STATUTORY INSTRUMENTS

1971 No. 755

HEARING AID COUNCIL

The Hearing Aid Council (Disciplinary Proceedings) Legal Assessor Rules 1971

Made - - -	*3rd May* 1971
Coming into Operation	*1st June* 1971

The Lord Chancellor, in exercise of the powers conferred on him by section 11(3) of the Hearing Aid Council Act 1968(a), hereby makes the following Rules :—

1. These Rules may be cited as the Hearing Aid Council (Disciplinary Proceedings) Legal Assessor Rules 1971 and shall come into operation on 1st June 1971.

2.—(1) In these Rules—

"the Act" means the Hearing Aid Council Act 1968 ;

"the Committee" means the Disciplinary Committee constituted in accordance with the provisions of section 6 of the Act ;

"Legal Assessor" means an assessor appointed under the provisions of section 11 of the Act ; and

"the Register" means the register maintained in accordance with section 2(1)(*a*) of the Act, or the register maintained in accordance with section 2(1)(*b*) of the Act, as the case may be.

(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 relating to the refusal or failure to enter a person's name on the Register, the removal of a person's name from the Register, or the restoration of the name of a person whose name had been removed from the Register, and to advise the Committee on any questions of law and the admission of evidence arising in the proceedings which they may refer to him.

4. It shall be the duty of the Legal Assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before them 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.

(a) 1968 c. 50. (b) 1889 c. 63.

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 while the Committee are deliberating in private, 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 available to every such party or representative.

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 3rd May 1971.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules regulate the functions of the Legal Assessor, appointed under section 11 of the Hearing Aid Council Act 1968, to give advice on questions of law arising in disciplinary cases before them to the Disciplinary Committee set up by the Hearing Aid Council.