in the charge has been proved to their satisfaction, or that such facts as have been so proved would be insufficient to support a finding of infamous or disgraceful conduct in a professional respect, the Committee shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which that charge relates and the Chairman shall announce the finding of the Committee.

Procedure in Disciplinary Cases upon proof of conviction or of the facts alleged in cases relating to conduct

10.—(1) Where the Committee have found that a conviction has been proved the Chairman shall invite the complainant or the Solicitor, as the case may be, to address the Committee, and to adduce evidence as to the circumstances leading up to the conviction and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(2) Where in a case relating to conduct the Committee have found that the facts or any of them alleged in any charge have been proved to their satisfaction (and have not on those facts recorded a finding of not guilty) the Committee shall forthwith consider and determine whether in relation to the facts found proved as aforesaid the respondent is guilty of infamous or disgraceful conduct in a professional respect. If they determine that he is not guilty of such conduct in relation to some or any of such facts they shall record a finding to that effect and the Chairman shall announce it. If they determine that he is guilty of such conduct in relation to all or any of such facts the Chairman shall invite the complainant or the Solicitor, as the case may be, to address the Committee and to adduce evidence as to circumstances leading up to the facts in question and as to the character and previous history of the respondent. The Chairman shall then invite the respondent to address the Committee by way of mitigation and to adduce evidence as aforesaid.

(3) Except where (in a case relating to conduct) the respondent has been found not guilty on all charges the Committee shall next consider and determine whether they should postpone judgment.

(4) If the Committee determine to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine; and the Chairman of the Committee shall announce their determination in such terms as the Committee shall have approved.

(5) If the Committee determine not to postpone judgment, they shall determine whether by reason of the conviction or convictions proved against the respondent or of his infamous or disgraceful conduct in a professional respect the Registrar should be directed to erase his name from the register, and the Chairman shall announce their determination in such terms as they shall have approved.

Procedure in Disciplinary Cases relating both to conviction and to conduct

11. *Where in* any case it is alleged against the respondent both that he has been convicted and that he has been guilty of infamous or disgraceful conduct in a professional respect, the Committee shall proceed upon the charge or charges of each kind separately under rule 8 or rule 9 of these Rules according as the charge relates to a conviction or to conduct and shall then proceed under so much of rule 10 of these Rules as may be applicable either upon the charge or charges of each kind separately or upon the charges of both kinds concurrently, according as the circumstances of the case may require.

Procedure upon postponement of judgment

12.—(1) Where under any of the foregoing provisions of these Rules the judgment of the Committee in any case stands postponed, the following shall be the procedure :

(*a*) The Solicitor shall, not later than six weeks before the day fixed for the resumption of the proceedings, send to the respondent a notice, which shall

(i) specify the day, time and place at which the proceedings are to be resumed and invite him to appear thereat,

(ii) unless the President otherwise directs, invite the respondent to furnish the Registrar with the names and addresses of persons to whom reference may be made confidentially or otherwise concerning his character and conduct, and

(iii) invite the respondent to send to the Solicitor, not less than three weeks before the day fixed for the resumption of proceedings a copy of any statement or statutory declaration, whether made by the respondent or not, relating to his conduct since the hearing of his case or setting out any material facts which have arisen since that hearing.

(*b*) A copy of the notice and of any statement or statutory declaration sent in accordance with the provisions of the last foregoing sub-paragraph shall be sent to the complainant, if any, if he is a party to the proceedings, and he may in turn, if he so desires, send to the Solicitor a statement or statutory declaration, whether made by himself or not, concerning any matter raised by the respondent.

(*c*) At the meeting at which the proceedings are resumed the Chairman of the Committee shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands and the Committee may then receive further oral or documentary evidence in relation to the case, or to the conduct of the respondent since the hearing, and shall hear any other party to the proceedings who desires to be heard.

(*d*) The Committee shall then consider and determine whether they should further postpone their judgment on the charges on which their judgment was previously postponed ; and if the Committee determine further to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine ; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve. The provisions of this rule shall apply to any case in which judgment is further postponed.

(*e*) If the Committee determine that judgment shall not be further postponed paragraph (5) of rule 10 of these Rules shall apply.

(2) At any resumed proceedings any new charge alleged against the respondent in accordance with these Rules shall first be dealt with in accordance with such of rules 7 to 9, and so much of rule 10 as may be applicable and if the Committee determine not to postpone judgment in respect of any such new charge, the Committee may apply paragraph (5) of rule 10 simultaneously to the new charge and the charge in respect of which they had postponed judgment.

(3) Nothing in the last foregoing paragraph shall prevent the Committee from receiving evidence at any resumed proceedings of any conviction recorded against the respondent which has not been made the subject of a charge under these Rules.

