

SCHEDULE

THE GENERAL OSTEOPATHIC COUNCIL HEALTH COMMITTEE (PROCEDURE) RULES 2000

PART IV

RESUMED AND REVIEW HEARINGS OF THE HEALTH COMMITTEE

Provision for resumed hearings

29.—(1) Where the Committee has decided to adjourn the proceedings under rule 20 it shall, when announcing such a decision, state that it will resume consideration of the case at a further meeting on a specified date.

(2) The Committee may also at the same time indicate the need for further medical examinations and reports, including reports from medical practitioners involved in the treatment or supervision of the osteopath following the adjournment, and any other relevant information as to the osteopath's fitness to practise.

(3) The Committee may also invite the osteopath to submit to examination by any medical assessor chosen by or on behalf of the Committee.

(4) The Committee may, at its discretion and subject to the osteopath's right to an oral hearing in any event under rule 33(1), decide to consider only written testimony at a resumed hearing, or oral testimony in which case the procedures for conducting the original hearing will be followed.

(5) If in any case where the Committee has adjourned a case under rule 20, it appears to the Committee that it should resume consideration of the case at an earlier meeting or date than that specified under paragraph (1) the Committee may notify the osteopath that the Committee will resume consideration of the case at such earlier meeting or date as the Chairman shall determine and will further specify the date, time and place of such resumed hearing.

Direction for resumed and review hearings

30.—(1) The Committee may review a conditions of practice or suspension order at any time at its own discretion and must do so—

- (a) before the beginning of the period of three months ending on the date on which a condition in a conditions of practice order or suspension order is to cease to have effect;
- (b) on the written application of the osteopath, save that where an osteopath has made a previous application which has been refused the Committee shall not entertain a further such application unless it is made after the end of the period of 12 months beginning with the date on which the previous application was received by the Committee.

(2) Without prejudice to the generality of the foregoing paragraph, where in any case the Committee has imposed a conditions of practice order and it appears from information subsequently received that the osteopath is in a material respect not complying with a condition in that order the Committee may exercise its powers under the foregoing paragraph.

(3) Before exercising its powers under paragraph (1) or (2) above the Committee may invite the osteopath to submit to medical examination.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notice of resumed and review hearings

31.—(1) Where the Committee has adjourned a case under rule 20 or proposes to review a conditions of practice order or a suspension order the Committee shall send to the osteopath a notice which shall—

- (a) specify the date, time and place at which the proceedings are to be resumed or the review is to be held and invite him to appear;
- (b) in any case where the Committee has exercised its powers under rule 30(1) and (2) state the circumstance under which it has exercised those powers;
- (c) if the Committee has so directed, invite the osteopath to submit to examination by the medical assessors chosen by the Committee and if the osteopath so elects by another medical practitioner of his own choosing and at his expense;
- (d) if the Committee has so directed invite the osteopath to furnish the names and addresses of medical practitioners or other persons to whom the Committee will be able to apply for information as to their knowledge of his or her fitness to practise since the time of the original hearing;
- (e) indicate that the osteopath may be legally represented and also be accompanied by his medical adviser;
- (f) invite the osteopath to state whether he proposes to attend the resumed or review hearing;
- (g) inform the osteopath that he may call witnesses in his defence with or without notice;
- (h) invite the osteopath in advance of the resumed or review hearing to supply any document or report which he may wish to place before the Committee.

(2) Except with the agreement of the osteopath the proceedings shall not be resumed or the review held before the end of the period of 28 days beginning with the day on which the notice of the resumed or review hearing is sent.

Medical assessors at resumed and review hearings

32. In choosing medical assessors to assist the Committee at any resumed or review hearing the Chairman shall have regard to any opinion previously expressed by the Committee as to the nature of the matters on which medical advice would be useful.

Procedure at resumed and review hearings

33.—(1) An osteopath may elect to give oral evidence, to call witnesses and to be legally represented at a resumed or review hearing and the proceedings shall then be conducted according to the procedure prescribed for the consideration of oral evidence at the earlier hearing.

(2) The Committee shall determine a case at a resumed or review hearing in accordance with rules 21 to 25.

Application by osteopath for a review hearing

34. An application under rule 30(1)(b) must be made in writing to the Registrar.

The validity of proceedings

35. Subject to the provisions of the Act, the validity of any resumed or review proceedings of the Committee shall not be called into question by reason only that members of the Committee who were present at any earlier hearing were not present at the resumed hearing, or that members present at the resumed hearing were not present at any earlier hearing.