The Medical Disciplinary Committee (Procedure) Rules Approval Order of Council, 1951

1951 No. 665

Made - - - -	17*th April*, 1951
Laid before Parliament	17*th April*, 1951
Coming into Operation	18*th April*, 1951

AT THE COUNCIL CHAMBER, WHITEHALL

The 17th day of April, 1951

BY THE LORDS OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL

Whereas by subsection (2) of section sixteen and subsection (4) of section twenty-one of the Medical Act, 1950(a), provision is made for the making by the Medical Disciplinary Committee of rules for the purposes of proceedings before that Committee:

And Whereas in pursuance of the said subsection (2) and subsection (4) the Medical Disciplinary Committee have made the Medical Disciplinary Committee (Procedure) Rules, 1951, being the rules set forth in the Schedule to this Order:

And Whereas by subsection (4) of section sixteen of the said Act of 1950 such rules are not to come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the Medical Disciplinary Committee (Procedure) Rules, 1951, into consideration, are pleased to approve the same as set forth in the Schedule to this Order.

This Order may be cited as the Medical Disciplinary Committee (Procedure) Rules Approval Order of Council, 1951, and shall come into operation on the 18th April, 1951.

E. C. E. Leadbitter.

THE MEDICAL DISCIPLINARY COMMITTEE (PROCEDURE) RULES, 1951

In pursuance of subsection (2) of section sixteen and subsection (4) of section twenty-one of the Medical Act, 1950(a), the Medical Disciplinary Committee hereby make the following rules:—

PART I

PRELIMINARY

Citation

1. These rules may be cited as the Medical Disciplinary Committee (Procedure) Rules, 1951.

Penal Cases Committee

2.—(1) For the purpose of performing the functions conferred on them by these rules, there shall be a committee of the Council, known as the Penal Cases Committee.

(a) 14 Geo. 6. c. 29.

(2) The Penal Cases Committee shall consist of the person who for the time being is President and of five other members (hereinafter referred to as " the elected members ") elected as hereinafter provided.

(3) Of the elected members one shall be a person who is neither a registered medical practitioner nor the holder of a qualifying diploma, and the others shall be registered medical practitioners of whom two shall be members of the Branch Council for England, one shall be a member of the Branch Council for Scotland and one shall be a member of the Branch Council for Ireland.

(4) At any meeting of the Penal Cases Committee the President, or in his absence such member of the Committee as the Committee may choose, shall be chairman.

(5) The validity of any proceeding of the Penal Cases Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

3.—(1) Subject to the provisions of this Part of these rules, the elected members of the Penal Cases Committee shall be elected by the Council.

(2) Subject as aforesaid, elections to the Penal Cases Committee shall take place at the first session of the Council in every year held after the first day of May, and elected members of the Penal Cases Committee shall hold office until the next election of such members and shall be eligible for re-election.

(3) If any of the elected members of the Penal Cases Committee vacates office otherwise than by the expiry of his term of office, the vacancy shall be filled by co-option by the other members of the Committee from among the members of the Council who are members of the Branch Council to which the member vacating office belonged, and the person co-opted shall hold office until the end of the term of office of the person in whose place he was co-opted.

(4) Notwithstanding anything in this Part of these rules, an elected member of the Penal Cases Committee shall, upon vacating office as a member of the Council, also cease to be a member of the Committee :

Provided that for the purposes of this paragraph a member of the Council shall not be deemed to have vacated office as a member of the Council if he has again been nominated, chosen or elected to be a member thereof not later than the day of his vacating office.

4.—(1) Elections for membership of the Penal Cases Committee shall be by ballot.

(2) Every member of the Council may vote in the election of members of the Penal Cases Committee from each of the Branch Councils, and shall have one vote for each vacancy to be filled.

(3) A member of the Council shall not give more than one vote for any one candidate at an election, or vote for more than two candidates being registered medical practitioners standing as members of the Branch Council for England or for more than one candidate being a registered medical practitioner standing as a member of each of the other Branch Councils.

5. The quorum of the Penal Cases Committee shall be three.

6. The Penal Cases Committee shall meet at such interval before each meeting of the Medical Disciplinary Committee as the President may determine, and at such time and place as he may determine.

7. Notwithstanding anything in paragraphs (1) and (2) of rule 3 of these rules, the following provisions shall have effect as respects the first elected members of the Penal Cases Committee:—

(*a*) those members shall be elected by the Executive Committee constituted under the Standing Orders of the Council as soon as may be after the making of these rules, shall hold office until the first election held in pursuance of the said paragraph (2) and shall be eligible for re-election;

(*b*) rule 4 of these rules shall apply to the election held in pursuance of this rule with the substitution for references to the Council of references to the Executive Committee.

Medical Disciplinary Committee

8.—(1) Except in so far as the President otherwise directs, the Medical Disciplinary Committee shall meet twice in every year, at such times as the President shall determine.

(2) Without prejudice to the last foregoing paragraph, a meeting of the Medical Disciplinary Committee may be summoned at any time by direction of the President.

(3) Meetings of the Medical Disciplinary Committee shall, except in so far as the President otherwise directs, be held at the offices of the Council.

9. Without prejudice to the provisions of subsection (4) of section fifteen of the Medical Act, 1950 (which provides for arrangements for securing that except in certain circumstances not more than nine members of the Medical Disciplinary Committee shall attend for the hearing of any case) a person, other than the President, who is a member both of the Penal Cases Committee and of the Medical Disciplinary Committee shall not, if he has acted as a member of the Penal Cases Committee when that Committee has in accordance with any of the following provisions of these rules referred any matters to the Medical Disciplinary Committee, act as a member of the Medical Disciplinary Committee in relation to those matters.

10. Members of the Medical Disciplinary Committee shall be summoned to meetings of the Committee by the sending of notice thereof by the Registrar or a person authorised by the President to act in place of the Registrar.

PART II

PROCEEDINGS UNDER S. 29 OF ACT OF 1858

11. The functions of the Medical Disciplinary Committee under section twenty-nine of the Medical Act, 1858(**a**), shall be exercised in accordance with the following provisions:—

(*a*) no direction shall be given under that section except in consequence of an inquiry held in accordance with the provisions of this Part of these rules into a charge or charges formulated in a notice of inquiry served in accordance with the said provisions on the person against whom the charge or charges is or are made;

(*b*) before the formulation of any such charge, the matters out of which it arises must have been considered by the Penal Cases Committee and referred by them to the Medical Disciplinary Committee for inquiry.

