

SCHEDULES

SCHEDULE 2

Section 10(8).

PROCEEDINGS BEFORE COUNCIL AND COMMITTEES

- 1 For purposes of proceedings under section 10 before the Council or a committee in England and Wales—
 - (a) the Council or committee may administer oaths;
 - (b) a solicitor to the Council, and any person entitled to appear at the proceedings, may sue out writs of subpoena ad testificandum and duces tecum (but not so as to compel a person to produce a document which he could not be compelled to produce on the trial of an action); and
 - (c) section 36 of the Supreme Court Act 1981 (subpoena valid throughout United Kingdom) applies as in relation to causes or matters in the High Court.
- 2 (1) For purposes of proceedings under section 10 before the Council or a committee in Scotland—
 - (a) the Council or committee may administer oaths; and
 - (b) the Court of Session shall, on the application of any party to the proceedings, have the same such powers as are mentioned in sub-paragraph (2) below as it has in an action in that court.

(2) The powers mentioned above are—

 - (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Council or committee, and for the issue of second diligence against any witness or haver failing to appear after due citation;
 - (b) to grant warrant for the recovery of documents; and
 - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.
- 3 (1) The Central Council shall appoint assessors (either generally or for any particular proceedings or class of proceedings) to advise the Council or committees on questions of law arising in the proceedings.

(2) Assessors shall be—

 - (a) persons who have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990;
 - (b) advocates or solicitors in Scotland of at least ten years' standing; or
 - (c) members of the Bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least ten years' standing.

(3) The Council shall pay to assessors such remuneration as it may determine.
- 4 (1) The Lord Chancellor and, for proceedings in Scotland, the Lord Advocate may by order make provision with regard to the functions of assessors.

Status: This is the original version (as it was originally enacted).

- (2) In particular, provision may be made—
- (a) requiring assessors, when advising the Council or any of its committees, to do so in the presence of the parties or, where advice is given in private, requiring the parties to be notified of the advice tendered by the assessors; and
 - (b) requiring the parties to be informed in cases where the assessors' advice is not accepted.