
STATUTORY INSTRUMENTS

2000 No. 124

The Health Service Medicines (Price Control Appeals) Regulations 2000

PART VI

THE HEARING

Summoning or citing of witnesses

30.—(1) Subject to paragraphs (2) and (3), the tribunal may on the application of either party issue a summons, or in relation to Scottish proceedings a citation, requiring any person—

- (a) to attend as a witness at the hearing, at the time and place set out in the summons or citation, and
- (b) to answer any questions or produce any documents or other material in his possession or under his control which relate to any matter in question in the appeal.

(2) No person may be required to attend in compliance with a summons or citation under this regulation unless—

- (a) he has been given at least 7 days' notice of the hearing, and
- (b) he is paid the necessary expenses of his attendance.

(3) No person may be required in compliance with a summons or citation under this regulation to give any evidence or produce any document or other material that he could not be required to produce in legal proceedings.

(4) Where a person summoned under paragraph (1)—

- (a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced, or
- (b) having been so summoned, refuses to be sworn or to give evidence, a judge may, on the application of the chairman, exercise his powers under section 55 of the County Courts Act 1984⁽¹⁾ or, in relation to matters arising in Northern Ireland, Article 54 of the County Courts (Northern Ireland) Order 1980⁽²⁾ in relation to that person as though the person had been summoned in pursuance of county court regulations as a witness in a county court.

(5) Where a person cited in paragraph (1)—

- (a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the citation to be produced, or
- (b) having been so cited, refuses to be sworn or to give evidence,

a sheriff may, on the application of the chairman, exercise in relation to that person any power which is for the time being conferred on the sheriff in the Ordinary Cause Rules set out in the First Schedule to the Sheriff Courts (Scotland) Act 1907⁽³⁾ to ordain a witness to forfeit and pay a penalty and to grant decree for that penalty in favour of the party on whose behalf the witness was cited, as though

⁽¹⁾ 1984 c. 28.

⁽²⁾ S.I.1980/397 (N.I. 3).

⁽³⁾ 1907 c. 51; the First Schedule was substituted by S.I. 1993/1956.

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the person had been duly cited and had demanded and been paid his travelling expenses and had failed to attend a Proof in a cause to which the said Ordinary Cause Rules apply.

- (6) In this regulation, “legal proceedings” means—
- (a) in the case of proceedings relating to an appeal which relates to matters arising in England or Wales or Northern Ireland, proceedings in a county court, and
 - (b) in the case of Scottish proceedings, proceedings in an ordinary cause before the sheriff.