SCHEDULES

SCHEDULE 2

PRELIMINARY INVESTIGATION AND DISCIPLINARY COMMITTEES

PART II

PROCEDURE OF DISCIPLINARY COMMITTEE

4 (1) For the purpose of any proceedings before the disciplinary committee in England and Wales or Northern Ireland the committee may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) The provisions of section **[**[F1]36 of the **[**[F2] Senior Courts Act 1981 **]][**[F3], of section 67 of the [M1]Judicature (Northern Ireland) Act 1978**]** or of the [M2]Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before the disciplinary committee in England and Wales or, as the case may be, Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of any proceedings before a disciplinary committee in Scotland, the committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation, to grant warrant for the recovery of documents, and to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

Textual Amendments

F1 Words substituted by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(1), **Sch. 5**

F2 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

F3 Words inserted by Judicature (Northern Ireland) Act 1978 (c. 23), **Sch. 5**

Marginal Citations

M1 1978 c. 23.

M2 1854 c. 34.

5 (1) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings in disciplinary cases before the disciplinary committee and in particular—

Changes to legislation: *There are currently no known outstanding effects for the Veterinary Surgeons Act 1966, Part II. (See end of Document for details)*

(a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified by the rules, to the person alleged to be liable to have his name removed or suspended from the register;

(b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the committee;

(c) for enabling any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified by the rules;

(d) for requiring proceedings before the committee to be held in public except so far as may be provided by the rules;

(e) for requiring, in cases where it is alleged that a person is guilty of disgraceful conduct in any professional respect, that where the committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates.

(2) As respects proceedings before the disciplinary committee not falling within the foregoing sub-paragraph the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so.

6 (1) For the purpose of advising the disciplinary committee on questions of law arising in disciplinary cases there shall in all such cases be an assessor to the committee who shall be

[[F4](a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;

(b) an advocate or solicitor in Scotland of at least 10 years' standing; or

(c) a member of the Bar of Northern Ireland or **[**[F5] solicitor of the Court of Judicature of Northern Ireland **]** of at least 10 years' standing.**]**

(2) The power of appointing an assessor to the disciplinary committee shall be exercisable by the Council, but if no assessor appointed by the Council is available to act in any particular proceedings the committee may itself appoint an assessor qualified as aforesaid for those proceedings.

(3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—

(a) that where an assessor advises the disciplinary committee on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the committee is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the committee does not accept the advice of the assessor on such a question as aforesaid.

and may contain such incidental and supplementary provisions as the Lord Chancellor considers expedient.

(4) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(5) The Council may pay to an assessor appointed under this paragraph remuneration at such rates as may be determined by the Council with the consent of the Lord Chancellor.

Textual Amendments

F4 Sch. 2 para. 6(1)(a)(b)(c) substituted for the words commencing "a barrister"to the end by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 28**

F5 Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)

Changes to legislation:
There are currently no known outstanding effects for the Veterinary Surgeons Act 1966, Part II.