

Statutory Instrument 2000 No. 2916

The General Chiropractic Council (Investigating Committee) Rules Order of Council 2000

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STATUTORY INSTRUMENTS

2000 No. 2916

CHIROPRACTORS

The General Chiropractic Council (Investigating Committee)

Rules Order of Council 2000

Made 30th October 2000

Coming into force 10th November 2000

At the Council Chamber, Whitehall, the 30th day of October 2000

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

Whereas in pursuance of sections 10(4) and (12), 20(10) and 35(2) 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 (Investigating Committee) 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 (Investigating Committee) Rules Order 2000 and shall come into force on 10th November 2000.

A. K. Galloway
Clerk of the Council

SCHEDULE

THE GENERAL CHIROPRACTIC COUNCIL (INVESTIGATING COMMITTEE) RULES 2000

The General Chiropractic Council, in exercise of its powers under sections 10(4) and (12), 20(10), 27(3) and 35(2) of, and paragraph 21 of Schedule 1 to, the Chiropractors Act 1994, and of all other powers enabling it in that behalf, hereby makes the following rules -

Citation and commencement

1. These Rules may be cited as the General Chiropractic Council (Investigating Committee) Rules 2000, and shall come into force on 10th November 2000.

Interpretation

2. In these Rules -

"the Act" means the Chiropractors Act 1994:

"the Chairman" means (except in Rule 6(1)(b)) the Chairman of the General Council or an acting Chairman appointed under Rule 7 of the General Chiropractic Council (Constitution and Procedure) Rules 1999; and

"the Committee" means the Investigating Committee of the General Council.

Procedure in relation to Investigating Committee: preliminary matters

3. - (1) Any notification and invitation under section 20(9)(a) of the Act shall be made by notice in writing given on behalf of the Committee by the Registrar, and a copy shall be given to the Chairman.

(2) Where an allegation of a kind mentioned in section 20(1)(c) of the Act (allegation that a registered chiropractor has been convicted of a criminal offence) falls within a class determined by the General Council as one unlikely to have material relevance to a person's fitness to practise chiropractic, the notice given under paragraph (1) shall so state (but shall nonetheless invite observations as to whether it has such relevance in that case).

Obtaining of information concerning allegations

4. - (1) Where an allegation to be investigated by the Committee is of a kind mentioned in section 20(1)(a) or (b) of the Act, the Committee shall, before the beginning of the period of three weeks ending with the day on which notice is served under Rule 3(1), invite the person making the allegation, and any other person appearing to it to have information relevant to the question whether there is a case to answer, to make a statement of evidence by statutory declaration or affidavit as to the matters giving rise to the allegation; and the Committee may invite such evidence in any other case.

(2) A copy of any statement of evidence provided to the Committee under paragraph (1) shall be sent to the chiropractor concerned with the notice given under Rule 3(1), or as soon as practicable thereafter, and (if not sent with that notice) shall be accompanied by an invitation to submit observations within such period (expiring not less than 14 days after the day on which the invitation was served) as may be specified in the invitation.

(3) Where an allegation to be investigated by the Committee appears to the Committee to raise the issue mentioned in section 20(1)(d) of the Act, the Committee

may, if it thinks fit -

(a) invite the chiropractor to attend before a medical assessor appointed under section 28 of the Act with a view to that assessor examining him and reporting on his physical or mental condition or, if the information received by the Committee includes reports on the chiropractor by medical practitioners who have recently examined him, and it appears to the Committee that such reports afford sufficient medical evidence that the chiropractor's ability to practise as a chiropractor may be seriously impaired because of his physical or mental condition, so inform him; and

(b) inform the chiropractor that it is open to him to nominate other medical practitioners to examine him at his own expense and report to the Committee on his ability to practise (which may as the Committee thinks fit be in place of or in addition to any report from a medical assessor under sub-paragraph (a)).

(4) An invitation under paragraph (3)(a) to attend before a medical assessor shall contain a statement that if the chiropractor fails to attend for an examination without good reason, the Investigating Committee will take that into account and may conclude that there is a case to answer.

(5) Subject to paragraph (6), where the Committee receives a report from a medical assessor or other medical practitioner pursuant to paragraph (3), the Committee shall send a copy of the report to the chiropractor concerned, and shall invite him to submit observations in writing to the Committee within such period (expiring not less than 14 days after the day on which the invitation was served) as may be specified in the invitation.

(6) If in the opinion of the Committee any report of a medical practitioner required to be sent to the chiropractor concerned under this Rule contains material which is not relevant to the present ability to practise of the chiropractor and which it would not be in the best interests of the chiropractor to see, the Committee may exclude such material from the documents sent to the chiropractor (in which case the excluded material shall not be taken into account by the Committee).

Consideration of allegations: supplementary

5. - (1) Where the Committee has invited observations from the chiropractor concerned under Rule 4(2) or (5) on a statement or report, it shall not reach a decision on the question whether there is a case to answer until the period specified in the invitation as the period within which the chiropractor may submit his observations has expired, unless it has received those observations or the chiropractor has indicated that he does not propose to make any observations.