(4) Subject to the provisions of the Dentists Act, 1956, and of article 15 of the Rules and Regulations made by the Council which relate to the constitution of the Committee, the validity of any resumed proceedings shall not be called into question by reason only that members of the Committee who were present at any former meeting were not present at the resumed meeting or that members present at the resumed meeting were not present at any former meeting.

Cases relating to Fraudulent Entries in Register

13.—(1) Where any question whether an entry in the register is fraudulent is referred to the Committee the Solicitor shall send to the respondent a notice of inquiry specifying the nature of the fraud alleged, stating the day, time and place at which the Committee will hold an inquiry into the question, inviting his attendance at such inquiry, and containing such further information as the nature of the case may require. The provisions of rule 3 shall apply as though such notice were a notice of inquiry such as is mentioned in that rule.

(2) A copy of the notice shall be sent to any person who is alleged to have been a party to the fraud alleged and to such other persons (if any) as the President may direct. Any such person may with the leave of the President or of the Committee appear at the inquiry as an additional party thereto.

(3) The inquiry shall proceed as though the question were a charge contained in a notice of inquiry in a case relating to conduct and the provisions of rule 9 shall accordingly apply thereto so far as may be.

(4) If the Committee determine that the entry has been proved to their satisfaction to have been made fraudulently, they shall make an order in writing, under the hand of the Chairman of the Committee, that the entry, having been proved to the satisfaction of the Committee to have been made fraudulently, shall be erased from the register; and the Chairman shall announce the determination in such terms as the Committee may approve.

(5) Whether or not the Committee proceed to determine that an entry has been proved to their satisfaction to have been fraudulently made, they may, if they are satisfied that the entry has been incorrectly made, recommend the Council to cause the entry to be amended in accordance with their conclusions.

(6) Where an inquiry relates to two or more entries, the Committee may proceed under the foregoing provisions of this rule in respect of those entries either separately or taken together, as the Committee may think

fit; and where an inquiry relates to an entry specifying two or more particulars, the Committee may proceed thereunder in respect of so much of the entry as specifies each of those particulars as if it were a separate entry.

Procedure where there is more than one respondent

14. Nothing in this part of these Rules shall prevent one inquiry being held into charges against two or more respondents; and where such an inquiry is held the foregoing rules shall apply with the necessary adaptations and subject to any directions given by the Committee as to the order in which proceedings shall be taken under any of those Rules by or in relation to the several respondents, so however that any of the rights ensured to a respondent under those rules shall be exercised separately by each of the respondents who desires to invoke that right.

PART III

Restoration of Names after Penal Erasure

Procedure

15. Where in accordance with the provisions of section eleven of the Dentists Act, 1956, an application for the restoration to the register made by a person whose name has been erased from the register has been referred to the Committee for determination, the following provisions shall have effect:

(1) The Committee shall afford to the applicant an opportunity of being heard by the Committee and of adducing evidence.

(2) The Committee may require such evidence as they think necessary concerning the identity or character of the applicant, or his conduct since his name was erased from the register, and for this purpose may receive written or oral evidence, including any observations on the applicant which may be offered by the body granting the diploma by virtue of which the applicant was registered.

Subject to the foregoing provisions of this rule, the procedure of the Committee in connection with the application shall be such as they may determine.

PART IV

Removal of Right of Bodies Corporate to carry on the Business of Dentistry

Notice of Inquiry

16. Where a case is referred to the Committee for inquiry whether or not to give a direction under section twenty-four of the Dentists Act, 1956, that the exception referred to in subsection (1) of that section shall cease to extend to any body corporate (in this part of these Rules called "the Company"), then, whether the case is one which appears to the Committee to fall within subsection (3) of that section (which type of case is hereinafter called "Case 3") or within subsection (4) thereof (which type of case is hereinafter called "Case 4") the following steps shall be taken:

(1) The Solicitor shall send by post to the registered office of the Company a notice of inquiry stating the day, time and place of the meeting proposed to be held for the purpose aforesaid, which day shall not be earlier than twenty-eight days after the date of the posting of the notice.

(2) The notice shall set out the purpose of the proposed inquiry and shall invite the Company to appear thereat as provided by rule 23 of these Rules, and shall contain particulars :

in Case 3, of any conviction or erasure alleged ; or

in Case 4, (i) of any act or omission alleged and, in the case of a continuing act or omission, of the period or periods over which it is alleged to have continued ;

(ii) of the erasure alleged to have been consequent upon such act or omission ; and

(iii) of any director of the Company who is alleged to have instigated, connived at, or had knowledge of such act or omission

and in either Case shall be accompanied by a copy of these Rules.

