

## SCHEDULE 3

Regulation 10(15)

### PROVISIONS AS TO APPEAL HEARINGS

1. Subject to the provisions of these Regulations the procedure at an appeal hearing shall be within the discretion of the persons hearing the appeal.

#### Commencement Information

**I1** Sch. 3 para. 1 in force at 1.7.2006, see [reg. 1\(1\)](#)

2. The chairperson may by notice require any person—
- (a) to attend at the time and place specified in the notice, to give evidence or to produce any books or documents in that person's custody or under that person's control which relate to any matter in question at the hearing; or
  - (b) to provide within such reasonable period as is specified in the notice such information relating to any matter in question at the hearing as the chairperson who presides over the hearing may think fit, and as the person so required is able to provide; but—
    - (i) no person shall be required to attend at any place which is more than 10 miles from the place where that person resides unless the necessary expenses are paid or tendered to that person; and
    - (ii) nothing in this paragraph shall empower the chairperson to require any person to produce any book or document or to answer any question which that person would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the hearing were a court of law.

#### Commencement Information

**I2** Sch. 3 para. 2 in force at 1.7.2006, see [reg. 1\(1\)](#)

3. The chairperson may administer oaths and examine witnesses on oath, and may accept in lieu of evidence on oath by a person, a statement in writing by that person.

#### Commencement Information

**I3** Sch. 3 para. 3 in force at 1.7.2006, see [reg. 1\(1\)](#)

4. Any person who refuses or wilfully neglects to attend a hearing in response to a notice under paragraph 2(a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding 3 months.

#### Commencement Information

**I4** Sch. 3 para. 4 in force at 1.7.2006, see [reg. 1\(1\)](#)

5. Subject to the provisions of these Regulations, the hearing may adjourn from time to time as the chairperson thinks fit and hold adjourned sittings at such time and place as may appear the chairperson to be suitable.

**Changes to legislation:** There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, SCHEDULE 3. (See end of Document for details)

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**Commencement Information**

**I5** Sch. 3 para. 5 in force at 1.7.2006, see [reg. 1\(1\)](#)

**6.** The Scottish Ministers may make orders as to the expenses incurred by the parties appearing at any such hearing and as to the parties by whom such expenses shall be paid.

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**Commencement Information**

**I6** Sch. 3 para. 6 in force at 1.7.2006, see [reg. 1\(1\)](#)

**7.** Any order by the Scottish Ministers under paragraph 6 may be enforced in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

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**Commencement Information**

**I7** Sch. 3 para. 7 in force at 1.7.2006, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Discipline Committees) (Scotland) Regulations 2006, SCHEDULE 3.