12.—(1) The matters which may be considered by the Penal Cases Committee for the purposes of paragraph (*b*) of the last foregoing rule shall be matters referred to that Committee in accordance with the following provisions.

(**a**) 21 & 22 Vict. c. 90.

(2) Where—

(*a*) a complaint in writing that a practitioner has been convicted by any court in the United Kingdom or the Republic of Ireland of any felony, misdemeanour, crime or offence is sent to the Council by any body or person, or information that a practitioner has been so convicted is sent to the Council by a person acting in a public capacity, and the conviction is not of a description excepted from the operation of this paragraph by or under a direction of the Penal Cases Committee, or

(*b*) a complaint in writing of the conduct of a practitioner has been sent to the Council by any body or person, or information as to the conduct of a practitioner has been sent to the Council by a person acting in a public capacity, and (in either case) it appears to the Registrar that a question arises whether the said conduct constitutes infamous conduct in a professional respect,

the Registrar shall submit the complaint or information to the President.

(3) In so far as a complaint relates to conduct it shall not proceed further unless it has been made by a person acting in a public capacity or unless and until there has been furnished to the satisfaction of the President one or more statutory declarations in support thereof; and every statutory declaration required under this paragraph—

(*a*) shall state the address and description of the declarant, and

(*b*) if any fact declared is not within the personal knowledge of the declarant, shall state the source of the declarant's information and the grounds for his belief in the truth of the fact.

(4) Subject to the provisions of the last foregoing paragraph, if and in so far as a complaint or information relates to conduct the President shall, unless it appears to him that the complaint or information need not proceed further, direct the Registrar to notify the practitioner of the receipt of the complaint or information, stating the substance thereof and sending to the practitioner a copy of any statutory declaration furnished under the last foregoing paragraph, to inform the practitioner of the next date of meeting of the Penal Cases Committee, and to invite the practitioner to submit to the Council any explanation which the practitioner may have to offer.

(5) Subject to the foregoing provisions of this rule, the President may direct the Registrar to refer a complaint or information to the Penal Cases Committee, together with any explanation then furnished by the practitioner and any statutory declarations furnished under paragraph (3) of this rule.

(6) In this rule the expression " person acting in a public capacity " means an officer of a Government department or local or public authority or of any of the constituent bodies entitled to choose a member of the Council, acting as such, or any person holding judicial office or any officer attached to a court.

13.—(1) Where a complaint or information has been referred to the Penal Cases Committee that Committee shall, having regard to any such explanation or declaration as aforesaid referred therewith, consider the complaint or information and, subject to the provisions of this rule, determine either—

(*a*) that no inquiry shall be held, or

(*b*) that the complaint or information shall, in whole or in part, be referred to the Medical Disciplinary Committee for inquiry either at the next meeting of that Committee or at such future meeting as the President may determine.

(2) If and in so far as a complaint relates to conduct, and the Penal Cases Committee determine that no inquiry shall be held, the Registrar shall inform the complainant (if any) and the practitioner of the decision of the Committee in such terms respectively as the Committee may direct.

(3) Before coming to a determination the Committee may if they think fit cause to be made such further investigations, or obtain such advice or assistance from the Solicitor or counsel instructed by him, as they may consider requisite.

(4) Where the Penal Cases Committee are of opinion that such further investigations as aforesaid are desirable, or where at the time when the Committee are considering a complaint or information no explanation has yet been received from the practitioner in pursuance of paragraph (4) of rule 12 of these rules, the Committee may if they think fit make a provisional determination that the complaint or information shall in whole or in part be referred to the Medical Disciplinary Committee as mentioned in sub-paragraph (*b*) of paragraph (1) of this rule, and where they make such a determination—

(*a*) the President may, after causing the members of the Penal Cases Committee to be informed of the result of the further investigations or to be supplied with copies of any explanation subsequently furnished by the practitioner, and after consultation with the members of that Committee, and in accordance with the opinion of those members or of the majority of them, direct either that no inquiry shall be held or that the complaint or information shall be referred as aforesaid;

(*b*) if the President directs that no inquiry shall be held, the Registrar shall notify the members of the Penal Cases Committee, and, in the case of a complaint, if and in so far as it relates to conduct shall inform the complainant (if any) and the practitioner in such terms respectively as the President may direct.

14. Notwithstanding anything in the foregoing provisions of these rules, where in the case of a complaint relating to a conviction, or an information so relating, the President or the Penal Cases Committee has or have determined that no inquiry shall be held, and any such complaint or information is subsequently sent to the Council as respects the same practitioner, the President may direct that the former complaint or information shall be dealt with under the foregoing provisions of this Part of these Rules together with the subsequent complaint or information as if no such determination had been made in respect thereof.

15.—(1) As soon as may be after a complaint or information has been referred to the Medical Disciplinary Committee under the foregoing provisions of this Part of these rules for inquiry, the Solicitor shall serve on the practitioner a notice (in this Part of these rules referred to as a "notice of inquiry") which shall—

(*a*) specify, in the form of a charge or charges, the matters into which the inquiry is to be held, and

(*b*) state the day, time and place at which the inquiry is proposed to be held.

(2) Except with the agreement of the practitioner, the inquiry shall not be fixed for any date earlier than twenty-eight days after the date of the notice of inquiry.

(3) A notice of inquiry shall be in the form set out in the First Schedule to these rules, with such variations as circumstances may require.

(4) A notice of inquiry shall be sent to the practitioner by post in a registered letter addressed to him at his address on the General Register or at his last known address, if that address differs from his address on the General Register and it appears to the Solicitor that such service will be more effective.

(5) There shall be sent with any notice of inquiry a copy of these rules.

(6) In any case where there is a complainant, a copy of the notice of inquiry shall be sent to him.

16.—(1) On an application sent to the Solicitor by any party to an inquiry the President may if he thinks fit postpone the holding of the inquiry to such later date or such later meeting of the Committee as the President may determine.

(2) Where the holding of an inquiry is postponed—

(*a*) the Solicitor shall as soon as may be give notice of the postponement to every other party;

(*b*) where the postponement is to a later meeting of the Committee, then on the determination of the date on which the inquiry is to be held the Solicitor shall give notice of that date to every other party.