(3) A copy of the notice shall be sent by post to the complainant (if any) and to every person who is named therein and to every other person who according to the latest return made by the Company under subsection (3) of section five of the Dentists Act, 1921, appears to be a director thereof. The President may direct that a copy of the notice shall also be sent to any other person or body.

(4) The Committee shall not be precluded from proceeding with the inquiry merely by the absence of proof that any copy of the notice sent in pursuance of the last foregoing paragraph was in fact received by the person or body to whom it was sent.

(5) Any person or body other than the complainant or the Company or any of its directors may, with the leave of the President or of the Committee appear at the inquiry as an additional party thereto.

(6) The provisions of rules 4 and 5 of these Rules shall apply to the inquiry.

Procedure at Inquiry

17.—(1) The inquiry shall begin with a statement by the Chairman describing the purpose thereof. Thereafter the complainant (if any appears) or the Solicitor shall open the case to the Committee and shall adduce evidence.

(2) (*a*) Any erasure from the register shall be proved by a certificate under the hand of the Registrar.

(*b*) Where any name appearing in any certificate of conviction or certificate of erasure agrees with any name appearing in the register or in any return made by the Company under subsection (3) of section five of the Dentists Act, 1921, it shall be presumed until the contrary is shown that the name refers in each case to the same person.

(*c*) The correctness of any conviction shall not be questioned by any party to the inquiry and shall be assumed by the Committee.

(*d*) Where any person named in the notice of inquiry is or was a registered dentist, any finding of fact or of fraud shown to have been made against him in proceedings before the Committee under Part II of these Rules or on appeal from a decision in such proceedings shall be conclusive evidence of the fact or fraud so found except where an appeal is pending against the decision of the Committee.

(*e*) The provisions of rule 8 of these Rules shall apply with the necessary modifications to the proof of any conviction.

(3) *At the close* of the case presented by the complainant or Solicitor (as the case may be) the Company and any other party appearing may adduce evidence and may address the Committee and the procedure shall be as set out in sub-paragraphs (*c*), (*d*), (*e*) and (*f*) of paragraph (2) of rule 9 of these Rules with such modifications as may be rendered necessary by the circumstances of the case and the number of parties appearing.

(4) On the conclusion of proceedings aforesaid, the Committee shall consider and decide whether they should postpone their determination whether or not they should give such a direction as is described in section twenty-four of the Dentists Act, 1956, and if they decide to postpone their determination, the Chairman shall announce their decision in such terms as the Committee may approve.

(5) If the Committee decide not to postpone their determination they shall next determine whether or not they should give such a direction and the Chairman shall announce their determination in such terms as the Committee shall have approved.

(6) Where under the provisions of this rule the determination of the Committee in any case stands postponed, the following shall be the procedure:

(*a*) The Solicitor shall, not less than six weeks before the date fixed for the resumption of the proceedings, send to the Company and to all parties who appeared at the original inquiry, a notice which shall specify the day, *time* and place at which the proceedings are to be resumed.

(*b*) At the meeting at which the proceedings are resumed the Chairman of the Committee shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands and the Committee may then hear any other party to the proceedings and receive further oral or documentary evidence in relation to the case, or to the conduct since the hearing, of any person concerned in the business of the Company or named in the notice of the inquiry.

(*c*) The Committee shall then consider and determine whether they should further postpone their determination and if they determine further to postpone their determination the provisions of this rule shall apply.

(7) If the Committee decide not to postpone, or not further to postpone, their determination, they shall then consider and determine whether or not to give such a direction as is described in this rule, and the Chairman shall announce their decision in such terms as the Committee may approve.

PART V

GENERAL

Hearing and Adjournment

18.—(1) Subject to the provisions of subsection (3) of section eight of the Dentists Act, 1956, and of any rules made thereunder the Committee may deliberate in camera (with or without the Legal Assessor) at any time and for any purpose during or after the hearing of any proceedings.

(2) Save as aforesaid all proceedings before the Committee shall take place in the presence of all parties thereto who appear therein and shall be held in public except as provided by the following paragraph hereof.

(3) Where in the interests of justice or for any other special reason it appears to the Committee that the public should be excluded from any proceedings or part thereof, the Committee may direct that the public shall be so excluded; but a direction under this paragraph shall not apply to the announcement in pursuance of any of these Rules of a determination of the Committee.

(4) The Committee may adjourn their proceedings from time to time as they think fit.

Evidence

19.—(1) Where any respondent or applicant has supplied to the Committee or to the Registrar on their behalf the name of any person to whom reference may be made confidentially as to his character or conduct the Committee may consider any information received from such person in consequence of such reference without disclosing the same to the respondent or applicant.

