
STATUTORY INSTRUMENTS

2000 No. 2265

CHIROPRACTORS

**The General Chiropractic Council (Appeals Against
Decisions of the Registrar) Rules Order 2000**

Made - - - - - *15th June 2000*
Coming into force - - - - - *23rd June 2000*

At the Council Chamber, Whitehall, the 15th day of June 2000
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 29(2) of the Chiropractors Act 1994⁽¹⁾ the General Chiropractic Council have made the General Chiropractic Council (Appeals Against Decisions of the Registrar) Rules as set out in the Schedule to this Order:

And whereas by section 35(1) of that Act such Rules shall not have effect until approved by the Privy Council:

Now, therefore, Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby, approve them.

This Order may be cited as the General Chiropractic Council (Appeals Against Decisions of the Registrar) Rules Order 2000 and shall come into force on 23rd June 2000.

A. K. Galloway
Clerk of the Privy Council

⁽¹⁾ 1994 c. 17.

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SCHEDULE

THE GENERAL CHIROPRACTIC COUNCIL (APPEALS AGAINST DECISIONS OF THE REGISTRAR) RULES 2000

The General Chiropractic Council, in exercise of its powers under sections 29(2) and 35(2) of the Chiropractors Act 1994(2), and of all other powers enabling it in that behalf, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the General Chiropractic Council (Appeals against Decisions of the Registrar) Rules 2000, and shall come into force on 23rd June 2000.

Interpretation

2.—(1) In these Rules—

“the Act” means the Chiropractors Act 1994;

“appeal” means an appeal under section 29(1) of the Act;

“the appellant” means the chiropractor who has made the appeal in question;

“the Council” means, subject to Rule 6, the General Chiropractic Council;

“the decision”, except in Rule 5, means the decision of the Registrar specified in the notice given under Rule 3(1); and

“legal representative” means a solicitor or a barrister (including an advocate in Scotland).

(2) References in these Rules to the Chairman of the Council include reference to an Acting Chairman exercising the functions of Chairman of the Council under Rule 7 of the General Chiropractic Council (Constitution and Procedure) Rules 1999.

General

3.—(1) An appeal shall be made by giving notice in writing to the Registrar, specifying the decision of the Registrar in relation to which the appeal is brought.

(2) An appeal shall be heard at a meeting of the Council, being either an ordinary meeting of the Council to consider other business, or a special meeting held to determine the appeal (whether or not also held to determine other appeals under section 29(1) of the Act).

Preliminary matters

4.—(1) Upon receipt of notice under Rule 3(1), the Registrar shall prepare a paginated and indexed bundle of papers for consideration at the meeting of the Council held for the purposes of Rule 3(2), comprising—

(a) the Registrar’s reasons for reaching the decision;

(b) the documentary evidence taken into account by him in reaching the decision, including any statements, references, reports and other particulars supplied by the appellant to the Registrar or obtained by the Registrar in connection with his determination of the matter the subject of the decision;

(c) by way of a supplementary report, such other matters (if any) as in his view are relevant to the determination of the appeal and which he wishes to bring to the attention of the Council.

(2) 1994 c. 17.

(2) Before the beginning of the period of 28 days ending with the day appointed for the meeting to be held for the purposes of Rule 3(2), the Registrar shall serve on the appellant—

- (a) the reasons referred to in paragraph (1)(a), any report prepared under paragraph (1)(c), a list of the documents referred to in paragraph (1)(b), and a copy of any of the documents so listed of which the appellant has not previously been sent a copy by the Registrar and which are not documents supplied by the appellant to the Registrar; and
- (b) a notice informing the appellant of the date, time and place of the meeting, and requiring the appellant to submit to the Registrar, within the period of 14 days beginning with the day on which the notice is served on the appellant, the appellant's grounds of appeal, any additional evidence the appellant wishes the Council to take into account in determining the appeal in question, and an indication of whether the appellant intends to be legally represented.

(3) Before the beginning of the period of seven days ending with the day of the meeting to be held for the purposes of Rule 3(2), the Registrar shall send to each of the members of the Council a copy of the bundle prepared under paragraph (1), and of any grounds and additional documentary evidence supplied by the appellant pursuant to the notice given under paragraph (2)(b).

Decision by the Council

5.—(1) The appellant may attend the meeting held for the purposes of Rule 3(2), and he and the Registrar (or their legal representatives) may address the Council concerning the appeal.