17.—(1) Where, after a complaint or information has been referred to the Medical Disciplinary Committee for inquiry, it appears to the President that the inquiry should not be held, he may, if he thinks fit, after consultation with the members of the Penal Cases Committee and in accordance with the opinion of those members or of the majority of them, direct that the inquiry shall not be held; and where the President so directs and at the time of the direction no notice of inquiry has been sent rule 15 of these rules shall not have effect:

Provided that in any case where there is a complainant the President shall not direct that an inquiry shall not be held except on the application or with the consent of the complainant.

(2) As soon as may be after the giving of any such direction the Solicitor shall give notice thereof to the complainant (if any) and to the practitioner.

18. Without prejudice to the provisions of paragraph (4) of rule 12 of these rules, the Solicitor shall on the request of any other party to the inquiry and on the payment of the proper charges therefor send to him copies of any statutory declaration, explanation, answer, admission or other statement or communication sent to the Council by a party to the inquiry.

19. Any party may at any time give to any other party notice to produce any document alleged to be in the possession of that party.

20.—(1) Where before the hearing it appears to the President, or at any stage of the hearing it appears to the Medical Disciplinary Committee, that a notice of inquiry is defective, the President or Committee, as the case may be, shall give such directions for the amendment of the notice

as he or they may think necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where in the opinion of the President or the Medical Disciplinary Committee it is expedient, in consequence of the exercise by him or them of the powers conferred by the last foregoing paragraph, that the inquiry should be postponed or adjourned, the President or Committee shall give such directions in that behalf as appear necessary.

(3) The Solicitor shall as soon as may be give notice in writing to the complainant (if any) and to the practitioner of any exercise by the President of his powers under either of the two last foregoing paragraphs.

Proceedings at Hearing

21. Where the practitioner does not appear the Medical Disciplinary Committee shall call upon the Solicitor to satisfy them that a notice of inquiry was sent as required by paragraph (4) of rule 15 of these rules, and if satisfied thereof may, if they think fit, proceed with the inquiry.

22.—(1) If the practitioner appears or, in a case where he does not appear, the Medical Disciplinary Committee proceed with the inquiry, the charge or charges shall first be read to the Committee.

(2) After the reading of the charge or charges the practitioner may, if he so desires, object to any charge in point of law and upon any such objection any other party may reply thereto.

(3) If any such objection is upheld no further proceedings shall be taken by the Committee in relation to the charge to which the objection relates.

Cases relating to conviction—proof of conviction

23.—(1) In cases relating to conviction, the following order of proceedings shall be observed as respects proof of convictions alleged in the charge or charges:—

(*a*) The complainant, if any appears, or, if no complainant appears, the Solicitor shall adduce evidence of the convictions or such of them as he is prepared to prove.

(*b*) If as respects any conviction no evidence is so adduced, the Chairman of the Committee shall thereupon announce that that conviction has not been proved.

(*c*) If the practitioner appears, then as respects each conviction of which evidence is so adduced the Chairman shall ask the practitioner whether he admits the conviction; and if he admits it the Chairman shall thereupon announce that the conviction has been proved.

(*d*) If, where the practitioner appears, he does not admit all the convictions, he may then adduce evidence, as respects any conviction which he has not admitted, on the question whether he was convicted as alleged, and may address the Committee on that question:

Provided that only one address may be made under this sub-paragraph and, where the practitioner adduces evidence, that address shall be made either before that evidence is begun or after it is concluded.

(2) On the conclusion of the proceedings under the last foregoing paragraph, the Committee shall consider every conviction alleged in the charge or charges, other than any conviction which has been admitted by the practitioner or as to which it has been announced that the conviction has not been proved, and shall determine whether it has been proved; and the Chairman of the Committee shall announce their determination in such terms as they may approve.

Further proceedings on proof of conviction

24. If under the foregoing rules the practitioner has admitted any conviction alleged in the charge, or the Committee have determined that any such conviction has been proved, the provisions of the three next following rules shall have effect.

25. The Chairman of the Committee shall invite the complainant, if any appears, or, if no complainant appears, the Solicitor to address the Committee, and to adduce evidence, as to the circumstances leading up to the conviction and as to the character and antecedents of the practitioner.

26.—(1) The Chairman shall then ask the practitioner whether he wishes to address the Committee; and the practitioner may then, if he so desires, address the Committee by way of mitigation and show cause why the Committee should not direct the Registrar to erase the practitioner's name from the register, or should not in any event proceed to judgment forthwith, and may adduce evidence as to character.

(2) After the practitioner has been afforded an opportunity of addressing the Committee and adducing evidence as aforesaid and, if he avails himself of the opportunity, after the conclusion of his address or evidence, the Committee shall consider and determine whether they should postpone judgment.

27.—(1) If the Committee determine to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

(2) If the Committee determine not to postpone judgment, they shall further consider and determine whether, by reason of the conviction or convictions proved against the practitioner, the Registrar should be directed to erase his name from the register; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

Cases relating to conduct—proof of charges

28. In cases relating to conduct where the practitioner appears, the following order of proceedings shall be observed as respects proof of the charge or charges:—

(*a*) If a complainant appears, he shall open the case against the practitioner. If no complainant appears, the Solicitor shall present the facts on which the complaint or information is based.

(*b*) Next the complainant, if any appears, or, if no complainant appears, the Solicitor shall adduce evidence of the facts alleged in the charge or charges or such of those facts as he is prepared to prove.

(*c*) If as respects any charge no evidence is so adduced, the Committee shall record and the Chairman shall announce a finding that the practitioner is not guilty of infamous conduct in a professional respect in respect of the matters to which that charge relates.

(*d*) At the close of the case against him the practitioner may, if he so desires, make either or both of the following submissions as respects any charge as to which evidence has been adduced, namely—

(i) that no sufficient evidence has been adduced upon which the Committee could find that the facts alleged in that charge have been proved ;

(ii) that the facts alleged in the charge are not such as to constitute infamous conduct in a professional respect ;

and where such a submission is made, any other party may reply thereto.

