
STATUTORY INSTRUMENTS

2004 No. 1680

VETERINARY SURGEONS

The Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004

Made - - - - 25th May 2004

Coming into force 1st June 2004

THE VETERINARY SURGEONS AND VETERINARY PRACTITIONERS (DISCIPLINARY COMMITTEE) (PROCEDURE AND EVIDENCE) RULES ORDER OF COUNCIL 2004

1. This Order may be cited as the Veterinary Surgeons and...
2. The Rules set out in the Schedule are approved.
3. The Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and...
Signature

SCHEDULE — ROYAL COLLEGE OF VETERINARY SURGEONS
DISCIPLINARY COMMITTEE (PROCEDURE AND EVIDENCE)
RULES 2003

The Council of the Royal College of Veterinary Surgeons, in...

PART I — *Preliminary*

1. **Citation and commencement**
 - 1.1 These Rules may be cited as the Disciplinary Committee (Procedure...
 - 1.2 These Rules shall come into force on 1st June 2004....
2. **Interpretation**
 - 2.1 In these Rules, unless the context otherwise requires— “the Act”...
 - 2.2 In these Rules, any reference to a Rule is to...
 - 2.3 The Interpretation Act 1978 shall apply to the interpretation of...
3. **Chairman**
4. **Clerk to the Committee**

PART II — *Pre-Inquiry Procedure*
5. **Notice of inquiry**
 - 5.1 As soon as may be after a disciplinary case has...

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- 5.2 A notice of inquiry shall set out the following matters—...
- 5.3 Where a fraudulent entry case has been referred to the...
- 5.4 On the application of any other person and payment of...
- 5.5 The Committee shall not hold an inquiry unless it is...
- 5.6 Where it appears to the Chairman before the commencement of...
- 6. ***Acknowledgement of notice of inquiry***
- 7. ***Service of College's evidence***
- 7.1 No less than 21 days before the date fixed for...
- 7.2 Where, after the Solicitor has served evidence in accordance with...
- 8. ***Disclosure of documents***
- 9. ***Bundles of evidence, skeleton arguments and respondent's notification of intended plea***
- 9.1 The Solicitor and the parties may at any time agree...
- 9.2 At any time before the date fixed for the inquiry,...
- 9.3 Not less than seven days before the date fixed for...
- PART III — *Procedure at Disciplinary Inquiry*
- 10. ***The reading of the charge***
- 10.1 If the respondent appears at the hearing of the inquiry,...
- 10.2 As soon as a charge has been read the respondent...
- 10.3 The respondent shall be asked whether he admits each charge....
- 10.4 If the respondent does not appear, the Committee may decide...
- 11. ***Presentation of the case against the respondent***
- 11.1 The Solicitor may make an opening speech and—
- 11.2 The respondent shall have the opportunity to cross-examine any witness...
- 11.3 If no evidence is adduced concerning any particular charge, and...
- 11.4 If the respondent does not appear, the Committee may accept...
- 12. ***Presentation of the case for the respondent***
- 12.1 In relation to any charge concerning which evidence has been...
- 12.2 The respondent may adduce evidence concerning any conviction or fact...
- 12.3 In a conviction case, the respondent may adduce evidence as...
- 12.4 In a conduct case, the respondent may adduce evidence to...
- 12.5 In a fraudulent entry case, the respondent may adduce evidence...
- 12.6 The Solicitor shall have the opportunity to cross-examine any witness...
- 13. ***Further submissions and general matters***
- 13.1 The Solicitor may address the Committee by way of reply...
- 13.2 At the conclusion of the Solicitor's address, if any, the...
- 13.3 Without prejudice to paragraph 13.2, if, at any stage, the...
- 14. ***Supplementary powers of the Chairman and Committee***
- 14.1 The disciplinary proceedings to which these Rules apply are in...
- 14.2 Members of the Committee or the Legal Assessor may put...
- 15. ***Decision of the Committee***
- 15.1 At the close of the evidence and submissions, the Committee...
- 15.2 The Committee may at its discretion allow further submissions to...
- 15.3 On the conclusion of the proceedings, the Committee shall consider...
- 15.4 In a conduct case, where the Committee finds that the...
- 15.5 In a conduct case, where the Committee finds that the...
- 16. ***Procedure where there is more than one respondent***
- PART IV — *Procedure where Charges are Established*
- 17. ***Fraudulent entry cases***
- 18. ***Conduct and conviction cases***
- 18.1 In a conduct or conviction case, where the respondent has...
- 18.2 The Committee shall next consider and determine whether to give...
- 18.3 If the Committee postpones its judgment, it may do so...

