STATUTORY INSTRUMENTS

1985 No. 172

JUDICIAL COMMITTEE

PROCEDURE

The Judicial Committee (Dentists Rules) Order 1985

Made - - - - 13*th February* 1985

At the Court at Buckingham Palace, the 13th day of February 1985

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 29(2) of the Dentists Act 1984(**a**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order shall come into operation forthwith, and may be cited as the Judicial Committee (Dentists Rules) Order 1985.

(2) The Judicial Committee (Dentists Rules) Order 1958(**b**) is hereby revoked.

2. The Rules set out in the Schedule to this Order shall take effect for the purpose of regulating appeals to Her Majesty in Council under the Dentists Act 1984.

G. I. de Deney,
Clerk of the Privy Council.

SCHEDULE

RULES

1. In these Rules, unless the context otherwise requires:

"The Act" means the Dentists Act 1984.

"The Council" means the General Dental Council.

(**a**) 1984 c. 24. (**b**) S.I. 1958/599.

"The Registrar" means the Registrar of the Privy Council and the "Registry" means the Registry of the Privy Council, Downing Street, London.

2. A person who desires to appeal to Her Majesty in Council under section 29 of the Act shall, within 28 days of the service on him of the notification by the Registrar of the General Dental Council of the determination or direction appealed against, enter an appearance in the Registry, lodge therein a petition of appeal and serve a copy of the petition of appeal on the Council.

3. The petition of appeal shall—

(*a*) state the full title of the appeal and the name of the Committee of the Council appealed from;

(*b*) be addressed to Her Majesty in Council;

(*c*) recite succinctly in paragraphs numbered consecutively the proceedings leading up to the appeal but shall not contain argumentative matter or travel into the merits of the case.

4.—(1) Within 21 days of the service on them of the petition of appeal, or such further period as may be allowed by the Registrar, the Council shall enter an appearance in the Registry and shall forthwith give notice thereof to the appellant.

(2) The Council shall thereafter, with all convenient speed, lodge an authenticated Record of the proceedings at which was given the determination or direction appealed against and 6 copies of this Record and shall serve 3 copies thereof on the appellant.

5.—(1) Within 28 days of the lodgment of the Record in the Registry the appellant and the Council shall each lodge in the Registry 6 copies of their case.

(2) The case shall consist of paragraphs numbered consecutively and shall state as concisely as possible the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the same, and the reasons for appeal.

(3) The case shall be signed by at least one of the Counsel who attends at the hearing of the appeal or by the appellant himself if he conducts his appeal in person.

6. The appeal shall be set down as soon as the cases on both sides are lodged and the parties shall thereupon exchange cases by delivering each to the other 3 copies of their respective cases.

7. If the Council do not lodge their case within the period prescribed by Rule 5, or within such further period as may be allowed by the Registrar, the appeal shall be set down for hearing ex parte provided that the appellant has already lodged his case.

8.—(1) Where an appellant who has lodged his petition of appeal desires to withdraw his appeal, he shall lodge in the Registry a petition to Her Majesty in Council for leave to withdraw the appeal.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for their costs.

9.—(1) If the appellant does not lodge his case within the period prescribed by Rule 5, or within such further period as may be allowed by the Registrar, the Council may lodge in the Registry a petition to Her Majesty in Council praying that the appeal be dismissed for non-prosecution.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for their costs.

10. Where the prayer of a petition lodged under either of the last two preceding Rules is consented to in writing by the opposite party the Judicial Committee may, if they

think fit, make their Report to Her Majesty on such petition without requiring the attendance of the parties before them.

11. Where a person desiring to appeal as a poor person proves by affidavit to the satisfaction of the Registrar that he is not worth £500 excepting his wearing apparel and that he is unable to provide sureties and also lodges a certificate of Counsel that he has reasonable grounds of appeal, the appeal shall proceed as an appeal by a poor person and the appellant shall not be required to pay any Privy Council Office fees.

12. Rule 83 of the Judicial Committee (General Appellate Jurisdiction) Rules(**a**) shall apply as if the reference to "these Rules" therein contained wherever those words appear was a reference to the Judicial Committee (Dentists Rules) Order 1985.

13.—(1) Rules 17, 18, 71, 72, 74, 75, 77, 78, 79, 80, 81, 84, 85 and 86 of, and Schedule B to, the Judicial Committee (General Appellate Jurisdiction) Rules shall so far as applicable and subject to the provision of any Statute or any Statutory Instrument to the contrary apply to appeals under the Act.

(2) Save as aforesaid and as is stated in Rule 12 of these Rules, the Judicial Committee (General Appellate Jurisdiction) Rules shall not apply to such appeals.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order contains the Rules governing procedure for all appeals to Her Majesty in Council under the Dentists Act 1984.

(**a**) Set out in Schedule II to S.I. 1982/1676.

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