(*e*) If a submission is made under the last foregoing paragraph, the Committee shall consider and determine whether the submission should be upheld ; and—

(i) if the Committee determine to uphold such a submission as respects any charge, they shall record a finding that the practitioner is not guilty of infamous conduct in a professional respect in respect of the matters to which that charge relates,

(ii) when the Committee have reached a determination on such a submission the Chairman shall announce the determination of the Committee in terms of the finding which they have recorded, where the determination is to uphold the submission, and otherwise in such terms as the Committee may approve.

(*f*) As respects any charge as to which evidence has been adduced, the practitioner may adduce evidence to disprove the charge and, whether he adduces evidence or not, may address the Committee. Only one address may be made under this paragraph and, where the practitioner adduces evidence, shall be made either before that evidence is begun or after it is concluded.

(*g*) At the close of the case for the practitioner, the complainant or the Solicitor, as the case may be, may, with the leave of the Committee, adduce evidence to rebut any evidence adduced by the practitioner ; and if he does so, the practitioner may make a further address limited to the rebutting evidence.

(*h*) The complainant or the Solicitor, as the case may be, may address the Committee by way of reply to the practitioner's case—

(i) if oral evidence (not being evidence as to character) other than that of the practitioner himself has been given on the practitioner's behalf ; or

(ii) with the leave of the Committee, where no such evidence has been given.

(*i*) Without prejudice to the last foregoing paragraph, if the practitioner has made a submission to the Committee on a point of law any other party shall have a right of reply limited to that submission.

29. Where in a case relating to conduct the practitioner does not appear, but the Committee have decided to proceed with the inquiry, paragraphs (*a*) to (*c*) of the last foregoing rule shall apply but the rest of that rule shall not apply.

30.—(1) On the conclusion of the proceedings under either of the two last foregoing rules, the Committee shall consider and determine as respects each charge, other than a charge which has been dismissed, which, if any, of the facts alleged in the charge have been proved to their satisfaction.

(2) The reference in the last foregoing paragraph to a charge which has been dismissed is a reference to a charge as to which the Committee have already recorded a finding that the practitioner is not guilty of infamous conduct in a professional respect in respect of the matters to which that charge relates.

(3) If under paragraph (1) of this rule the Committee determine, as respects any charge, either that none of the facts alleged in the charge has been proved to their satisfaction, or that such facts as have been so proved would be insufficient to support a finding of infamous conduct in any professional respect, the Committee shall record a finding that the practitioner is not guilty of such conduct in respect of the matters to which that charge relates, and the Chairman shall announce the finding of the Committee.

Cases relating to conduct—further proceedings on proof of charge

31. If under the last foregoing rule the Committee have determined, as respects any charge, that the facts, or some of the facts, alleged in the charge have been proved to their satisfaction and have not as respects the whole of the charge recorded such a finding as is mentioned in paragraph (3) of that rule, the provisions of the three next following rules shall have effect.

32. The Chairman of the Committee shall invite the complainant, if any appears, or, if no complainant appears, the Solicitor to address the Committee, and to adduce evidence, as to the circumstances leading up to the facts alleged in the charge (other than any facts determined by the Committee not to have been proved to their satisfaction) and as to the character and antecedents of the practitioner.

33.—(1) The Chairman shall then ask the practitioner whether he wishes to address the Committee; and the practitioner may then, if he so desires, address the Committee by way of mitigation and show cause why the Committee should not proceed to consider whether the practitioner is guilty of infamous conduct in a professional respect, or should not direct the Registrar to erase the practitioner's name from the register, or should not in any event proceed to judgment forthwith, and may adduce evidence as to character.

(2) After the practitioner has been afforded an opportunity of addressing the Committee and adducing evidence as aforesaid and, if he avails himself of the opportunity, after the conclusion of his address or evidence, the Committee shall consider and determine whether to postpone judgment.

34.—(1) If the Committee determine to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

(2) If the Committee determine not to postpone judgment, they shall consider and determine whether to proceed further and if so whether the practitioner is guilty of infamous conduct in a professional respect; and if they so determine they shall further consider and determine whether, the practitioner having been judged guilty of such conduct, the Registrar should be directed to erase his name from the register.

(3) When the Committee have come to a determination under the last foregoing paragraph, the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

Cases relating both to conviction and to conduct

35.—(1) Where, in the case of any inquiry, it is alleged against the practitioner both that he has been convicted and that he has been guilty of infamous conduct in a professional respect, the procedure of the Committee shall be as follows.

(2) The Committee shall first proceed with every charge that the practitioner has been convicted until they have completed the proceedings required by rule 23 of these rules.

(3) The Committee shall then proceed with every charge that the practitioner has been guilty of such conduct as aforesaid until they have completed the proceedings required by rule 30 of these rules.

(4) The Committee shall then take any proceedings required by rules 24 to 27 or by rules 31 to 34 of these rules, as the case may be, or, if in the circumstances of the case proceedings are required by both those sets of rules, the Committee shall take the proceedings under both sets concurrently.

Proceedings where Judgment postponed

36.—(1) Where under any of the foregoing provisions of these rules the judgment of the Committee as respects any case stands postponed to a future meeting of the Committee, the Solicitor shall, not later than six weeks before the date fixed for the said future meeting, serve on the practitioner a notice—

(*a*) specifying the day, time and place fixed for the said meeting, and

(*b*) inviting him to appear thereat.

(2) A notice under the last foregoing paragraph shall also, unless the President otherwise directs, invite the practitioner to furnish the Registrar with the names and addresses of, or of a specified number of, persons to whom reference may be made as to his character.

(3) The said notice shall be sent to the practitioner by post in a registered letter addressed to him at his address on the General Register or at his last known address, if that address differs from his address on the General Register and it appears to the Solicitor that such service will be more effective.

(4) In any case where there is a complainant, a copy of the said notice shall be sent to him.

37.—(1) A notice served on a practitioner under the last foregoing rule shall invite the practitioner not less than three weeks before the date fixed for the meeting at which his case is to be reconsidered to send to the Solicitor—

(*a*) a statement or statutory declaration by the practitioner setting out any facts which he desires to bring to the Committee's attention on the reconsideration of his case, being facts which have arisen since the hearing of his case, and

(*b*) copies of any statement or statutory declaration, being a statement or declaration upon which he wishes to rely and which relates to his conduct since the hearing of his case.

