STATUTORY INSTRUMENTS

1964 No. 951

PROFESSIONS SUPPLEMENTARY TO MEDICINE

The Professions Supplementary to Medicine (Disciplinary Proceedings) Legal Assessor Rules 1964

Made - - - - 24*th June* 1964
Coming into Operation 13*th July* 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by section 8 of, and Schedule 2, Part II, paragraph 4, to, the Professions Supplementary to Medicine Act 1960(a), hereby make the following Rules:—

1. These Rules may be cited as the Professions Supplementary to Medicine (Disciplinary Proceedings) Legal Assessor Rules 1964, and shall come into operation on 13th July 1964.

2.—(1) In these Rules—

(*a*) "the Act" means the Professions Supplementary to Medicine Act 1960;

(*b*) "Board" means a Board constituted in accordance with the provisions of the Act;

(*c*) "the Committee" means a Disciplinary Committee set up by a Board in accordance with the provisions of section 8 of the Act;

(*d*) "Legal Assessor" means an assessor appointed under the provisions of paragraph 4 of Schedule 2 to the Act; and

(*e*) "the Register" means a register maintained by a Board in accordance with section 2 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 relating to 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.

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

(a) 8 & 9 Eliz. 2. c. 66. (b) 52 & 53 Vict. c. 63.

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 24th June 1964.

Dilhorne, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the functions of the Legal Assessor, appointed under paragraph 4 of Schedule 2 to the Professions Supplementary to Medicine Act 1960, to give advice on questions of law arising in disciplinary cases before them to Disciplinary Committees set up by the Boards of the professions covered by the Act.