STATUTORY INSTRUMENTS

1978 No. 1503

INSURANCE

The Insurance Brokers Registration Council (Disciplinary Committee) Legal Assessor Rules 1978

Made - - - - 18*th October* 1978

Coming into Operation 10*th November* 1978

The Lord Chancellor with respect to England and Wales and Northern Ireland, and the Lord Advocate with respect to Scotland, in exercise of the powers conferred on them by section 20 of the Insurance Brokers (Registration) Act 1977(**a**) hereby make the following Rules:—

1. These Rules may be cited as the Insurance Brokers Registration Council (Disciplinary Committee) Legal Assessor Rules 1978 and shall come into operation on 10th November 1978.

2.—(1) In these Rules—

"the Act" means the Insurance Brokers (Registration) Act 1977;

"the Committee" means the Disciplinary Committee constituted under the provisions of section 14 of the Act; and

"Legal Assessor" means an assessor appointed under the provisions of section 20 of the Act.

(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 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.

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:

(**a**) 1977 c. 46. (**b**) 1889 c. 63.

Provided that if, in the case of any question referred by the Committee to the Legal Assessor while they 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 given 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 16th October 1978. *Elwyn-Jones*, C.

Dated 18th October 1978. *Ronald King Murray*,
Lord Advocate.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules regulate the functions of the Legal Assessor appointed under section 20 of the Insurance Brokers (Registration) Act 1977 to advise the Disciplinary Committee of the Insurance Brokers Registration Council on questions of law arising in disciplinary cases before them.

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