

STATUTORY INSTRUMENTS

1967 No. 684

VETERINARY SURGEONS

The Veterinary Surgeons (Disciplinary Proceedings)
Legal Assessor Rules 1967

Made - 28th April 1967
Coming into Operation 22nd May 1967

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in pursuance of the powers vested in me by paragraph 6(3) of Schedule 2 to the Veterinary Surgeons Act 1966(a), hereby make the following Rules:—

1. These Rules may be cited as the Veterinary Surgeons (Disciplinary Proceedings) Legal Assessor Rules 1967, and shall come into operation on 22nd May 1967.

2.—(1) In these Rules—

(a) “the Act” means the Veterinary Surgeons Act 1966;

(b) “the Committee” means the Disciplinary Committee constituted in accordance with the provisions of section 14 of the Veterinary Surgeons Act 1948(b) and continued in existence by section 15 of the Act;

(c) “Legal Assessor” means an assessor appointed under the provisions of paragraph 6 of Schedule 2 to the Act; and

(d) “the Register” means a register maintained in accordance with section 2 of the Act, or a register maintained in accordance with section 8 of the Act, as the case may be.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. It shall be the duty of the Legal Assessor to be present at all proceedings before the Committee relating to the removal of a person's name from the Register, or the restoration of the name of a person whose name had been removed from the Register, and to advise the Committee on any questions of law and the admission of evidence arising in the proceedings which they may refer to him.

4. It shall be the duty of the Legal Assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before them which may come to his knowledge and to advise them of his own motion where it appears to him that, but for such advice, there is a possibility of a mistake of law being made.

5. The advice of the Legal Assessor shall be tendered to the Committee in the presence of every party, or person representing a party, to the proceedings who appears thereat:

Provided that, if, in the case of any question referred by the Committee to the Legal Assessor while the Committee are deliberating in private, the Committee consider that it would be prejudicial to the discharge of their duties for the advice to be tendered in the presence of the said parties or

(a) 1966 c. 36.

(b) 1948 c. 52.

(c) 1889 c. 63.

their representatives, it may be tendered in their absence, but the Legal Assessor shall, as soon as may be, inform them, or see that they are fully informed, of the question which has been put to him by the Committee and of his advice thereon, and if so requested by any party his advice shall subsequently be put in writing and a copy thereof shall be available to every such party or representative.

6. If on any occasion the Committee do not accept the advice of the Legal Assessor, a record shall be made of the question referred to him, of the advice given and of the refusal to accept it (together with the reasons for such refusal), and a copy of the record shall be given to every party, or person representing a party, to the proceedings who appears thereat.

7. Copies of written advice made for the purposes of either of the last two foregoing Rules shall be available on application to every party to the proceedings who does not appear thereat.

Dated 28th April 1967.

Gardiner, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules regulate the functions of the Legal Assessor, appointed under paragraph 6 of Schedule 2 to the Veterinary Surgeons Act 1966, to give advice on questions of law arising in disciplinary cases before them to the Disciplinary Committee set up by the Council of the Royal College of Veterinary Surgeons.