STATUTORY INSTRUMENTS

1961 No. 1239

OPTICIANS

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

Made - - - -	*29th June*, 1961
Coming into Operation	*17th July*, 1961

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 16 of the Opticians Act, 1958(a), hereby make the following Rules:—

1. These Rules may be cited as the General Optical Council Disciplinary Committee (Legal Assessor) Rules, 1961, and shall come into operation on the seventeenth day of July, 1961.

2.—(1) In these Rules—

(*a*) the expression "the Committee" means the Disciplinary Committee constituted under the provisions of section 10 of the Opticians Act, 1958; and

(*b*) the expression "Legal Assessor" means an assessor appointed under the provisions of section 16 of the Opticians Act, 1958.

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

3. It shall be the duty of the Legal Assessor to be present at all proceedings before the Committee and to advise the Committee on any questions of law and the admission of evidence arising in the proceedings which may be referred to him by the Committee.

4. It shall be the duty of the Legal Assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before the Committee which may come to his knowledge and to advise them of his own motion where it appears to him that, but for such advice, there is a possibility of a mistake of law being made.

5. The advice of the Legal Assessor shall be tendered to the Committee in the presence of every party, or person representing a party, to the proceedings who appears thereat:

Provided that if, in the case of any question referred by the Committee to the Legal Assessor after the Committee have begun to deliberate as to their findings, the Committee consider that it would be prejudicial to the discharge of their duties for the advice to be tendered in the presence of the said parties or their representatives, it may be tendered in their absence, but the Legal Assessor shall, as soon as may be, personally inform them of the question which has been put to him by the Committee and of his advice thereon, and his advice shall subsequently be put in writing and a copy thereof shall be given to every such party or representative.

(a) 6 & 7 Eliz. 2. c. 32. (b) 52 & 53 Vict. c. 63.

6. If on any occasion the Committee do not accept the advice of the Legal Assessor, a record shall be made of the question referred to him, of the advice given 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, to the proceedings who appears thereat.

7. Copies of written advice, made for the purposes of either of the last two foregoing Rules, shall be available on application to every party to the proceedings who does not appear thereat.

Dated the 29th day of June, 1961.

Kilmuir, C.

EXPLANATORY NOTE

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

These Rules regulate the functions of the Legal Assessor appointed under section 16 of the Opticians Act, 1958, to advise the Disciplinary Committee of the General Optical Council on questions of law arising in disciplinary cases before them.