

Status: Point in time view as at 02/04/2001.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1985, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 30.

THE DISCIPLINE AND APPEALS COMMITTEE: SUPPLEMENTARY PROVISIONS

Rules of procedure

- 1 (1) The Council shall make rules about the procedure and practice to be followed in relation to proceedings before the Discipline and Appeals Committee under this Part.
- (2) As respects proceedings before the Committee under section 26, rules under this paragraph shall in particular make provision—
 - (a) for securing that, where proceedings are to be brought against any person, notice that the proceedings are to be brought shall be given to that person at such time and in such manner as may be specified in the rules;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
 - (c) for enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (d) for requiring proceedings before the Committee to be held in public so far as may be provided by the rules.
- (3) Rules made under this paragraph shall not come into force until approved by order of the Lord Chancellor; and any such order shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Lord Chancellor may approve rules made under this paragraph either as submitted to him or subject to such modifications as he thinks fit; but where the Lord Chancellor proposes to approve any such rules subject to modifications he shall notify the modifications to the Council and consider any observations of the Council on them.
- (5) In this paragraph and paragraphs 2 and 3 “party”, in relation to any proceedings, means—
 - (a) the person against whom the proceedings are brought;
 - (b) a person on whose complaint the proceedings are brought; or
 - (c) a person appointed by the Council to represent the Council at the proceedings.

Evidence etc.

- 2 (1) For the purposes of any proceedings before the Discipline and Appeals Committee under section 26—

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- (a) the Committee may administer oaths; and
- (b) any party to the proceedings may sue out writs of subpoena ad testificandum and of subpoena duces tecum;

but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

- (2) Section 36 of the ^{M1}Supreme Court Act 1981 (subpoena issued by High Court to run through United Kingdom) shall apply in relation to any such proceedings before the Committee as it applies in relation to causes or matters in the High Court.
- (3) Paragraph 1(5) applies for the purposes of this paragraph.

Marginal Citations

M1 1981 c. 54.

- 3 (1) For the purpose of advising the Discipline and Appeals Committee on questions of law arising in proceedings under section 26, there shall in all such proceedings be an assessor to the Committee, appointed by the Council, who shall be a [^{F1}person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.]
- (2) The Lord Chancellor may by statutory instrument make rules as to the functions of assessors appointed under this paragraph; and rules under this sub-paragraph may contain such provisions as appear to the Lord Chancellor 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 to the proceedings, or every person representing such a party, 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 as is mentioned in paragraph (a) shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as is there mentioned,
 and such incidental and supplementary provisions as appear to the Lord Chancellor expedient.
- (3) Subject to the provisions of this paragraph, an assessor under this paragraph may be appointed either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (4) The Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- (5) Paragraph 1(5) applies for the purposes of this paragraph.

Textual Amendments

F1 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 64**

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Filing of orders of Committee

- 4 (1) Every order of the Discipline and Appeals Committee under this Part shall be filed with the Council, together with a statement of the Committee's findings signed by the chairman or by some other member of the Committee authorised by him for the purpose.
- (2) Any file kept by the Council under this paragraph may be inspected during office hours without payment.
- (3) An order which has been filed shall be treated, for the purpose of enforcement, as if it had been made by the High Court.

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