

Status: Point in time view as at 01/10/2009.

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 ^[F1]Secretary of State; 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 ^[F1]Secretary of State may approve rules made under this paragraph either as submitted to him or subject to such modifications as he thinks fit; but where the ^[F1]Secretary of State 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 ^[F2]paragraph 2 “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.

Textual Amendments

- F1** Sch. 4: words substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), [arts. 1\(2\), 9](#), {Sch 2. para. 6(c)}

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- F2** Words in Sch. 4 para. 1(5) substituted (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 211, [Sch. 17 para. 30\(2\)\(b\)](#), (with ss. 29, 192, 193); S.I. 2009/503, [art. 2\(c\)\(i\)](#)

Evidence etc.

- 2 (1) For the purposes of any proceedings before the Discipline and Appeals Committee under section 26—
- (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}[^{F3}Senior Courts 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.

Textual Amendments

- F3** Words in [Sch. 4 para. 2](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

Marginal Citations

- M1** 1981 c. 54.

- 3 ^{F4}

Textual Amendments

- F4** [Sch. 4 para. 3](#) repealed (31.3.2009) by [Legal Services Act 2007 \(c. 29\)](#), ss. 182, 210, 211, [Sch. 17 para. 30\(3\)](#), [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/503, {[art. 2\(c\)\(i\)\(f\)\(v\)\(dd\)](#)}

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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