(2) Nothing in Rule 4 shall prejudice the power of the Committee to make such further investigations as it considers are reasonably practicable for the purposes of fulfilling its functions under section 20(9)(b) of the Act.

Consideration of allegations: interim suspension

6. - (1) The opportunity required by section 21(5) of the Act to be given to a chiropractor to appear before the Committee to argue his case before the making of an order under section 21(2) of the Act shall be offered by the giving of written notice by or on behalf of the Committee to the chiropractor -

(a) informing him that he may so appear;

(b) if he wishes so to appear, requiring him to notify the chairman of the Committee in writing to that effect before the end of the period of 10 days beginning with the day on which the notice under this paragraph was served on him; and

(c) informing him that at any such hearing he may be legally represented.

(2) Where a chiropractor is to be heard pursuant to section 21(5) of the Act, the chiropractor shall be given particulars by or on behalf of the Committee of the day, time and place at which the Committee will hear him (which particulars may be included in the notice given under paragraph (1)).

(3) Without prejudice to its general powers of adjournment, the Committee may from time to time adjourn any proceedings before it at which the chiropractor is present under this Rule.

Suspension of registration pending investigation of allegation of fraud or error

7. - (1) If the Registrar proposes to suspend a chiropractor's registration under section 10(3) of the Act, he shall give the chiropractor an opportunity to appear before the Committee and argue his case against suspension, by the giving of notice to the chiropractor providing the information specified in paragraph (2).

(2) The information to be provided by a notice given under paragraph (1) is as follows -

(a) a summary of the matters alleged with respect to the fraud or error concerned;

(b) a statement that the Registrar proposes (pending completion of his

investigation and the determination of the issue by the General Council) to suspend the chiropractor's registration in order to protect members of the public and that the chiropractor may, by giving notice in writing to the Registrar before the end of the period of 10 days beginning with the day on which the notice under paragraph (1) was served on him, appear before the Committee to argue his case; and

(c) a statement of his right to be legally represented at such a hearing conferred by paragraph 4.

(3) A chiropractor who has indicated within the period mentioned in paragraph (2)(b) that he wishes to appear before the Committee may so appear, and shall be given particulars by or on behalf of the Committee of the date, time and place at which the Committee will hear him (which particulars may be included by the Registrar in the notice given under paragraph (1)).

(4) At any appearance of a chiropractor before the Committee under this Rule, the Registrar shall be a party to the proceedings and he and the chiropractor may be legally represented.

(5) If the Registrar receives a request to appear before the Committee from the chiropractor after the expiry of the period of 10 days mentioned in paragraph (2)(b), he shall report the matter to the Committee, and the Committee may determine to hear the chiropractor to argue his case concerning the suspension notwithstanding the expiry of that period; and if it does so determine to hear the chiropractor -

(a) the chiropractor shall be given particulars by or on behalf of the Committee of the date, time and place at which the Committee will hear him; and

(b) if the suspension has been imposed by the Registrar, the Registrar may if he thinks fit withdraw the suspension pending the decision of the Committee, and shall so withdraw it pending that decision if the Committee so directs.

(6) Without prejudice to its general powers of adjournment, the Committee may from time to time adjourn any proceedings before it at which the chiropractor is present under this Rule.

Service of notices

8. - (1) Any notice or other matter or information to be given or sent to a chiropractor under Rule 3(1), 4(2), (3) or (5), 6(1) or (2) or 7(1), (3) or (5)(a) may be

served by sending the same to the appropriate address of the chiropractor by a postal service in which delivery or receipt is recorded, or by leaving the same at that address.

(2) For the purposes of paragraph (1), "the appropriate address" of a chiropractor is his address as appearing in the register pursuant to section 6(1)(b) of the Act, save that if his last known place of residence differs from his address in the register and it appears to the Committee or Registrar (as the case may be) that a letter sent to that place of residence is more likely to reach him, it includes his last known place of residence.

Advice from legal assessors

9. Without prejudice to the general power of the Committee to take legal advice from a legal assessor appointed under section 27 of the Act, the Committee may take legal advice from such a legal assessor -

(a) on any question of law arising in connection with its investigation of an allegation, and, if it concludes that there is a case to answer, in formulating the terms of the allegation to be referred to the Health Committee or the Professional Conduct Committee, as the case may be; and

(b) on any question of law arising in proceedings under Rule 7 or under section 21(5) of the Act.

Given under the common seal of the General Chiropractic Council this

13th day of October 2000

L.S.

Anthony Metcalfe
Member

Barbara Minter
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 provide for the procedure to be followed by the Investigating Committee in connection with an allegation that an entry on the register has been fraudulently procured or incorrectly made and in considering allegations made against a chiropractor as to his conduct or competence.

Notes:

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

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Prepared 13 November
2000