(2) In any case where there is a complainant, a copy of any statement or statutory declaration sent by the practitioner to the Solicitor pursuant to the last foregoing paragraph shall be sent to the complainant by the Solicitor

and the complainant may send to the Solicitor any statement or statutory declaration by himself or by any other person as to the matters raised in any statement or statutory declaration so sent by the practitioner.

38. The provisions of the next four rules shall apply as respects the procedure to be observed at any meeting of the Committee to which their judgment has been postponed (in those rules referred to as " the subsequent meeting ").

39. If, since the original hearing, a complaint or information that the practitioner has been convicted by any court in the United Kingdom or the Republic of Ireland of any felony, misdemeanour, crime or offence has been duly referred to the Committee for hearing at the subsequent meeting, the Committee shall first inquire into that complaint or information in accordance with rule 23 of these rules ; and if in that inquiry the practitioner admits the conviction, or the Committee determine that the conviction has been proved, rules 24 to 27 of these rules shall not have effect, as respects that conviction, but the Committee shall proceed in respect thereof as if the charge relating to that conviction were one of the charges on which their judgment was postponed to the subsequent meeting.

40. At the subsequent meeting the Chairman of the Committee shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands and the Committee may—

(*a*) hear any other party to the proceedings,

(*b*) receive such further oral or documentary evidence in relation to the case, or to the conduct of the practitioner since the hearing,

as they think fit ; and nothing in the last foregoing rule shall be construed as preventing the receipt by the Committee of evidence as to any conviction, not being a conviction duly referred to the Committee as mentioned in that rule.

41. The Committee shall then consider and determine whether they should further postpone their judgment on the charges on which their judgment was postponed to the subsequent meeting.

42.—(1) If the Committee determine further to postpone judgment, the judgment of the Committee shall stand postponed until such future meeting of the Committee as they may determine ; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

(2) The provisions of this and the six last foregoing rules shall apply in relation to cases where judgment is further postponed as they apply in relation to cases where judgment is postponed as mentioned in rule 36 of these rules.

(3) In so far as a case relates to conviction, if the Committee determine that judgment shall not be further postponed they shall consider and determine whether, the conviction in respect of which postponement was granted having been proved against the practitioner, the Registrar should be directed to erase his name from the register ; and the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

(4) In so far as a case relates to conduct, if the Committee determine that judgment shall not be further postponed they shall consider and determine

whether the practitioner is guilty of infamous conduct in a professional respect; and—

(*a*) if they determine that he is guilty of such conduct, they shall further consider and determine whether, the practitioner having been judged guilty of such conduct, the Registrar should be directed to erase his name from the register;

(*b*) if under the last foregoing sub-paragraph the Committee determine that the Registrar should be directed to erase the practitioner's name from the register, the Chairman of the Committee shall announce their determination in such terms as the Committee may approve;

(*c*) if the Committee determine that the practitioner is not guilty of such conduct as aforesaid, they shall record a finding that the practitioner is not guilty of such conduct and the Chairman of the Committee shall announce that finding.

43.—(1) Where under any of the foregoing provisions of these rules the judgment of the Committee stands postponed to a future meeting, the validity of the proceedings at that meeting shall not be called into question by reason only that members of the Committee who were present at the former meeting were not present at the later meeting or that members of the Committee who were present at the later meeting were not present at the former meeting.

(2) The last foregoing paragraph has effect subject to the provisions of the Medical Act, 1950, and of rule 9 of these rules as to the constitution of the Committee.

44. In this Part of these rules the following expressions have the meanings hereby assigned to them respectively:—

"case relating to conduct" means a case where it is alleged that the practitioner has been guilty of infamous conduct in a professional respect; and a complaint or information shall be deemed to relate to conduct if and in so far as it is a complaint or information falling within sub-paragraph (*b*) of paragraph (2) of rule 12 of these rules;

"case relating to conviction" means a case where it is alleged that the practitioner has been convicted by any court in the United Kingdom or the Republic of Ireland of any felony, misdemeanour, crime or offence;

"charge" means a charge specified in a notice of inquiry;

"notice of inquiry" has the meaning assigned to it by paragraph (1) of rule 15 of these rules;

"practitioner" means a person registered (in any way) under the Medical Acts, and references to the practitioner, in relation to any complaint or information or to any proceedings, are references to the practitioner against whom a conviction is alleged in the complaint or information or in the proceedings or, as the case may be, whose conduct is called into question therein.

45. Nothing in this Part of these rules shall be construed as preventing one inquiry being held into charges against two or more practitioners; and where such an inquiry is held rules 21 to 43 of these rules shall apply with the necessary adaptations and subject to any directions given by the Medical Disciplinary Committee as to the order in which proceedings shall be taken under any of those rules by or in relation to the several practitioners.

PART III

PROCEEDINGS UNDER S. 26 OF ACT OF 1858 RELATING TO FRAUDULENT AND INCORRECT ENTRIES

46. The power of the Medical Disciplinary Committee under section twenty-six of the Medical Act, 1858, to order the erasure of an entry proved to have been fraudulently or incorrectly made shall be exercised in accordance with the following provisions:—

(*a*) no such order shall be made under that section except in consequence of an inquiry held in accordance with the provisions of this Part of these rules after service in accordance with those provisions of a notice of inquiry;

(*b*) before such a notice is served, the matters out of which it arises must have been considered by the Penal Cases Committee and referred by them to the Medical Disciplinary Committee for inquiry.

47.—(1) The matters which may be considered by the Penal Cases Committee for the purposes of paragraph (*b*) of the last foregoing rule shall be matters referred to the Committee in accordance with the following provisions.

(2) Where it appears to the Registrar (whether in consequence of a complaint in writing sent to the Council by any body or person, or in consequence of any other information coming to the notice of the Registrar) that a question arises whether an entry in the register has been fraudulently or incorrectly made. the Registrar shall submit the complaint or information to the President.

(3) Where such a complaint or such information is submitted to him, the President shall determine whether the complaint or information should be referred to the Penal Cases Committee, and if so what persons (if any), apart from the person to whom the entry purports to relate, ought to be afforded an opportunity of taking part in any resulting inquiry.

(4) In this Part of these rules the expression "the respondent" means the person (if any) to whom the entry relates, and includes any other person the subject of a determination under the last foregoing paragraph.

