



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 2

#### REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

##### *The Office of the Health Professions Adjudicator*

#### **106 Administration of oaths and issuing of witness summonses etc.**

- (1) For the purpose of proceedings before a fitness to practise panel of the OHPA in England and Wales or in Northern Ireland—
  - (a) the panel may administer oaths, and
  - (b) any party to the proceedings may apply for the issue of a witness summons directing a person to attend the panel in order to give evidence or to produce a document.
- (2) No person shall be compelled under any such summons to give any evidence or produce any document which that person could not be compelled to give or produce on the trial of an action.
- (3) Section 36 of the Supreme Court Act 1981 (c. 54) and section 67 of the Judicature (Northern Ireland) Act 1978 (c. 23) (which provide a special procedure for the issue of such a summons so as to be in force throughout the United Kingdom) apply in relation to proceedings before a fitness to practise panel in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court.
- (4) For the purpose of proceedings before a fitness to practise panel of the OHPA in Scotland—
  - (a) the panel may administer oaths, and
  - (b) the Court of Session, on the application of any party to the proceedings, has the like power as in any action in that court—
    - (i) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the panel and for the issue

*Status: This is the original version (as it was originally enacted).*

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- of letters of second diligence against any witness or haver failing to appear after due citation,
- (ii) to grant warrant for the recovery of documents, and
  - (iii) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.