

## SCHEDULE

### ROYAL COLLEGE OF VETERINARY SURGEONS DISCIPLINARY COMMITTEE (PROCEDURE AND EVIDENCE) RULES 2003

#### PART III

##### *Procedure at Disciplinary Inquiry*

###### *The reading of the charge*

###### **10**

**10.1.** If the respondent appears at the hearing of the inquiry, each charge shall be read in the respondent's presence.

**10.2.** As soon as a charge has been read the respondent may, if he so desires, object to the charge, or to any part of it, in point of law. The Solicitor may answer any such objection and the respondent shall have the right of final reply. If an objection to a charge is upheld, no further proceedings shall be taken on that charge or part of the charge to which the objection relates.

**10.3.** The respondent shall be asked whether he admits each charge. In relation to any charge that is denied, the respondent shall be asked whether each conviction or fact within the charge is admitted.

**10.4.** If the respondent does not appear, the Committee may decide to proceed in the respondent's absence if it is satisfied that the notice of inquiry was properly served and that it is in the interests of justice to do so.

###### *Presentation of the case against the respondent*

###### **11**

**11.1.** The Solicitor may make an opening speech and—

- (a) if the respondent has not admitted every conviction or fact alleged, shall adduce evidence of any conviction or fact not admitted;
- (b) in a conviction case, shall address the Committee and may adduce evidence and make submissions, to show that if the conviction alleged is proved or admitted, the nature and circumstances of the offence are such as to render the respondent unfit to practise veterinary surgery;
- (c) in a conduct case, shall address the Committee and may adduce evidence and make submissions, to show that if the facts alleged are proved or admitted, the respondent is guilty of disgraceful conduct in a professional respect;
- (d) in a fraudulent entry case, shall address the Committee and may adduce evidence and make submissions, to show that if the facts alleged are proved or admitted, the name of the respondent was fraudulently entered on a register.

**11.2.** The respondent shall have the opportunity to cross-examine any witness whom the College calls to give evidence in support of the charges against him.

**11.3.** If no evidence is adduced concerning any particular charge, and the respondent has made no admission of the relevant conviction or facts, the Committee shall make a finding on that charge in favour of the respondent and the Chairman shall announce that finding.

**11.4.** If the respondent does not appear, the Committee may accept an admission made in writing by the respondent.

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

*Presentation of the case for the respondent*

**12**

**12.1.** In relation to any charge concerning which evidence has been adduced, the respondent may submit that the Solicitor has not adduced sufficient evidence upon which the Committee could find—

- (a) the conviction or facts in the charge proved; or
- (b) that a conviction renders the respondent unfit to practise veterinary surgery; or
- (c) that the facts alleged are such as to constitute disgraceful conduct in a professional respect;
- (d) that the facts alleged are such as to establish that the name of the respondent was fraudulently entered on a register.

**12.2.** The respondent may adduce evidence concerning any conviction or fact which he has not admitted, and may address the Committee.

**12.3.** In a conviction case, the respondent may adduce evidence as to the nature and circumstances of the offence, to show that they do not render him unfit to practise veterinary surgery, and may address the Committee.

**12.4.** In a conduct case, the respondent may adduce evidence to show that the facts alleged are not such as to constitute disgraceful conduct in any professional respect, and may address the Committee.

**12.5.** In a fraudulent entry case, the respondent may adduce evidence to show that the facts alleged are not such as to establish that his name was fraudulently entered on a register, and may address the Committee.

**12.6.** The Solicitor shall have the opportunity to cross-examine any witness whom the respondent calls in support of his case.

*Further submissions and general matters*

**13**

**13.1.** The Solicitor may address the Committee by way of reply to the respondent's case.

**13.2.** At the conclusion of the Solicitor's address, if any, the respondent may address the Committee by way of final reply.

**13.3.** Without prejudice to paragraph 13.2, if, at any stage, the respondent has made a submission to the Committee on a point of law the Solicitor shall have the right of reply limited to that submission, and the respondent shall have the right of final reply.

*Supplementary powers of the Chairman and Committee*

**14**

**14.1.** The disciplinary proceedings to which these Rules apply are in the nature of civil proceedings, and the Committee may allow such further evidence, amendments and submissions and give such further directions as it considers appropriate in all the circumstances.

**14.2.** Members of the Committee or the Legal Assessor may put questions to the Solicitor, any party in the case or any witness.

*Decision of the Committee*

**15**

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

**15.1.** At the close of the evidence and submissions, the Committee shall consider each charge separately and shall decide whether or not each fact or conviction alleged in each charge has been proved, and the Chairman shall announce the Committee's findings.

**15.2.** The Committee may at its discretion allow further submissions to ascertain whether there is any evidence not already before it upon which the Respondent would wish to rely to support any submission that a conviction does not render him unfit to practise veterinary surgery, or that the facts found do not constitute disgraceful conduct in a professional respect or do not establish that his name was fraudulently entered on a register. Where the Respondent is allowed to make such submissions, the Solicitor may address the Committee by way of reply, and the Respondent shall have the right of final reply.

**15.3.** On the conclusion of the proceedings, the Committee shall consider all of the evidence and submissions and shall determine whether each charge against the respondent has been established, and the Chairman shall announce the Committee's findings.

**15.4.** In a conduct case, where the Committee finds that the charge has been proved, the finding of the Committee shall be that the respondent is guilty of disgraceful conduct in a professional respect.

**15.5.** In a conduct case, where the Committee finds that the charge has not been proved, the finding of the Committee shall be that the respondent is not guilty of disgraceful conduct in a professional respect.

*Procedure where there is more than one respondent*

**16.** Nothing in this Part shall prevent one inquiry being held into charges against two or more respondents. Where such an inquiry is held, these Rules shall apply with the necessary adaptations, and subject to any directions given by the Committee as to the order in which proceedings shall be taken by or in relation to the several respondents. Any such direction shall ensure that any right of a respondent under these Rules shall be exercised separately by each of the respondents who desire to invoke that right.