

SCHEDULES

SCHEDULE 1

Section 2.

THE FARRIERS REGISTRATION COUNCIL

PART I

CONSTITUTION

- 1 Subject as hereinafter provided, the Council shall consist of a total of 16 members and shall comprise—
- (a) three persons appointed from time to time by the Company, of whom one shall be Chairman of the Council;
 - (b) two persons to be appointed as hereinafter provided who shall be engaged in the carrying out of farriery on their own account;
 - (c) two persons to be appointed as hereinafter provided who shall be employees carrying out farriery in the course of their employment, not being apprentices or persons undergoing a course of training ;
 - (d) two persons appointed from time to time by the National Master Farriers', Blacksmiths' and Agricultural Engineers' Association (in this schedule referred to as "the Association ");
 - (e) two persons appointed from time to time by the Royal College of Veterinary Surgeons; and
 - (f) one person (not being a person registered in the register or a person qualified in the opinion of the person making the appointment, to be so registered or a veterinary surgeon or a veterinary practitioner) appointed from time to time by each of the following, namely—
 - The Jockey Club ;
 - The Royal Society for the Prevention of Cruelty to Animals ;
 - The Council for Small Industries in Rural Areas ;
 - The Small Industries Council for Rural Areas of Scotland; and
 - The British Equestrian Federation.
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- (a) Of the persons first to be appointed in pursuance of subparagraph (b) of the foregoing paragraph one shall be appointed by the Association and one by the Company and both shall be persons registered in the Company's Register of Farriers.
 - (b) The persons first to be appointed in pursuance of sub-paragraph (c) of the foregoing paragraph shall be appointed by the Association and shall be such persons as in the opinion of the Association have the necessary qualifications.
- 3 All the first appointments of the members of the Council shall so far as practicable be made before the appointed day in time to enable the persons nominated to assume membership on its establishment.

Status: This is the original version (as it was originally enacted).

- 4 Appointments to the Council in pursuance of either of the said sub-paragraphs (b) or (c) of paragraph 1 of this Schedule shall be made with due regard to the desirability of securing that the Council includes persons representative of all parts of Great Britain.
- 5 (1) The offices of the members of the Council appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be vacated at the expiration of the period of three years beginning with the appointed day and at the expiration of each successive period of three years thereafter, but this shall not preclude a person whose office is thus vacated from being nominated to fill the vacancy.
- (2) The office of any member shall also be vacated if at any time—
- (a) he would not qualify for appointment at that time under the provision in accordance with which he was appointed;
 - (b) he resigns his office by notice given to the registrar.
- (3) A person appointed to fill a casual vacancy among the members of the Council shall hold office during the remainder of the term of office of the person in whose place he is appointed.
- (4) So far as is practicable an appointment to the Council shall be so made as to enable the person appointed to assume office at the time the vacancy in question arises.
- 6 Before the expiration of two years beginning with the appointed day the Council shall draw up a scheme providing for the appointment after the expiration of the period of office of the members first appointed of persons as members of the Council in pursuance of sub-paragraphs (b) and (c) of paragraph 1 of this Schedule under a procedure provided for by the scheme.

PART II

SUPPLEMENTARY PROVISIONS

- 7 The quorum at meetings of the Council shall be seven or such other number as the Council may determine.
- 8 The functions of the Council may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the nomination of a member.
- 9 In addition to the Investigating Committee and the Disciplinary Committee authorised by this Act, the Council may set up one or more additional committees of the Council or one or more area councils for any particular part or parts of Great Britain to carry out, on behalf of the Council, such of its functions as the Council may determine, not being functions required by this Act to be carried out by the Council itself.
- 10 The Council shall appoint a registrar of the Council and such other officers and servants as it may determine.
- 11 The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts.
- 12 (1) The Council shall appoint auditors of the Council and shall cause its accounts to be audited annually by them and as soon as is practicable after the accounts for any period have been audited the Council shall cause them to be published.

Status: This is the original version (as it was originally enacted).

- (2) A person shall not be qualified to be an auditor of the Council, unless he is either a member of one or more of the following bodies—
- (a) the Institute of Chartered Accountants in England and Wales ;
 - (b) the Institute of Chartered Accountants of Scotland;
 - (c) the Association of Certified Accountants ;
 - (d) the Institute of Chartered Accountants in Ireland;
 - (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State,
- or a person who is for the time being authorised by the Secretary of State under section 161(1)(b) of that Act as being a person with similar qualifications obtained outside the United Kingdom.
- (3) None of the following persons shall be qualified to be an auditor of the Council—
- (a) an officer or servant of the Council;
 - (b) a person who is a partner of or in the employment of an officer or servant of the Council;
 - (c) a body corporate,
- but a Scottish firm may act as auditor of the Council if each partner of the firm is qualified so to act. References in this sub-paragraph to an officer or servant shall be construed as not including references to an auditor.

SCHEDULE 2

Section 13.

