

## SCHEDULE

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

## PART VI

### *Proceedings before the Committee: General*

#### *Public hearing*

##### **21**

**21.1.** Subject to paragraphs 21.2 and 21.3, all proceedings before the Committee shall take place in the presence of all parties who appear and shall be held in public.

**21.2.** The Committee may direct that the public shall be excluded from any proceedings or any part of any proceedings, where it appears to the Committee that this would be in the interests of justice. The Committee shall not make any direction under this paragraph excluding the public from the announcement of a finding, determination or judgment of the Committee under these Rules.

**21.3.** Subject to the provisions of paragraph 6 of Schedule 2 to the Act and of any rules made thereunder, the Committee may deliberate in private (with or without the Legal Assessor) at any time and for any purpose during or after the hearing of any proceedings.

#### *Time limits and postponement or adjournment of proceedings*

##### **22**

**22.1.** The Committee or Chairman may, on their own initiative or on the application of any party or the Solicitor, postpone or adjourn any hearing of the Committee for such period as appears to either the Committee or Chairman to be reasonable.

**22.2.** Any application for the postponement of a hearing of the Committee must be made in writing to the Clerk.

**22.3.** Where the respondent applies for the postponement or adjournment of any hearing of the Committee on grounds of ill health—

- (a) The application for postponement or adjournment should be accompanied by appropriate medical certification;
- (b) The Committee may, if it is not satisfied that the medical certification accompanying the application is sufficient, direct that the respondent should provide further evidence of his ill health or should submit to examination by a medical practitioner appointed for that purpose by the Committee;

**22.4.** In deciding whether to postpone or adjourn a hearing, the Committee shall have regard to all of the circumstances and to the interests of justice.

**22.5.** The Clerk shall, as soon as possible, notify the respondent, any other party in the case and the Solicitor of any decision to postpone or adjourn an inquiry and of the date fixed for the hearing of the postponed or adjourned inquiry.

#### *Evidence*

##### **23**

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

**23.1.** The Committee may receive oral evidence whether or not under oath, documentary evidence, or other evidence of any fact which appears to it relevant to the inquiry into the case before it. Subject to any other provision of these Rules, the Committee may receive evidential material prior to the hearing of an inquiry.

**23.2.** All documents put before the Committee shall be deemed to be authentic unless proved otherwise to the satisfaction of the Committee.

**23.3.** Where the decision of any court or tribunal is relevant to an issue which arises before the Committee—

- (a) the fact that a person has been convicted of a criminal offence may be proved by the production of a certified copy of the certificate of conviction or an extract conviction;
- (b) the judgment or order of any civil court may be proved by producing a certified copy of that judgment or order; and
- (c) the finding and judgment of any tribunal exercising a professional disciplinary jurisdiction may be proved by producing a certified record of the finding and judgment.

**23.4.** Unless proved otherwise to the satisfaction of the Committee—

- (a) The findings of fact of any court or tribunal shall be admissible as conclusive evidence of those facts;
- (b) The records of proceedings before the Committee under paragraph 26.1 of the Rules shall be conclusive as to the proceedings before the Committee;
- (c) Certificates of birth, marriage and death shall be conclusive evidence of the births, marriages or deaths to which they refer;
- (d) The records (including the registers) of the College shall be conclusive as to the professional qualifications, the registration, the address and the identity of the respondent and of any other veterinary surgeon or practitioner.

**23.5.** The Committee may accept admissions made by any party and may in such case dispense with proof of the matters admitted.

**23.6.** Subject to paragraph 23.5, any charge which may result in a direction by the Committee that a respondent be removed from the register, shall be proved so that the Committee is satisfied to the highest civil standard of proof; so that it is sure.

**23.7.** The Committee may require any person to be called as a witness in any proceedings before it, whether or not the parties consent thereto. Any witness summons requiring the attendance of a witness or the production of documents before the Committee pursuant to paragraph 4(1) or (2) of Schedule 2 to the Act shall be issued out of the High Court or the High Court of Justice in Northern Ireland, as the case may be.

## *Representation*

### **24**

**24.1.** An individual party may appear before the Committee in person.

**24.2.** A party which is a body corporate or an unincorporated body of persons may be represented before the Committee by its secretary or another officer appointed for the purpose.

**24.3.** Any party may be represented before the Committee by counsel or a solicitor. A respondent may be represented by a friend.

### *Voting*

#### **25**

**25.1.** All acts of the Committee shall be decided by a majority of the members present.

**25.2.** Any questions put to the vote shall be put in the form of a motion. The Chairman himself may vote for or against the motion.

**25.3.** Where on any question the votes are equal, the Chairman shall not have a casting vote but the question shall be deemed to have been resolved in favour of the respondent, except under Rule 20. For the purposes of this paragraph, a decision to postpone judgment shall be taken to be a decision in favour of the respondent or applicant unless he has indicated to the Committee that he is opposed to postponement.

### *Records of proceedings*

#### **26**

**26.1.** The Clerk shall arrange for all public hearings of the Committee to be recorded.

**26.2.** Any party to the proceedings shall, on applying to the Clerk and paying the proper charges, be provided with a copy of the record of any part of the proceedings at which he was entitled to be present.

**26.3.** Paragraphs 26.1 and 26.2 do not apply to the deliberations of the Committee.

### *Records of decisions*

#### **27**

**27.1.** Every decision, determination, direction, finding and judgment of the Committee or Chairman shall be recorded in writing.

**27.2.** Written notification of every decision, determination, direction, finding and judgment of the Committee or Chairman shall be sent to the respondent or applicant under Rule 20. Subject to any provision in the Act or these Rules, the Chairman may dispense with this requirement.

### *Supplementary powers of the Chairman and Committee*

#### **28**

**28.1.** The Committee or Chairman may waive any procedural requirement of these Rules, where the parties consent or the interests of justice so require.

**28.2.** The Committee or Chairman shall determine the procedure for any aspect of the proceedings for which there is no specific provision in these Rules.