

SCHEDULE 1

Regulation 19

PROVISIONS AS TO INQUIRY

1. Subject to the provisions of these Regulations, the procedure at an inquiry shall be within the discretion of the Tribunal.
2. The proceedings at an inquiry shall be held in private unless the practitioner has applied in writing to the clerk to the Tribunal for the inquiry to be held in public.
3. The Tribunal may if it thinks fit call for such documents and examine such witnesses as appear to it likely to afford evidence relevant and material to the issue, although not tendered by either party.
4. The chairman of the Tribunal who presides over the inquiry may by notice require any person—
 - (a) to attend at the time and place set forth in the notice, to give evidence or to produce any books or documents in that person's custody or under that person's control which relate to any matter in question at the inquiry; or
 - (b) to furnish within such reasonable period as is specified in the notice such information relating to any matter in question at the inquiry as the chairman of the Tribunal who presides over the inquiry may think fit, and as the person so required is able to furnish; but—
 - (i) no person shall be required in obedience to such a notice to attend at any place which is more than 10 miles from the place where that person resides unless the necessary expenses are paid or tendered to that person; and
 - (ii) nothing in this paragraph shall empower the chairman to require any person to produce any book or document or to answer any question which that person would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the hearing were a proceeding in a court of law.
5. The chairman of the Tribunal who presides over the inquiry may administer oaths and examine witnesses on oath, and may accept in lieu of evidence on oath by any person, a statement in writing by that person.
6. Any person who refuses or wilfully neglects to attend in obedience to a notice under paragraph 4, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which that person may be required to furnish under paragraph 4(b), shall be liable on summary conviction to a fine not exceeding level five on the standard scale or to imprisonment for a period not exceeding 3 months.
7. Subject to the provisions of these Regulations, the Tribunal may adjourn from time to time as it thinks fit and hold adjourned sittings at such time and place as may appear to it to be suitable.
8. A Health Board or primary care NHS trust to whom notices in terms of Forms 3 and 4 are sent pursuant to regulations 9(2) and 12 (notice of inquiry), or to whom notice is sent pursuant to regulation 24(4) shall be entitled to take such part in the proceedings of the inquiry as the Tribunal shall think proper.
9. The Tribunal may make orders as to the expenses incurred by the parties appearing at any such inquiry and as to the parties by whom such expenses shall be paid.
10. Any order by the Tribunal under paragraph 9 may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.