CONSTITUTION OF THE INVESTIGATING COMMITTEE

- 1 (1) The Investigating Committee shall consist of the Chairman of the Council and five other members of the Council elected from among themselves by members of the Council.
- (2) Of the said five other members so elected at least one shall be a practising farrier or shall previously have been actively engaged in carrying out farriery for a period of not less than five years.
- (3) The first election of the members of the Investigating Committee, other than the Chairman, shall be held at the first meeting of the Council following the appointed day; thereafter ordinary elections of the members of the Investigating Committee, other than the Chairman, shall be held at the first meeting in each year of the Council and any election to fill a casual vacancy occurring among those members shall be held at the next meeting of the Council after the vacancy occurs.
- (4) The quorum for a meeting of the Investigating Committee shall be three.
- (5) At any meeting of the Investigating Committee the Chairman of the Council, or in his absence such member of the Committee as the Committee may choose, shall be Chairman. The Chairman shall have a second or casting vote.
- (6) The functions of the Investigating Committee may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the election of a member.

Status: This is the original version (as it was originally enacted).

- (7) A member of the Investigating Committee shall upon ceasing to be a member of the Council also cease to be a member of the Committee.
- (8) The Investigating Committee shall meet at such interval before a meeting of the Disciplinary Committee as the Chairman of the Council may determine and at such time and place as he may determine.
- 2 The members of the Investigating Committee shall hold office for such term as may be determined from time to time by the Council.

SCHEDULE 3

Section 14.

THE DISCIPLINARY COMMITTEE

PART I

CONSTITUTION OF DISCIPLINARY COMMITTEE

- 1 (1) The Disciplinary Committee shall consist of a chairman elected by the Council and of eight other members so elected, of whom at least one shall be a practising farrier or shall previously have been actively engaged in carrying out farriery for a period of not less than five years.
- (2) The Council shall make rules as to the times and places of the meetings of the Disciplinary Committee, the quorum and of the mode of summoning the members thereof.
- (3) The quorum for a meeting of the Disciplinary Committee shall be five.
- (4) A person shall not be qualified to be a member of the Disciplinary Committee unless he is a member of the Council.
- (5) No person who acted as a member of the Investigating Committee with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.
- 2 The members of the Disciplinary Committee shall hold office for such term as may be determined from time to time by the Council.
- 3 The functions of the Disciplinary Committee may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the election of a member.

PART II

PROCEDURE OF DISCIPLINARY COMMITTEE

- 4 (1) For the purpose of any proceedings under this Act before the Disciplinary Committee in England and Wales (whether relating to disciplinary cases or otherwise) the Disciplinary Committee may administer oaths, and any party to the proceedings may sue out * writs of subpoena and 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.

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- (2) Section 49 of the Supreme Court of Judicature (Consolidation) Act 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.
- (3) For the purpose of any proceedings under this Act before the Disciplinary Committee in Scotland (whether relating to disciplinary cases or otherwise) the Disciplinary 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 Disciplinary 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.
- (4) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee, and in particular—
 - (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 in the rules, to the person alleged to be liable to have his name erased from the registers ;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary 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 in the rules ;
 - (d) for requiring in any case where it is alleged that a person registered under this Act has been guilty of serious misconduct in any professional respect and where the Disciplinary Committee judge that the allegation has not been proved, that they shall record a finding that the person is not guilty of such misconduct in respect of the matter to which the allegation relates ;
 - (e) for ensuring that persons likely to be affected by any finding of the Committee are duly notified of that finding:

Provided that, as respects proceedings for the restoration of names to the register or appeals against the refusal of an application for registration the Council shall have power to make rules with respect to all or any of the matters aforesaid, but shall not be required to do so, and separate rules under this paragraph may be made as respects such proceedings and as respects such appeals.

- (5) Before making rules under this paragraph the Council shall consult such organisations as appear to the Council to be representative of the interests of farriers or of persons employing farriers.
- (6) Rules under this paragraph shall not come into force until approved by the Lord Chancellor, and the Lord Chancellor may approve rules under this paragraph either as submitted to him or subject to such modification as appears to him requisite: Provided that where the Lord Chancellor proposes to approve such rules subject to modifications he shall notify to the Council the modifications he proposes to make and shall consider the observations of the Council thereon.

Status: This is the original version (as it was originally enacted).

- 5 (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them there shall be in all such proceedings an assessor to the Disciplinary Committee who shall be a barrister, advocate or solicitor of not less than ten years' standing.
- (2) The power of appointing assessors under this paragraph shall be exercisable by the Council, but if no assessor appointed by it is available to act at any particular proceedings the Disciplinary Committee may appoint an assessor under this paragraph to act at these proceedings.
- (3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular, rules under this paragraph may contain such provisions 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 in 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 after the Disciplinary Committee have begun to deliberate as to its findings, 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 any such question as aforesaid ;
- and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.
- (4) Subject to the provisions of this paragraph an assessor under this paragraph may be appointed 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) Any remuneration paid by the Council to persons appointed to act as assessors shall be at such rates as the Lord Chancellor may approve.
- 6 The power to make or approve rules conferred on the Lord Chancellor by this Part of this Schedule shall be exercisable by statutory instrument.
- 7 In the application of this Part of this Schedule to Scotland, for the references to the Lord Chancellor there shall be substituted references to the Lord Advocate.