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- 18.4 If the Committee gives its judgment forthwith, it may—
- 18.5 If the Committee reserves reasons for its judgment, the Clerk...
19. ***Procedure where judgment stands postponed***
- 19.1 Where the judgment of the Committee stands postponed, and it...
- 19.2 Where the judgment of the Committee stands postponed and the...
- 19.3 At any hearing at which the proceedings are resumed—
- 19.4 At any resumed proceedings, any new charge alleged against the...
- 19.5 So far as is reasonably practicable, proceedings resumed under this...
- PART V — *Restoration of Names after Removal*
20. ***Procedure***
- 20.1 An application to the Committee under section 18 of the...
- 20.2 The applicant may submit with his application any documentary evidence...
- 20.3 On receipt of an application to which this Rule applies,...
- 20.4 The Clerk shall provide a copy of the application and...
- 20.5 The Chairman and the Solicitor may invite the applicant to...
- 20.6 At the hearing of an application to which this Rule...
- 20.7 Subject to the foregoing provisions of this Rule, and to...
- PART VI — *Proceedings before the Committee: General*
21. ***Public hearing***
- 21.1 Subject to paragraphs 21.2 and 21.3, all proceedings before the...
- 21.2 The Committee may direct that the public shall be excluded...
- 21.3 Subject to the provisions of paragraph 6 of Schedule 2...
22. ***Time limits and postponement or adjournment of proceedings***
- 22.1 The Committee or Chairman may, on their own initiative or...
- 22.2 Any application for the postponement of a hearing of the...
- 22.3 Where the respondent applies for the postponement or adjournment of...
- 22.4 In deciding whether to postpone or adjourn a hearing, the...
- 22.5 The Clerk shall, as soon as possible, notify the respondent,...
23. ***Evidence***
- 23.1 The Committee may receive oral evidence whether or not under...
- 23.2 All documents put before the Committee shall be deemed to...
- 23.3 Where the decision of any court or tribunal is relevant...
- 23.4 Unless proved otherwise to the satisfaction of the Committee—
- 23.5 The Committee may accept admissions made by any party and...
- 23.6 Subject to paragraph 23.5, any charge which may result in...
- 23.7 The Committee may require any person to be called as...
24. ***Representation***
- 24.1 An individual party may appear before the Committee in person...
- 24.2 A party which is a body corporate or an unincorporated...
- 24.3 Any party may be represented before the Committee by counsel...
25. ***Voting***
- 25.1 All acts of the Committee shall be decided by a...
- 25.2 Any questions put to the vote shall be put in...
- 25.3 Where on any question the votes are equal, the Chairman...
26. ***Records of proceedings***
- 26.1 The Clerk shall arrange for all public hearings of the...
- 26.2 Any party to the proceedings shall, on applying to the...
- 26.3 Paragraphs 26.1 and 26.2 do not apply to the deliberations...
27. ***Records of decisions***
- 27.1 Every decision, determination, direction, finding and judgment of the Committee...
- 27.2 Written notification of every decision, determination, direction, finding and judgment...

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- 28. ***Supplementary powers of the Chairman and Committee***
- 28.1 The Committee or Chairman may waive any procedural requirement of...
- 28.2 The Committee or Chairman shall determine the procedure for any...

Explanatory Note