STATUTORY INSTRUMENTS

1980 No. 873

JUDICIAL COMMITTEE

PROCEDURE

The Judicial Committee (Medical Rules) Order 1980

Made - - - -	*24th June* 1980
Laid before Parliament	*2nd July* 1980
Coming into Operation	*1st August* 1980

At the Court at Buckingham Palace, the 24th day of June 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 11(4) of the Medical Act 1978**(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. This Order shall come into operation on 1st August 1980, and may be cited as the Judicial Committee (Medical Rules) Order 1980.

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 Medical Act 1978.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

RULES

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

"The Act" means the Medical Act 1978.

"The Council" means the General Medical Council.

"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 11 of the Act shall within 28 days of the service on him of the notification by the Registrar of the General Medical Council of the direction appealed against, or within any extension of that time which may have been granted under paragraph 9 of Schedule 4 to the Act, enter an appearance in the Registry, lodge therein a Petition of Appeal and serve a copy of the Petition of Appeal on the Council.

(a) 1978 c.12

3. The Petition of Appeal shall be addressed to Her Majesty in Council and shall recite succinctly the proceedings leading up to the appeal but shall not contain argumentative matter or travel into the merits of the case.

4. 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 lodge an authenticated Record of the proceedings at which was given the direction appealed against and 6 copies of this Record and shall serve 3 copies thereof on the appellant.

5. 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. The Cases 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.

6. The appeal shall be set down *ipso facto* 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. At the hearing of an appeal not more than two Counsel shall be admitted to be heard on a side.

9. 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. On the hearing of such Petition the Council shall be entitled to apply to the Judicial Committee for their costs.

10. 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.

11. 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.

12. All bills of costs under any Order of the Judicial Committee made on the appeal shall stand referred to the Registrar, or such other person as the Judicial Committee may appoint, for taxation. The scale of costs governing such taxation shall be the scale for those items which are applicable in Part I of Schedule B to the Judicial Committee Rules 1957(a) as from time to time amended.

13. Where a person desiring to appeal *in forma pauperis* proves by affidavit to the satisfaction of the Registrar that he is not worth £100 in the world 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 *in forma pauperis* and the appellant shall not be required to pay any Privy Council Office fees.

14. Rule 83 of the Judicial Committee Rules 1957 shall apply as if the reference to "these Rules" therein contained wherever those words appear was a reference to the Judicial Committee (Medical Rules) Order 1980.

15. Rules 71, 74, 77, 78, 79, 80, 81, 84, 85 and 86 of, and Part II of Schedule B to, the Judicial Committee Rules 1957 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. Save as aforesaid and as is stated in Rules 12 and 14 of these Rules, the Judicial Committee Rules 1957 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 Medical Act 1978.

(a) S.I. 1957/2224