(2) The Committee may receive oral, documentary, or other evidence of any fact which appears to them relevant to the inquiry into the case before them:

Provided that, where a fact which it is sought to prove or the form in which any evidence is tendered is such that it would not be admissible in criminal proceedings in an English court, the Committee shall not receive evidence of that fact or in that form, unless after consultation with the Legal Assessor they are satisfied that it is desirable in the interest of justice to receive it having regard to the difficulty and expense of obtaining evidence which would be so admissible.

(3) The Committee may cause any person to be called as a witness in any proceedings before them whether or not the parties consent thereto. Questions may be put to any witness by the Committee through the Chairman or by the Legal Assessor with the leave of the Chairman.

Voting

20.—(1) Any question put to the vote shall be put in the form of a motion. The Chairman shall call upon the members present to vote for or against the motion by raising their hands and shall declare that the motion appears to him to have been carried or not carried as the case may be.

(2) Where the result so declared is challenged by any member, the Chairman shall call upon the Registrar to read the roll and as his name is read every member present including the Chairman (who shall be called last) shall say "For" or "Against" according as his vote is given for or against the motion. The Chairman shall thereupon declare the number of members who have voted for and the number who have voted against the motion and whether the motion has been carried or not carried.

(3) Where on any of the questions the votes are equal, the question shall be deemed to have been resolved in favour of the respondent or applicant, as the case may be, and for the purposes of this paragraph a decision to postpone judgment shall be taken to be in favour of the respondent or applicant unless he has indicated to the Committee that he is opposed to postponement.

Supplementary

23.—(1) Any party being a body corporate or an unincorporated body of persons may appear by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(2) Except in cases to which Part III of these Rules apply:

(*a*) Any party being an individual may appear either in person or by counsel or solicitor, or by any officer or member of any organization of which he is a member, or by any member of his family; and

(*b*) A shorthand-writer shall be appointed by the Committee to take shorthand notes of their proceedings and any party to proceedings of the Committee shall, on application to the Solicitor and on payment of the proper charges, be furnished by the Solicitor with a transcript of the shorthand notes of any part of the proceedings at which the parties were entitled to be present.

24. Anything authorized or required by these Rules to be done by the President may, if the President is absent or unable to act, be done by any other member of the Council authorized in that behalf by the President.

APPENDIX A

GENERAL DENTAL COUNCIL

FORM OF NOTICE OF THE PROPOSED HOLDING OF AN INQUIRY UNDER SECTION SIX OF THE DENTISTS ACT, 1956

[*Date*]

SIR/MADAM,

On behalf of the General Dental Council notice is hereby given to you that in consequence of [a complaint made against you to the Council] *or* [information received by the Council] an inquiry is to be held into the following charge (charges) against you:—

(*If the charge relates to conviction*) That you were on the ..... day of ..... at (*specify court recording the conviction*) convicted of (*set out particulars of the conviction in sufficient detail to identify the case*).

or

(*If the charge relates to conduct*) That being registered under the Dentists Acts you (*set out briefly the facts alleged*): and that in relation to the facts alleged you have been guilty of infamous or disgraceful conduct in a professional respect.

(*Where there is more than one charge, the charges are to be numbered consecutively, charges relating to conviction being set out before charges relating to conduct.*)

Notice is further given to you that on [*day of the week,*] the ..... day of ....., 19..., a meeting of the Disciplinary Committee of the Council will be held at ....., at ....., to consider the above-mentioned charge (charges) against you, and to determine whether or not they should direct the Registrar to erase your name from the register, pursuant to section thirteen of the Dentists Act, 1878, as amended by section six of the Dentists Act, 1956.

You are hereby invited to answer in writing the above-mentioned charge (charges) and also to appear before the Committee at the place and time specified above, for the purpose of answering it (them). You may appear in person or by counsel or solicitor, or by any officer or member of any organization of which you are a member, or by any member of your family. The Committee have power, if you do not appear, to hear and decide upon the said charge (charges) in your absence.

Any answer, admission, or other statement or communication, which you may desire to make with respect to the said charge (charges), should be addressed to the Solicitor to the Council.

If you desire to make any application that the inquiry should be postponed, you should send the application to the Solicitor to the Council as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the President of the General Dental Council in accordance with the General Dental Council Disciplinary Committee (Procedure) Rules, 1957 (S.I. 1957, No. 1265), a copy of which is sent herewith for your information.

I am, Sir/Madam,

Your obedient Servant,

Solicitor to the General Dental Council.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By this Order the rules set out in the schedule are approved.

The rules provide the procedure for dealing with the removal of a name from the register of dentists on disciplinary grounds or on the ground that the name was fraudulently entered, and with the restoration of a name so removed (Parts II and III), and for dealing with the removal of the right of a body corporate to carry on the business of dentistry (Part IV). Part V contains general provisions as to the conduct of hearings, the admissibility of evidence, the method of voting at hearings and the right to be represented thereat.