(2) The decision of the Council on the appeal shall be by resolution of the Council passed by a majority of the members of the Council present and voting; and, in the event of an equality of votes, the person chairing the meeting shall have an additional casting vote which he shall exercise in favour of the appellant.

(3) Upon the Council reaching its decision, the person chairing the meeting considering the appeal in question shall announce that decision, and the Chairman of the Council shall as soon as practicable after the meeting give notice in writing to the appellant notifying him of the decision of the Council and its reasons for reaching the decision and (if the appeal is dismissed) of the appellant's right to appeal against it on a point of law under section 29 of the Act.

(4) Subject to paragraphs (5) and (6), the meeting considering an appeal shall be open to the public.

(5) The appellant may elect that the meeting considering his appeal should be held in private, and, if he does so elect, the meeting shall be held in the absence of anyone except members of the Council, the Registrar and his legal representative (if any), staff of the Council, the appellant and his legal representative (if any), any witnesses and any legal assessor or medical assessor appointed under section 27 or 28 of the Act.

(6) Nothing in paragraphs (4) and (5) shall preclude the Council deliberating in private (including deliberating in the absence of the Registrar and the appellant and their legal representatives) after having heard the appellant and the Registrar or such representatives.

Delegation of functions

6.—(1) If the Council in exercise of its powers under paragraph 15(2)(j) of Schedule 1 to the Act delegates its function of determining any appeal to a committee of the Council, references to the Council in these Rules shall be construed (except in the references to the Chairman of the Council and staff of the Council) as references to that Committee.

(2) The Council may not delegate its function of determining an appeal to any of the statutory committees.

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(3) The Chairman of the Council may delegate any of his functions under these Rules to another member of the Council.

Witnesses etc.

7.—(1) The Council may in considering an appeal hear witnesses—

- (a) on application of the appellant,
- (b) on the application of the Registrar, or
- (c) of its own motion.

(2) Any witness may be cross-examined and re-examined, and may be questioned by the Council and (with the leave of the Council) by any legal assessor or medical assessor appointed under section 27 or 28 of the Act.

(3) No person may be required under this rule to give evidence or produce any document or other material at any appeal which he could not be compelled to give or produce in civil proceedings in any court in that part of the United Kingdom in which the appeal takes place.

Giving and service of documents

8.—(1) Any notice or other matter or document to be served on the appellant for the purposes of these Rules may be served by sending it by post to, or leaving it at, the address of the appellant as appearing in the register pursuant to section 6(1)(b) of the Act, or if he is not registered, or if his last known place of residence differs from his address in the register and it appears to the Registrar that a notice sent to that place of residence is more likely to reach him, or if he has given some other address for service, it may be served by sending it by post to or leaving it at his last known place of residence or (as the case may be) the address given for service.

(2) Any notice or other matter or document to be served on the Registrar for the purposes of these Rules may be served by sending it by post to, or leaving it at, the principal office of the Council.

(3) The bundle and other matters to be sent to the members of the Council under Rule 4(3) shall be sent in accordance with the ordinary arrangements of the Council for the receiving by the members of papers relating to its meetings, and shall be treated as sent, if sent by post, when posted.

Extension of time etc.

9.—(1) The Chairman of the Council may extend the time for the doing of any thing under these Rules and may postpone a meeting to be held for the purposes of Rule 3(2) of which notice has been given to the appellant under sub-paragraph (b) of Rule 4(2), and the Registrar may, in order to give effect to any such extension or postponement after having given such notice to the appellant, serve on the appellant a further notice specifying any later date for the meeting to be held for the purposes of Rule 3(2) (stating also the time and place of the meeting) or specifying any later date for the appellant to submit the grounds and evidence referred to in that sub-paragraph (b), or specifying both of those things, as the case may be.

(2) Without prejudice to the Council's general powers of adjournment, the Council may from time to time adjourn any proceedings before it on an appeal at which the appellant may be present, and if it does so the Registrar shall give notice to the appellant of the date, time and place of the resumption of proceedings at which he may be present unless that date, time and place were announced at the time of adjournment in the presence of the appellant or his representative.

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Given under the common seal of the General Chiropractic Council this 26th day of May 2000.

L.S.

Norma Morris
Chairman

Robin Hodgson
Member

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Chiropractors Act 1994, approves Rules made by the General Chiropractic Council which make provision in respect of procedure for appeals to that Council from decisions of the Registrar as to whether a chiropractor should be on the register and if so whether as fully, conditionally or provisionally registered.