48.—(1) Where the President determines that a complaint or information should be referred to the Penal Cases Committee, he shall direct the Registrar to give notice to the respondent of the receipt of the complaint or information, stating the substance thereof, to inform the respondent of the next date of meeting of the Penal Cases Committee, and to invite him to submit to the Council any observations which he may wish to make.

(2) Subject to the provisions of the last foregoing paragraph the President may direct the Registrar to refer the complaint or information to the Penal Cases Committee, together with any observations then furnished by the respondent.

49.—(1) Where under the last foregoing rule a complaint or information has been referred to the Penal Cases Committee that Committee shall, having regard to any such observations as aforesaid referred therewith, determine, subject to the provisions of this rule, either—

(*a*) that no inquiry shall be held or,

(*b*) that the complaint or information referred to them shall in whole or in part be referred to the Medical Disciplinary Committee for inquiry either at the next meeting of that Committee or at such future meeting as the President may determine.

(2) Where the Penal Cases Committee determine that no inquiry shall be held, the Registrar shall give notice of the determination to the complainant (if any) and to the respondent in such terms respectively as the Committee may direct.

(3) Before coming to a determination on a complaint or information referred to them the Committee may if they think fit cause to be made such further investigations, or obtain such advice or assistance from the Solicitor or counsel instructed by him, as they may consider requisite.

(4) Where the Penal Cases Committee are of opinion that further investigations are desirable, or where no observations have yet been received from the respondent, the Committee may if they think fit make a provisional determination that the complaint or information shall in whole or in part be referred to the Medical Disciplinary Committee as mentioned in sub-paragraph (*b*) of paragraph (1) of this rule, and where they make such a determination—

(*a*) the President may, after causing the members of the Penal Cases Committee to be informed of the result of the further investigations or to be supplied with copies of any observations subsequently furnished by the respondent, and after consultation with the members of that Committee, direct either that no inquiry shall be held or that the complaint or information shall be referred as aforesaid ;

(*b*) if the President directs that no inquiry shall be held, the Registrar shall notify the members of the Penal Cases Committee and shall give notice of the direction to the complainant (if any) and to the respondent in such terms respectively as the President may direct.

50.—(1) Where matters have been referred to the Medical Disciplinary Committee under the foregoing provisions of this Part of these rules for inquiry the Solicitor shall serve on the respondent a notice (in this Part of these rules referred to as a " notice of inquiry ") which shall—

(*a*) specify the matters into which the inquiry is to be held ; and

(*b*) state the day, time and place at which the inquiry is proposed to be held.

(2) Except with the agreement of the respondent, the inquiry shall not be fixed for any date earlier than twenty-eight days after the date of the notice of inquiry.

(3) A notice of inquiry shall be in such form as the President may determine to be appropriate to the circumstances of the case.

(4) A notice of inquiry shall be sent by post—

(*a*) to the person to whom the entry purports to relate, in a registered letter addressed to him at his address on the General Register or at his last known address, if that address differs from his address on the General Register and it appears to the Solicitor that such service will be more effective ;

(*b*) to any other person who is the subject of a determination under paragraph (3) of rule 47 of these rules, in a registered letter addressed as aforesaid if that person's name is registered in the General Register, and otherwise addressed to him at his last known address.

(5) A copy of these rules shall be sent with any notice of inquiry.

(6) In any case where there is a complainant, a copy of the notice of inquiry shall be sent to him.

51. Rules 16 and 17 of these rules shall apply for the purposes of this Part of these rules, with the substitution, for the reference in the said rule 17 to rule 15 of these rules, of a reference to the last foregoing rule.

52. Where there is a complainant, the Solicitor shall, on his request and on payment of the proper charges therefor, send to him copies of any observations or other communication sent to the Council by the respondent.

Proceedings at hearing

53. Where the respondent does not appear the Committee shall call upon the Solicitor to satisfy them that notice of inquiry was sent as required by paragraph (4) of rule 50 of these rules, and if satisfied thereof may proceed with the inquiry.

54. Where the respondent appears, or where under the last foregoing rule the Committee have decided to proceed with the inquiry, the following order of proceedings shall be observed:—

(*a*) The complainant, if he appears, or, if he does not appear, the Solicitor shall present the facts of the case and adduce evidence.

(*b*) The respondent, if he appears, may then adduce evidence and, whether he adduces evidence or not, may address the Committee. Only one address may be made under this paragraph and, where the respondent adduces evidence, shall be made either before that evidence is begun or after it is concluded.

(*c*) The complainant or the Solicitor, as the case may be, may address the Committee by way of reply to the respondent's case—

(i) if oral evidence (not being evidence as to character) other than that of the respondent himself has been given on the respondent's behalf; or

(ii) with the leave of the Committee, where no such evidence has been given.

55. In a case where the expression "the respondent" relates to more than one person,—

(*a*) rule 53 of these rules shall apply separately in relation to each of those persons;

(*b*) rule 54 of these rules shall apply only if all those persons appear or the Committee have decided under the said rule 53 to proceed with the inquiry;

(*c*) paragraphs (*b*) and (*c*) of the said rule 54 shall apply in relation to each of those persons as if he alone were the respondent; and where more than one of those persons appears and wishes to adduce evidence or address the Committee, the Committee shall determine the order in which they shall proceed under the said paragraph (*b*).

56.—(1) On the conclusion of the proceedings under rule 54 of these rules (or under that rule as modified by the last foregoing rule) the Committee shall consider and determine whether the entry has been proved to their satisfaction to have been made incorrectly; and if they determine that it was so made, they shall further consider and determine whether the entry was made incorrectly but not fraudulently, or whether it has been proved to their satisfaction to have been made fraudulently.

(2) If under the last foregoing paragraph the Committee determine that the entry has not been proved to their satisfaction to have been made incorrectly, the Chairman of the Committee shall announce their determination in such terms as the Committee may approve.

(3) If under paragraph (1) of this rule the Committee determine that the entry has been proved to their satisfaction to have been made incorrectly but not fraudulently, or to have been made fraudulently, they shall then further consider and determine whether they should order the entry to be erased from the register; and if they so order they shall thereupon make an order in writing, under the hand of the Chairman of the Committee, that the entry, having been proved to the satisfaction of the Committee to have been made—

(*a*) incorrectly but not fraudulently, or (as the case may be)

(*b*) fraudulently,

shall be erased from the register; and the Chairman shall announce the determination in such terms as the Committee may approve.

