
Changes to legislation: There are currently no known outstanding effects for the Misuse of Drugs Act 1971, Cross Heading: Procedure. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRIBUNALS, ADVISORY BODIES AND PROFESSIONAL PANELS

PART I

TRIBUNALS

Procedure

- 2 The quorum of a tribunal shall be the chairman and two other members of the tribunal.
- 3 Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to the request.
- 4 (1) Subject to paragraph 5 below, the Lord Chancellor may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before tribunals, and in particular—
- (a) for securing that notice that the proceedings are to be brought shall be given to the respondent at such time and in such manner as may be specified by the rules;
 - (b) for determining who, in addition to the respondent, shall be a party to the proceedings;
 - (c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;
 - (d) for enabling any party to the proceedings to be represented by counsel or solicitor.
- (2) Sub-paragraph (1) above shall have effect in relation to a tribunal in Scotland as if for the reference to the Lord Chancellor there were substituted a reference to the Secretary of State.
- (3) The power to make rules under this paragraph shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F1}(4) Where the Scottish Ministers have power to make rules under this paragraph (by virtue of section 16(1A) or otherwise)—
- (a) sub-paragraph (3) does not apply, and
 - (b) the rules are subject to the negative procedure.]

Textual Amendments

- F1** Sch. 3 para. 4(4) added (31.10.2012) by Scotland Act 2012 (c. 11), ss. 19(7), 44(5); S.I. 2012/2516, art. 2(d)

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Modifications etc. (not altering text)

C1 Sch. 3 para. 4: Functions transferred (S.) (1.7.1999) by virtue of [S.I. 1999/1750](#), [art. 2](#), [Sch. 1](#) (with [art. 7](#))

- 5 (1) For the purpose of any proceedings before a tribunal in England or Wales or Northern Ireland the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.
- (2) The provisions of section ^[F2]36 of the ^[F3]Senior Courts Act 1981^[F4], of section 67 of the Judicature (Northern Ireland) Act 1978], or of the Attendance of Witnesses Act 1854 (which provide special procedures for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any proceedings before a tribunal in England or Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.
- (3) For the purpose of any proceedings before a tribunal in Scotland, the tribunal may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the tribunal.

Textual Amendments

- F2** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [Sch. 5](#)
- F3** Words in Sch. 3 para. 5(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)
- F4** Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), s. 125(2) [Sch. 5 Pt. II\(1\)](#)

- 6 Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.
- 7 The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

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