

SCHEDULE

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

PART IV

Procedure where Charges are Established

Fraudulent entry cases

17. In a fraudulent entry case, if the respondent admits or the Committee determines that the entry was fraudulently made, it shall make a direction in writing, signed by the Chairman, that the entry shall be removed from the Register.

Conduct and conviction cases

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18.1. In a conduct or conviction case, where the respondent has admitted the charge or the Committee has found that the charge has been established—

- (a) The Solicitor may address the Committee, and may adduce evidence and make submissions, as to the character and previous history of the respondent;
- (b) The respondent may then address the Committee, and may adduce evidence and make submissions, by way of mitigation;
- (c) If the respondent does not attend the inquiry, the Committee shall take into consideration any written plea in mitigation submitted by the respondent.

18.2. The Committee shall next consider and determine whether to give its judgment concerning the respondent forthwith or to postpone judgment for a period not exceeding 2 years. The Chairman shall announce the Committee's determination.

18.3. If the Committee postpones its judgment, it may do so subject to undertakings from the respondent. Any such undertakings must be accepted by the respondent at the hearing before the Committee, and shall be set out in the written record of the Committee's determination and in the notice of direction served on the respondent in accordance with section 16(2) of the Act.

18.4. If the Committee gives its judgment forthwith, it may—

- (a) direct the Registrar to remove the respondent's name from the register;
- (b) direct that the respondent's registration be suspended for a specified period;
- (c) reprimand the respondent and/or warn the respondent as to his future conduct, and the Chairman shall announce the Committee's judgment accordingly.

18.5. If the Committee reserves reasons for its judgment, the Clerk shall serve those reasons with the notice of direction under Section 16(2) of the Act.

Procedure where judgment stands postponed

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19.1. Where the judgment of the Committee stands postponed, and it appears to the Chairman from information received since the inquiry that the respondent has failed to comply with any

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undertaking given to the Committee or that the proceedings should be resumed for any other reason, the Chairman may direct that the proceedings shall be resumed.

19.2. Where the judgment of the Committee stands postponed and the Committee is to resume the hearing of an inquiry—

- (a) Not later than 28 days before the day fixed for the resumption of the proceedings, the Clerk shall send to the respondent and the Solicitor a notice of resumption and a copy of the information received since the inquiry.
- (b) The notice of resumption shall—
 - (i) state the day, time and place at which the proceedings are to be resumed and invite the respondent to appear;
 - (ii) invite the respondent and the Solicitor to send to the Clerk, not later than 10 days before the day fixed for the resumption of proceedings, any written evidence or statement relating to the respondent's conduct or to any relevant facts or matters since the first hearing of the inquiry.

19.3. At any hearing at which the proceedings are resumed—

- (a) the Solicitor shall set out for the Committee the position in which the case stands;
- (b) the Committee may receive oral or documentary evidence in relation to the case, or in relation to the conduct or any convictions of the respondent since the hearing of the inquiry;
- (c) the Solicitor and the respondent shall be entitled to address the Committee;
- (d) the Committee shall consider and determine whether it should further postpone its judgment, and—
 - (i) if the Committee determines to postpone its judgment again, it shall stand further postponed for a second and final period not exceeding 2 years, and paragraph 18.3 shall apply;
 - (ii) if the Committee determines that judgment shall not be postponed again, paragraph 18.4 shall apply;
 - (iii) the Chairman shall announce the Committee's determination and, where it is not further postponed, its judgment.

19.4. At any resumed proceedings, any new charge alleged against the respondent under these Rules shall be dealt with in accordance with Part III of these Rules. Nothing in this paragraph shall prevent the Committee from receiving evidence of any conduct of the respondent or conviction recorded against the respondent which has not been made the subject of a charge under these Rules.

19.5. So far as is reasonably practicable, proceedings resumed under this Rule shall take place before a Committee having the same constitution as the Committee which heard the inquiry. Nevertheless, subject to the provisions of the Act, the validity of resumed proceedings shall not be called in question by reason only of the fact that the Committee is differently constituted.