STATUTORY INSTRUMENTS

1961 No. 1331 (S. 85)

NURSES AND MIDWIVES

The General Nursing Council Disciplinary Committee (Legal Assessor) (Scotland) Rules, 1961

Made - - - -	30*th June*, 1961
Coming into Operation	30*th June*, 1961

I, James Latham Clyde, Lord President of the Court of Session, by virtue of the powers conferred on me by section 10 of the Nurses (Amendment) Act, 1961(a), and of all other powers enabling me in this behalf, hereby make the following Rules:—

1. It shall be the duty of the legal assessor to be present at all proceedings before the General Nursing Council for Scotland or any committee of the Council relating to the removal of a person from the register or the roll for disciplinary reasons, and at any other proceedings before them relating to the removal of a person from the register or the roll, or at any proceedings before them relating to the restoration of a person to the register or the roll, at which his attendance is required by the body before whom the proceedings are held, and to advise that body on questions of law and procedure and the admission of evidence arising therein which may be referred to him by that body.

2. It shall be the duty of the legal assessor to inform forthwith the body before whom proceedings are held of any irregularity in the conduct of those proceedings which may come to his knowledge, and of his own motion to tender such advice on questions of law and the admission of evidence as appears to him to be necessary to the justice of the cause.

3. The advice of the legal assessor shall be tendered to the body before whom proceedings are held in the presence of every party, or person representing a party, to the proceedings, who appears thereat:

Provided that, if for any reason advice is tendered by the legal assessor when the body before whom proceedings are held are deliberating in private or outwith the presence of the said parties or their representatives, the legal assessor shall, as soon as is possible, personally inform them of any question which has been put to him by that body, and of his advice thereon, and of any other advice which he has tendered to that body on any matter specified in these Rules, and his advice, and any question in respect of which it has been tendered, shall subsequently be put in writing and a copy thereof shall be given to every such party or representative.

4. If on any occasion the body do not accept the advice of the legal assessor, a record shall be made of any advice which he has tendered and of any question in respect of which it has been tendered, and of the refusal to accept it, together with the reasons for such refusal, and a copy of the record shall be given to every party, or person representing a party, who appears thereat.

(a) 9 & 10 Eliz. 2. c. 14.

5. Copies of the foregoing record and of the written statement of any advice tendered in pursuance of Rule 3, and of any question in respect of which it has been tendered, shall be available on application to every party to the proceedings who does not appear thereat.

6. These Rules may be cited as the General Nursing Council Disciplinary Committee (Legal Assessor) (Scotland) Rules, 1961, and shall come into operation on 30th June, 1961.

Dated the 30th day of June, 1961.

J. L. Clyde,
Lord President of the Court of Session.

EXPLANATORY NOTE

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

These Rules regulate the functions of legal assessors appointed under section 10 of the Nurses (Amendment) Act, 1961, to advise the General Nursing Council for Scotland or any committee of it on questions of law arising in disciplinary proceedings before them.