

Status: Point in time view as at 01/07/1997.

Changes to legislation: Medical Act 1983, Cross Heading: Legal assessors is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{X1}SCHEDULE 4

PROCEEDINGS BEFORE PROFESSIONAL CONDUCT, HEALTH AND PRELIMINARY PROCEEDINGS COMMITTEES

Editorial Information

- X1** Sch. 4 substituted (coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **14**, (with transitional provisions in Sch. 2)

Legal assessors

- 7 (1) For the purpose of advising the Professional Conduct Committee, [^{F1}the Assessment Referral Committee, the Committee on Professional Performance,]the Health Committee and the Preliminary Proceedings Committee on questions of law arising in proceedings before them there shall in all such proceedings be an assessor to the Committee who shall be appointed by the General Council and shall be
- [^{F2}(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.
- (3) The Lord Chancellor or, in relation to proceedings in Scotland, the Lord Advocate may make rules as to the functions of assessors appointed under this paragraph.
- (4) Rules made under this paragraph in relation to proceedings before the Professional Conduct Committee [^{F1}, the Assessment Referral Committee, the Committee on Professional Performance] and the Health Committee may in particular contain such provisions as appear to the Lord Chancellor or the Lord Advocate expedient for securing—
- (a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matter specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person shall be informed what advice the assessor has tendered,
- (b) that every such party or person shall be informed if in any case the Committee do not accept the advice of the assessor on any such question,

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and such incidental and supplementary provisions as appear to the Lord Chancellor or the Lord Advocate expedient.

- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- (6) The power to make rules under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in Sch. 4 para. 7(1)(4) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 21(a)(b)**; S.I. 1997/1315, **art. 2**
- F2** Sch. 4 para. 7(1)(a)(b)(c) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 53**

Modifications etc. (not altering text)

- C1** Sch. 4 para. 7; functions of the Lord Advocate transferred to the Secretary of State (19.5.1999) and the property, rights and liabilities of the Lord Advocate in connection with the said functions transferred to the Secretary of State for Scotland by S.I. 1999/678, arts. 2(1), 3, **Sch. 4 para. 7**; certain functions conferred on a Minister of the Crown will be exercisable (1.7.1999) by the Scottish Ministers instead of by the Minister of the Crown by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1**.

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