

Statutory Instrument 2000 No. 2865

The General Chiropractic Council (Functions of Legal Assessors) Rules Order 2000

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STATUTORY INSTRUMENTS

2000 No. 2865

CHIROPRACTORS

The General Chiropractic Council (Functions of Legal Assessors) Rules Order 2000

Made 4th October 2000

Coming into force 12th October 2000

At the Council Chamber, Whitehall, the 4th day of October 2000

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of sections 26, 27(3) and 29 of, and paragraph 21 of Schedule 1 to, the Chiropractors Act 1994 ("the Act")[1], and of all other

powers enabling it in that behalf, the General Chiropractic Council has made the General Chiropractic Council (Functions of Legal Assessors) Rules 2000 as set out in the Schedule to this Order:

And whereas by section 35(1) of the Act such Rules shall not have effect until approved by the Privy Council:

Now, therefore, Their Lordships, having taken the Rules into consideration, are pleased to, and do hereby, approve them.

This Order may be cited as the General Chiropractic Council (Functions of Legal Assessors) Rules Order 2000 and shall come into force on 12th October 2000.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

THE GENERAL CHIROPRACTIC COUNCIL (FUNCTIONS OF LEGAL ASSESSORS) RULES 2000

The General Chiropractic Council, in exercise of its powers under sections 26, 27(3) and 29 of, and paragraph 21 of Schedule 1 to, the Chiropractors Act 1994 [2], and of all other powers enabling it in that behalf, hereby makes the following Rules: -

Citation, commencement and interpretation

1.

(1) These Rules may be cited as the General Chiropractic Council (Functions of Legal Assessors) Rules 2000, and shall come into force on 12th October 2000.

(2) In these Rules -

"the Act" means the Chiropractors Act 1994;

"the Council" means the General Chiropractic Council, and includes any committee of the Council to which functions have been delegated under paragraph 15(2)(j) of Schedule 1 to the Act; and

"legal assessors" means persons appointed under section 27 of the Act to be legal assessors, and "legal assessor" shall be construed accordingly.

Additional functions of legal assessors

2. In addition to the functions conferred on them by section 27(2) of the Act, legal assessors shall have the functions of -

(a) informing the Investigating Committee, the Professional Conduct Committee and the Health Committee of the assessors' own motion if it

appears to them from information which has come to their knowledge (whether by their presence at a meeting of the Committee concerned or otherwise) that there has been an irregularity in the conduct of any proceedings before the Committee under sections 8, 10 or 20 to 25 of the Act, and of advising the Committee concerned about the steps which may be taken (if any) to remedy the irregularity;

(b) giving advice to the Council on questions of law arising in connection with any proceedings before the Council under sections 10(5) or 29 of the Act; and

(c) informing the Council of the assessors' own motion if it appears to them from information which has come to their knowledge (whether by their presence at a meeting of the Council or otherwise) that there has been an irregularity in the conduct of any such proceedings before the Council, and of advising the Council about the steps which may be taken (if any) to remedy the irregularity.

Advice given to Committees and the Council

3.

(1) The provisions of this Rule comprise rules of procedure under sections 26 and 29 of, and paragraph 21 of Schedule 1 to, the Act, and apply to -

(a) any proceedings before the Professional Conduct Committee or the Health Committee under sections 22 to 25 of the Act;

(b) any proceedings before the Investigating Committee under rules made under section 10(4)(a) of the Act; and

(c) any proceedings before the Council on an appeal under section 29 of the Act.

(2) Subject to paragraph (3), at any such proceeding, any advice tendered by a legal assessor to the Committee or the Council shall be given in the presence of every party attending the proceeding or (if his representative is attending) his representative.

(3) If the Committee or the Council has heard the evidence or submissions on the matter in question and refers an issue to a legal assessor for advice after it has begun deliberating on its decision, and the Committee or the Council considers that it would be prejudicial to the discharge of its functions for the advice to be tendered to it in the manner described in paragraph (2), it may be given in the absence of the parties or their representatives; but in such an event the legal assessor shall as soon as practicable after completion of those deliberations inform each of the parties (or their representatives) who are in attendance of the question put to him and the advice he gave, and shall subsequently record those matters in writing and give a copy to the parties or their representatives.

Given under the common seal of the General Chiropractic Council this

14th day of September 2000

Norma Morris

Chairman

L.S.

Anthony Metcalfe

Member

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Chiropractors Act 1994, approves Rules made by the General Chiropractic Council which confer additional functions on the legal assessors appointed by the Council under section 27 of that Act; and which contain provisions relating to the procedures by which the assessors give advice in proceedings attended by the parties.

Notes:

[1] 1994 c. 17.[back](#)

[2] 1994 c. 17.[back](#)

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