

2000 No. 251

**JUDICIAL COMMITTEE
PROCEDURE**

The Judicial Committee (Osteopaths Rules) Order 2000

Made - - - - - *8th February 2000*

Laid before Parliament *16th February 2000*

Coming into force *8th March 2000*

At the Court at Buckingham Palace, the 8th day of February 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 10(8)(b) and 31(5) of the Osteopaths Act 1993(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Judicial Committee (Osteopaths Rules) Order 2000 and shall come into force on 8th March 2000.
2. The Rules set out in the Schedule to this Order shall take effect for the purpose of regulating appeals to Her Majesty in Council under the Osteopaths Act 1993.

A.K. Galloway
Clerk of the Privy Council

SCHEDULE

RULES

Interpretation

1. In these Rules, unless the context otherwise requires:

“The Act” means the Osteopaths Act 1993.

“The Council” means the General Osteopathic Council.

“The Registrar” means the Registrar of the Privy Council and “the Registry” means the Registry of the Privy Council, Downing Street, London.

Petition of appeal: lodgement and service

2. A person who desires to appeal to Her Majesty in Council under sections 10 or 31 of the Act shall within 28 days of the service on him of the notification by the Registrar of Osteopaths of the order or decision appealed against, enter an appearance in the Registry, lodge therein a petition of appeal and serve a copy of the petition of appeal on the Council.

Contents of petition of appeal

3. The petition of appeal shall—

(a) state the full title of the appeal and the name of the Committee of the Council appealed from, or the Council itself as appropriate;

(b) be addressed to Her Majesty in Council; and

(c) shall recite succinctly in paragraphs numbered consecutively the proceedings leading up to the appeal but shall not contain argumentative matter or travel into the merits of the case.

Council’s entry of appearance and lodgement and service of record

4.—(1) Within 21 days of the service on them of the petition of appeal, or such further period as may be allowed by the Registrar, the Council shall enter an appearance in the Registry and shall forthwith give notice thereof to the appellant.

(2) The Council shall thereafter, with all convenient speed, lodge an authenticated Record of the proceedings at which was given the order or decision appealed against and six copies of this Record and shall serve three copies thereof on the appellant.

The parties’ Cases: lodgement and contents

5.—(1) Within 28 days of the lodging of the Record in the Registry the appellant and the Council shall each lodge in the Registry six copies of their Case.

(2) The Cases shall be printed or typewritten, shall consist of paragraphs numbered consecutively and shall state as concisely as possible the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the same and the reasons for appeal.

(3) The Case shall be signed by at least one of the Counsel who attends at the hearing of the appeal or by the appellant himself if he conducts his appeal in person.

Exchange of Cases and setting down

6. As soon as the Cases on both sides are lodged the appeal is thereby set down and the parties shall then exchange Cases by delivering each to the other three copies of their respective Cases.

Setting down for hearing *ex parte*

7. If the Council do not lodge their Case within the period prescribed by Rule 5, or within such further period as may be allowed by the Registrar, the appeal shall be set down for hearing *ex parte* provided that the appellant has already lodged his Case.

Withdrawal of appeal

8.—(1) Where an appellant who has lodged his petition of appeal desires to withdraw his appeal, he shall lodge in the Registry a petition to Her Majesty in Council for leave to withdraw the appeal.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for their costs.

Dismissal of appeal for non-prosecution

9.—(1) If the appellant does not lodge his Case within the period prescribed by Rule 5, or within such further period as may be allowed by the Registrar, the Council may lodge in the Registry a petition to Her Majesty in Council praying that the appeal be dismissed for non-prosecution.

(2) On the hearing of such petition the Council shall be entitled to apply to the Judicial Committee for their costs.

Withdrawal or dismissal by consent

10. Where the prayer of a petition lodged under either of the last two preceding Rules is consented to in writing by the opposite party the Judicial Committee may, if they think fit, make their Report to Her Majesty on such petition without requiring the attendance of the parties before them.

Taxation of costs

11. All bills of costs under any Order of the Judicial Committee made on the appeal shall stand referred to the Registrar, or such other person as the Judicial Committee may appoint, for taxation.

Appeal as a poor person

12. Where a person desiring to appeal as a poor person proves by affidavit to the satisfaction of the Registrar that he is not worth £500 in the world excepting his wearing apparel and that he is unable to provide sureties and also lodges a certificate of Counsel that he has reasonable grounds of appeal, the appeal shall proceed as an appeal by a poor person and the appellant shall not be required to pay any Privy Council Office fees.

Application of general rules

13.—(1) Rule 83 of the Judicial Committee (General Appellate Jurisdiction) Rules 1982(a) shall apply as if the reference to “these Rules” therein contained wherever those words appear was a reference to the Judicial Committee (Osteopaths Rules) Order 2000.

(2) Rules 17, 18, 71, 72, 74, 75, 77, 78, 79, 80, 81, 84, 85 and 86 of, and Schedule B to, the Judicial Committee (General Appellate Jurisdiction) Rules 1982 shall so far as applicable and subject to the provision of any Statute or any Statutory Instrument to the contrary apply to appeals under the Act.

(3) Save as aforesaid the Judicial Committee (General Appellate Jurisdiction) Rules 1982 shall not apply to such appeals.

(a) Set out in Schedule II to S.I. 1982/1676, as amended by S.I. 1990/2297 and S.I. 1996/3170.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order contains the Rules governing procedure for all appeals to Her Majesty in Council under the Osteopaths Act 1993.

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