



Professions Supplementary to Medicine Act 1960

1960 CHAPTER 66

Disciplinary provisions

8 Investigating and disciplinary committees

- (1) Each board shall set up two committees, to be known as the investigating committee and the disciplinary committee respectively, of which—
 - (a) the investigating committee shall be charged with the duty of conducting a preliminary investigation into any case where it is alleged that a person registered by the board is liable to have his name removed from the register, and of deciding whether the case should be referred to the disciplinary committee ; and
 - (b) the disciplinary committee shall be charged with the duty of considering and determining any case referred to it by the investigating committee and any other case of which the disciplinary committee has cognisance under subsection (5) of the next following section.
- (2) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the constitution of investigating and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of disciplinary committees.

9 Removal of names from register for crime, infamous conduct, etc.

- (1) Where—
 - (a) a person who is registered by a board is convicted by any court in the United Kingdom of a criminal offence which, in the opinion of the disciplinary committee set up by the board, renders him unfit to be registered; or
 - (b) such a person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or

- (c) the disciplinary committee is satisfied that the name of such a person has been fraudulently entered on the register maintained by the board, the committee may, if it thinks fit, direct that the person's name shall be removed from the register.
- (2) When the disciplinary committee directs that a person's name shall be removed from the register, the committee shall cause notice of the direction to be served on that person.
- (3) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by Order prescribe for the purposes of this subsection; and the board concerned may appear as respondent on any such appeal and, for the purpose of enabling directions to be given as to the costs of the appeal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.
- The Judicial Committee Act, 1833, shall apply in relation to a disciplinary committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).
- (4) A direction for the removal of a name from the register shall take effect—
- (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time ;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.
- (5) A person whose name is removed from a register in pursuance of a direction of a disciplinary committee under this section shall not be entitled to be registered in that register again except in pursuance of a direction in that behalf given by the committee on the application of that person ; and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.
- (6) It shall be the duty of each disciplinary committee to prepare and from time to time revise, in consultation with its board and the Council, a statement as to the kind of conduct which the committee considers to be infamous conduct in a professional respect, and the board shall send by post to each registered member of the relevant profession, at his address on the register, a copy of the statement as for the time being revised ; but the fact that any matters are not mentioned in such a statement shall not preclude the disciplinary committee from judging a person to be guilty of infamous conduct in a professional respect by reference to such matters.