(4) If it is proved to the satisfaction of the Committee that the entry was made incorrectly, but it is not so proved that the entry was made fraudulently, the Committee may determine accordingly notwithstanding that in the notice of inquiry the entry was alleged to have been made fraudulently; but the Committee shall not determine that an entry was made fraudulently if it was not alleged to have been so made in the notice of inquiry.

(5) Where an inquiry relates to two or more entries, the Committee may proceed under the foregoing provisions of this rule in respect of those entries either separately or taken together, as the Committee may think fit; and where an inquiry relates to an entry specifying two or more particulars, the Committee may, if they think fit, proceed thereunder in respect of so much of the entry as specifies each of those particulars as if it were a separate entry.

PART IV

APPEALS UNDER SECTION TWENTY-SIX OF ACT OF 1858 FROM REFUSAL TO REGISTER QUALIFICATIONS

57. As respects appeals, under section twenty-six of the Medical Act, 1858, from a decision of the Registrar or of a registrar of a Branch Council refusing to enter a qualification in his register, the following provisions shall have effect:—

(*a*) the applicant for registration shall give notice to the Council of his appeal from the decision of the registrar in question, stating the decision and the grounds on which he appeals therefrom;

(*b*) where any such notice of appeal has been given the registrar in question shall, within such time as the President may direct, submit to the Council a statement, in such form and containing such particulars as the President may direct, of the reasons for his decision, and the Registrar shall send a copy of the statement to the appellant together with a notification of the date, time and place at which the Medical Disciplinary Committee will determine the appeal;

(*c*) within fourteen days of the service on him of the notification required by the last foregoing paragraph an appellant may give notice to the Council that he wishes to be heard in support of his appeal;

(*d*) the Medical Disciplinary Committee, in determining any such appeal as aforesaid, shall if notice has been given under the last foregoing paragraph permit the appellant to appear before them, and may if they think fit permit the registrar from whose decision the appeal is brought, or the Solicitor, to support the decision of that registrar;

(*e*) subject to the foregoing provisions of this rule, the procedure of the Medical Disciplinary Committee in connection with the appeal shall be such as they may determine.

PART V

APPLICATIONS UNDER S. 21 OF ACT OF 1950

58. Where under section twenty-one of the Medical Act, 1950, a person whose name has been erased from the register under section twenty-eight or twenty-nine of the Medical Act, 1858, applies to the Medical Disciplinary Committee for restoration, or a person whose name has been so erased under section twenty-six of the said Act of 1858 on the ground of fraud applies to the Medical Disciplinary Committee for registration,—

(*a*) the Committee shall afford to the applicant an opportunity of being heard by the Committee on the application;

(*b*) the Committee may require that before they come to a determination on the application there shall have been submitted to them such declarations or certificates, or adduced before them such oral evidence, as they may think necessary as to the identity of the applicant or as to his conduct since his name was erased from the register;

(*c*) in the case of an application after erasure under the said section twenty-eight or twenty-nine the Committee may if they think fit afford an opportunity of being heard on the application to the body granting the qualifying diploma by virtue of which the applicant was registered or to any body or person on whose complaint the applicant's name was erased from the register;

(*d*) subject to the foregoing provisions of this rule, the procedure of the Committee in connection with the application shall be such as they may determine.

PART VI

GENERAL

Procedure

59. Any meeting of the Penal Cases Committee or the Medical Disciplinary Committee, or any inquiry under Part II or Part III of these rules, or any proceedings under Part IV or Part V thereof, may be adjourned from time to time as the Committee in question think fit.

60.—(1) Where in the interests of justice or for any other special reason it appears to the Medical Disciplinary Committee that the public should be excluded from any proceedings or part thereof, the Committee may direct that the public shall be so excluded.

(2) Where the Medical Disciplinary Committee are considering and determining any question specified in the Second Schedule to these rules, the Committee may direct that the public (if present) and all the parties, or the public (if present), shall be excluded:

Provided that—

(*a*) this paragraph has effect subject to the provisions of rules under subsection (2) of section seventeen of the Medical Act, 1950, requiring assessors to give advice in the presence of the parties ;

(*b*) a direction under this paragraph shall not apply to the announcement, in pursuance of any of these rules, of a determination of the Committee.

(3) Subject to the foregoing provisions of this rule, all proceedings of the Medical Disciplinary Committee under Parts II to V of these rules shall be held in public.

(4) For the purposes of paragraph (2) of this rule the Solicitor shall be treated as a party if, and only if, the case is one in which he is required or authorised by or under these rules to act at the hearing otherwise than by recalling the position of the case in accordance with rule 40 of these rules.

Evidence

61. The Committee may, if they think fit, cause any witness to be called in an inquiry, whether or not the parties consent thereto.

62.—(1) The Committee may, through the Chairman, put questions to any witness.

(2) The Assessor to the Committee may, with the leave of the Chairman, put questions to any witness.

63. The Committee may receive any such oral or other evidence as would be receivable in a court of law, and in addition may, after consultation with the Assessor to the Committee, treat any statement of fact contained in any document as evidence of that fact.

Supplementary

64.—(1) The following provisions shall have effect as to the taking of the votes of the Medical Disciplinary Committee on any question to be determined by them.

(2) The Chairman of the Committee shall call upon the members to signify their votes by raising their hands, and shall declare that the question appears to him to have been determined in the affirmative or, as the case may be, in the negative.

(3) Where the result so declared by the Chairman is challenged by any member of the Committee the Chairman shall—

(*a*) call upon each member severally to declare his vote,

(*b*) announce his own vote, and

(*c*) announce the number of members of the Committee who have voted each way and the result of the vote.

(4) Where, on any question specified in the Second Schedule to these rules, the votes are equal, the question shall be deemed to have been resolved in favour of the practitioner, respondent, appellant or applicant, as the case may be.

For the purposes of this paragraph a decision to postpone judgment shall be taken to be in favour of a person unless he has addressed the Committee against postponement.

65.—(1) Any party being a body corporate or an unincorporated body of persons may appear by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(2) Any party being an individual may appear either in person or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family.

66. Without prejudice to any requirement of these rules as to the service of documents by registered post, any notice authorised or required by these rules may be sent by post.

