

SCHEDULE

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

PART II

Pre-Inquiry Procedure

Notice of inquiry

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5.1. As soon as may be after a disciplinary case has been referred to the Committee by the Preliminary Investigation Committee, the Clerk shall serve a notice of inquiry, together with a copy of these Rules, on the respondent in accordance with section 26 of the Act.

5.2. A notice of inquiry shall set out the following matters—

- (a) the charge(s) against the respondent;
- (b) the day, time and place at which the Committee will hold an inquiry into the charges;
- (c) the respondent's right to attend the inquiry and be represented;
- (d) the requirement for the respondent to acknowledge receipt of the notice of inquiry;
- (e) the requirement for the respondent to inform the Solicitor and the Clerk, at least seven days before the date fixed for the hearing, whether he intends to admit or deny each charge;
- (f) the manner in which the respondent may apply for the postponement of the hearing of the inquiry;
- (g) that the inquiry may proceed in the respondent's absence; and,
- (h) such further information as the nature of the case may require.

5.3. Where a fraudulent entry case has been referred to the Committee, the Clerk shall send a copy of the notice of inquiry to any other party in the case.

5.4. On the application of any other person and payment of the proper charges, the Clerk shall send a copy of the charges(s) to that person no more than fourteen days before the date fixed for the inquiry.

5.5. The Committee shall not hold an inquiry unless it is satisfied that a notice of inquiry has been served upon the respondent in accordance with this Rule. Unless the respondent agrees otherwise, the inquiry shall not be held less than twenty-eight days after the date on which the notice of inquiry was served on the respondent.

5.6. Where it appears to the Chairman before the commencement of the inquiry that a notice of inquiry should be amended, he shall direct that the notice be amended, unless it appears to him that the required amendment cannot be made without injustice. The Clerk shall serve the amended notice of inquiry on the respondent and if the Chairman considers that the circumstances require it, the inquiry shall be postponed or adjourned in accordance with Rule 22.

Acknowledgement of notice of inquiry

6. Within 10 days of service of the notice of inquiry, or such longer period as may be specified by the Clerk in the notice of inquiry, the respondent shall send to the Clerk an acknowledgment of the notice of inquiry stating—

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- (a) that he has received the notice of inquiry;
- (b) whether or not he intends to attend the hearing; and
- (c) whether or not he intends to be represented and, where applicable, the name of the solicitor representing him.

Service of College's evidence

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7.1. No less than 21 days before the date fixed for the inquiry, the Solicitor shall send the respondent and any other party in the case—

- (a) a copy of any documentary evidence on which the College intends to rely at the inquiry;
- (b) a list of the witnesses whom the College intends to call to give evidence against the respondent; and
- (c) for each witness whom the College intends to call, a witness statement, or in exceptional circumstances a summary of the matters on which the witness shall give evidence.

7.2. Where, after the Solicitor has served evidence in accordance with paragraph 7.1, the College acquires or identifies additional evidence relevant to the inquiry, or identifies additional witnesses whom it wishes to call in support of the disciplinary case against the respondent, the Solicitor shall forthwith send to the respondent and any other party in the case—

- (a) a copy of any additional documentary evidence;
- (b) a witness statement for each additional witness, or in exceptional circumstances a summary of the matters on which the witness shall give evidence, and an amended list of witnesses.

Disclosure of documents

8. At the same time that he serves the College's evidence in accordance with paragraph 7.1, the Solicitor shall send to the respondent and any other party in the case any—

- (a) formal complaint;
- (b) statement;
- (c) admission, explanation or similar document sent to the College by any party to the inquiry; and
- (d) evidence which may assist the respondent's case or harm the College's case,

acquired in the course of investigating and preparing the disciplinary case against the respondent, which has not already been disclosed under paragraph 7.1.

Bundles of evidence, skeleton arguments and respondent's notification of intended plea

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9.1. The Solicitor and the parties may at any time agree that any evidence shall be placed before the Committee as agreed evidence. Any such agreed evidence shall be supplied to the Clerk not less than 7 days before the date fixed for the inquiry.

9.2. At any time before the date fixed for the inquiry, the Solicitor and the parties may, with the consent of the Chairman, agree to refer any legal issue arising between any of them to the Legal Assessor for him to advise the Committee on that issue.

9.3. Not less than seven days before the date fixed for the inquiry, the Respondent shall inform the Solicitor and the Clerk whether or not he intends to admit or deny each charge, and in relation

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to any charge which he intends to deny whether he intends to admit any fact or conviction alleged in the charge.