
STATUTORY INSTRUMENTS

2000 No. 2822

**JUDICIAL COMMITTEE
PROCEDURE**

The Judicial Committee (Chiropractors Rules) Order 2000

Made - - - - 11th October 2000
Laid before Parliament 23rd October 2000
Coming into force - - 10th November 2000

At the Court at Buckingham Palace, the 11th day of October 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 10(8)(b) and 31(5) of the Chiropractors Act 1994(1), 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 may be cited as the Judicial Committee (Chiropractors Rules) Order 2000 and shall come into force on 10th November 2000.
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 Chiropractors Act 1994.

A. K. Galloway
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

RULES

Interpretation

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

“The Act” means the Chiropractors Act 1994;

“The Council” means the General Chiropractic Council;

“Counsel” includes any person with a right of audience before the Judicial Committee in an appeal to which these Rules apply;

“The Registrar” means the Registrar of the Privy Council and “the Registry” means the Registry of the Privy Council, Downing Street, London.

Petition of appeal: lodgement and service

2. A person who desires to appeal to Her Majesty in Council under sections 10 or 31 of the Act shall within the 28 day period specified by section 10(8)(a) or section 31(1) of the Act, as the case may be, enter an appearance in the Registry, lodge therein a petition of appeal and serve a copy of the petition of appeal on the Council.

Contents of petition of appeal

3. The petition of appeal shall—

- (a) state the full title of the appeal and the name of the body appealed from;

- (b) be addressed to Her Majesty in Council; and

- (c) recite succinctly in paragraphs numbered consecutively the proceedings leading up to the appeal but shall not contain argumentative matter or travel into the merits of the case.

Council’s entry of appearance and lodgement and service of record

- 4.—(1) 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 shall forthwith give notice thereof to the appellant.

- (2) The Council shall thereafter, with all convenient speed, lodge an authenticated Record of the proceedings at which was given the order or decision appealed against and seven copies of the Record and shall serve three copies thereof on the appellant.

- (3) In this Rule “authenticated Record” means a Record certified by the Registrar of Chiropractors as accurate. Where the Record includes a transcript of oral proceedings, the authenticated Record should also include a certificate of accuracy signed by the person responsible for making the transcription.

The parties' Cases: lodgement and contents

- 5.—(1) Within 28 days of the lodging of the Record in the Registry the appellant and the Council shall each lodge in the Registry seven copies of their respective Cases.

- (2) The Cases shall be printed or typewritten, 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 Case and the reasons for appeal.

(3) The Case shall be signed by at least one of the Counsel who is to attend at the hearing of the appeal or by the appellant himself if he is to conduct his appeal in person.

Exchange of Cases and setting down

6. As soon as the Cases on both sides are lodged the appeal is thereby set down for hearing and the parties shall then exchange Cases by delivering each to the other three copies of their respective Cases.

Setting down for hearing *ex parte*

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.

Withdrawal of appeal

8.—(1) 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.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for an order that the appellant should pay its costs.

Dismissal of appeal for non-prosecution

9.—(1) 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.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for an order that the appellant should pay its costs.

Withdrawal or dismissal by consent

10. Where the prayer of a petition lodged under Rule 8 or Rule 9 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.

Taxation of costs

11. 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.

Appeal as a poor person

12. Where a person desiring to appeal as a poor person proves by affidavit to the satisfaction of the Registrar that he is not worth £500 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 as an appeal by a poor person and the appellant shall not be required to pay any Privy Council Office fees.

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Application of general rules

13.—(1) Rule 83 of the Judicial Committee (General Appellate Jurisdiction) Rules 1982(2) shall apply as if the reference to “these Rules” therein was a reference to these Rules.

(2) Rules 17, 18, 71, 72, 74, 75, 77, 78, 79, 80, 81, 84, 85 and 86 of, and Schedule B to, the Judicial Committee (General Appellate Jurisdiction) Rules 1982 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; and with the substitution for the reference in rule 17 to the proper officer of a reference to the Registrar of Chiropractors.

(3) Save as aforesaid the Judicial Committee (General Appellate Jurisdiction) Rules 1982 shall not apply to such appeals.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains the Rules governing procedure for appeals to Her Majesty in Council under the Chiropractors Act 1994.

(2) Set out in Schedule II to S.I.1982/1676, as amended by S.I. 1990/2297 and S.I. 1996/3170.