67.—(1) A shorthand-writer shall be appointed by the Medical Disciplinary Committee to take shorthand notes of their proceedings.

(2) Any party to proceedings of the Medical Disciplinary Committee shall, on application to the Solicitor and on payment of the proper charges, be furnished by the Solicitor with a transcript of the shorthand notes of any part of the proceedings at which the parties were entitled to be present.

68. Anything authorised or required by these rules to be done by the President for the purposes of the Penal Cases Committee or the Medical Disciplinary Committee may, if the President is absent or unable to act, be done by any other member of the Committee in question authorised in that behalf by the President.

69. Nothing in these rules shall be taken to apply to proceedings under section twenty-six or section twenty-nine of the Medical Act, 1858, in which the hearing before the Council has been begun before the day which is the appointed day for the purposes of section fourteen of the Medical Act, 1950.

70.—(1) In these rules—

the expression "complainant" means the body or person by whom a complaint has been sent to the Council with a view to proceedings under Part II or Part III of these rules, so however that a body or person shall not be treated as a complainant unless and until notice has been sent to the Council intimating the intention of the body or person to take part in the proceedings;

the expression "register" means any of the registers kept under the Medical Act, 1858;

the expression "the President" means the President of the Council;

the expression "the Registrar" means the Registrar of the Council; and

the expression "the Solicitor" means one of the Solicitors to the Council.

(2) The Interpretation Act, 1889(a) applies for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Dated the 3rd day of April, 1951.

David Campbell *O. C. Carter* *J. P. Hedley* *Henry Wade*
James Boyd *H. Guy Dain* *Sydney Smith* *Nöel Waterfield*

(a) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

NOTICE OF THE PROPOSED HOLDING OF AN INQUIRY

[Date]

SIR/MADAM,

On behalf of the General Medical Council notice is hereby given to you that in consequence of [a complaint made against you to the Council] *or* [information received by the Council] an inquiry is to be held into the following charge (charges) against you:—

(*If the charge relates to conviction*) That you were on the day of at (*specify court recording the conviction*) convicted of (*set out particulars of the conviction in sufficient detail to identify the case*),

or

(*If the charge relates to conduct*) That, being registered under the Medical Acts you (*set out briefly the facts alleged*): and that in relation to the facts alleged you have been guilty of infamous conduct in a professional respect.

(*Where there is more than one charge, the charges are to be numbered consecutively, charges relating to conviction being set out before charges relating to conduct.*)

Notice is further given to you that on [*day of the week,*] the day of , 19 , a meeting of the Medical Disciplinary Committee will be held at , at p.m., to consider the above mentioned charge (charges) against you, and to determine whether or not they should direct the Registrar to erase your name from the Register, pursuant to section 29 of the Medical Act, 1858, as amended by sections 14 and 18 of the Medical Act, 1950.

You are hereby invited to answer in writing the above mentioned charge (charges) and also to appear before the Committee at the place and time specified above, for the purpose of answering it (them). You may appear in person or by counsel or solicitor, or by any officer or member of any organisation of which you are a member, or by any member of your family. The Committee have power, if you do not appear, to hear and decide upon the said charge (charges) in your absence.

Any answer, admission, or other statement or communication, which you may desire to make with respect to the said charge (charges), should be addressed to the Solicitors to the Council.

If you desire to make any application that the inquiry should be postponed, you should send the application to the Solicitors to the Council as soon as may be, stating the grounds on which you desire a postponement. Any such application will be considered by the President of the General Medical Council in accordance with rule 16 of the Medical Disciplinary Committee (Procedure) Rules, 1951.

A copy of the Medical Disciplinary Committee (Procedure) Rules, 1951, is sent herewith for your information.

(Signed)

Solicitors to the
General Medical Council.

SECOND SCHEDULE

QUESTIONS TO WHICH PARAGRAPH (2) OF RULE 60 APPLIES

1. The following questions arising under Part II of these rules:—

(*a*) any question whether the Committee should proceed with an inquiry notwithstanding that the practitioner does not appear;

(*b*) any question whether any fact (including the fact of a conviction) has been proved;

(*c*) any question whether the Committee should uphold a submission or objection on a point of law, including in particular a submission that no sufficient evidence has been adduced, or that the facts alleged in a charge are not such as to constitute infamous conduct in a professional respect;

(*d*) any question whether judgment should be postponed or further postponed;

(*e*) any question, arising after the Committee have arrived at a determination as to the facts, whether the Committee shall proceed to determine whether the practitioner is guilty of infamous conduct in a professional respect, or whether he is guilty of such conduct;

(*f*) any question whether, a conviction having been proved against the practitioner or the practitioner having been judged guilty of infamous conduct in a professional respect, the Registrar should be directed to erase his name from the register.

2. The following questions arising under Part III of these rules:—

(*a*) any question whether an entry has been proved to have been made incorrectly;

(*b*) any question whether an entry proved to have been made incorrectly has been proved to have been made fraudulently;

(*c*) any question whether the Committee should order an entry to be erased from the register.

3. Any question arising on the determination of an appeal under Part IV of these rules or of an application under Part V thereof.

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) Exemption Direction (No. 1) 1951

1951 No. 957

Made - - - -	*25th May*, 1951
Coming into Operation	*25th May*, 1951

Whereas by sub-section (1) of section 3 of the Merchandise Marks Act, 1926(**a**), it is provided that if, where an Order in Council has been made under that Act with respect to any goods, it is shown to the satisfaction of the Appropriate Department by persons appearing to the Department to have a substantial interest in the matter that the application of the provisions of the Order or of some of those provisions to any particular class or description of those goods has caused or is likely to cause injury or hardship to the said persons or any of them, the Department may direct that the Order or any particular provisions of the Order shall cease to apply to goods of that class or description or shall apply to such goods subject only to such modifications and conditions as the Department think fit, and the Order shall, while the Direction is in force, have effect subject thereto:

And Whereas it is provided by the Merchandise Marks (Imported Goods) No. 1 Order, 1932(**b**), that it shall not be lawful to sell or expose for sale in the United Kingdom any imported butter unless it bears an indication of origin:

(**a**) 16 & 17 Geo. 5. c. 53. (**b**) S.R. & O. 1932 (No. 128) p. 904.