

Status: Point in time view as at 18/07/2005.

Changes to legislation: There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRIBUNALS, ADVISORY BODIES AND PROFESSIONAL PANELS

PART I

TRIBUNALS

Membership

- 1 (1) A tribunal shall consist of five persons of whom—
- (a) one shall be
 - [^{F1}(i) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (ii) an advocate or solicitor in Scotland of at least 7 years' standing; or
 - (iii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,]
- appointed by the Lord Chancellor to be the chairman of the tribunal; and
- (b) the other four shall be persons appointed by the Secretary of State from among members of the respondent's profession nominated for the purposes of this Schedule by any of the relevant bodies mentioned in subparagraph (2) below.
- (2) The relevant bodies aforesaid are—
- (a) where the respondent is a doctor, the General Medical Council, the Royal Colleges of Physicians of London and Edinburgh, the Royal Colleges of Surgeons of England and Edinburgh, the Royal College of Physicians and Surgeons (Glasgow), the Royal College of Obstetricians and Gynaecologists, the Royal College of General Practitioners, the Royal Medico-Psychological Association and the British Medical Association;
 - (b) where the respondent is a dentist, the General Dental Council and the British Dental Association;
 - (c) where the respondent is a veterinary practitioner or veterinary surgeon, the Royal College of Veterinary Surgeons and the British Veterinary Association.
- [^{F2}(2A) The chairman of a tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).]
- (3) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted as reference to the Lord President of the Court of Session.

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Textual Amendments

- F1** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 33**
- F2** Sch. 3 Pt. I para. 1(2A) inserted (31.3.1995) by [1993 c. 8, s. 26, Sch. 6 para. 42\(2\)](#) (with sch. 7 paras. 2(2), 3(2), 4); [S.I. 1995/631, art.2](#)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 1(1)(b): Functions transferred (S.) (1.7.1999) by virtue of [S.I. 1999/1750, art. 2, Sch. 1](#) (with [art. 7](#))

Procedure

- 2 The quorum of a tribunal shall be the chairman and two other members of the tribunal.
- 3 Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to the request.
- 4 (1) Subject to paragraph 5 below, the Lord Chancellor may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before tribunals, and in particular—
- (a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified by the rules;
 - (b) for determining who, in addition to the respondent, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;
 - (d) for enabling any party to the proceedings to be represented by counsel or solicitor.
- (2) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Secretary of State.
- (3) The power to make rules under this paragraph shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C2** [Sch. 3 para. 4](#): Functions transferred (S.) (1.7.1999) by virtue of [S.I. 1999/1750, art. 2, Sch. 1](#) (with [art. 7](#))

- 5 (1) For the purpose of any proceedings before a tribunal in England or Wales or Northern Ireland the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.
- (2) The provisions of section ^[F3]36 of the Supreme Court Act 1981^[F4], of section 67 of the Judicature (Northern Ireland) Act 1978, or of the Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force

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throughout the United Kingdom) shall apply in relation to any proceedings before a tribunal in England or Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

- (3) For the purpose of any proceedings before a tribunal in Scotland, the tribunal may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the tribunal.

Textual Amendments

- F3** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [Sch. 5](#)
F4 Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [s. 125\(2\) Sch. 5 Pt. II\(1\)](#)

- 6 Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.
- 7 The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

Financial provisions

- 8 The Secretary of State may pay to any member of a tribunal fees and travelling and other allowances in respect of his services in accordance with such scales and subject to such conditions as the Secretary of State may determine with the approval of the Treasury.
- 9 The Secretary of State may pay to any person who attends as a witness before the tribunal sums by way of compensation for the loss of his time and travelling and other allowances in accordance with such scales and subject to such conditions as may be determined as aforesaid.
- 10 If a tribunal recommends to the Secretary of State that the whole or part of the expenses properly incurred by the respondent for the purposes of proceedings before the tribunal should be defrayed out of public funds, the Secretary of State may if he thinks fit make to the respondent such payments in respect of those expenses as the Secretary of State considers appropriate.
- 11 Any expenses incurred by a tribunal with the approval of the Secretary of State shall be defrayed by the Secretary of State.

Supplemental

- 12 The Secretary of State shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he considers appropriate for the purpose of enabling the tribunal to perform its functions.

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