

SCHEDULE 5

Article 41(2)

Insertion of Schedule 4C

After Schedule 4B insert—

“SCHEDULE 4C

Section 49A

Advisers

Legal advisers

- 1.—(1) The Council shall appoint persons to be legal advisers.
- (2) Legal advisers shall have the general function of giving advice to—
 - (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,

on questions of law arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.

(3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a legal adviser.

(4) Legal advisers shall have such other functions as may be conferred on them by rules, and in particular provision may be made, in relation to any proceedings—

- (a) requiring a legal adviser, when advising the Council or any of their committees, to do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or, where advice is given in private, requiring every such party or person to be notified of the advice given by a legal adviser; or
 - (b) requiring every party, or person representing a party, to the proceedings to be notified in any case where a legal adviser's advice is not accepted by the person or body in receipt of the advice.
- (5) To be qualified for appointment as a legal adviser under this paragraph, a person must—
- (a) have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) be an advocate or solicitor in Scotland of at least ten years' standing; or
 - (c) be a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least ten years' standing.

(6) The Council may pay such fees, allowances or expenses to persons appointed as legal advisers as the Council may determine.

Medical advisers

- 2.—(1) The Council may appoint registered medical practitioners to be medical advisers.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (2) Medical advisers shall have the general function of giving advice to—
- (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,

on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.

(3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a medical adviser.

(4) Medical advisers shall also have such other functions as may be conferred on them by rules.

(5) The Council may pay such fees, allowances or expenses to persons appointed as medical advisers as the Council may determine.

Professional advisers

3.—(1) The Council may appoint persons registered in either the dentists register or the dental care professionals register to be professional advisers.

- (2) Professional advisers shall have the general function of giving advice to—
- (a) the registrar,
 - (b) the Council,
 - (c) the Investigating Committee,
 - (d) the Professional Conduct Committee,
 - (e) the Professional Performance Committee,
 - (f) the Interim Orders Committee,
 - (g) the Health Committee, and
 - (h) the Registration Appeals Committee,

on matters within their professional competence arising in connection with any matter under consideration by a person or body listed in this sub-paragraph.

(3) No person who has been appointed as the registrar or appointed to the Council or a Committee listed in sub-paragraph (2) shall be appointed a professional adviser.

(4) Professional advisers shall also have such other functions as may be conferred on them by rules.

(5) The Council may pay such fees, allowances or expenses to persons appointed as professional advisers as the Council may determine.”.