



Farriers (Registration) Act 1975

1975 CHAPTER 35

An Act to prevent and avoid suffering by and cruelty to horses arising from the shoeing of horses by unskilled persons; to promote the proper shoeing of horses; to promote the training of farriers and shoeing smiths; to provide for the establishment of a Farriers Registration Council to register persons engaged in farriery and the shoeing of horses; to prohibit the shoeing of horses by unqualified persons; and for purposes connected therewith. [22nd May 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Functions of Farriers Company

The Worshipful Company of Farriers (hereinafter referred to as "the Company") shall have the general function of securing adequate standards of competence and conduct among persons engaged in the shoeing of horses (hereinafter referred to as "farriers") and shall promote, encourage and advance the art and science of farriery and education in connection with the said art and science.

2 Farriers Registration Council

- (1) There shall be established a body called the Farriers Registration Council (hereinafter referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and shall have the general function of carrying out the powers and duties conferred upon it by this Act.
- (2) The provisions of Schedule 1 to this Act shall have effect for determining the constitution and powers of the Council and for regulating its proceedings.

3 Register of farriers

- (1) The registrar appointed by the Council in accordance with the provisions of Schedule 1 to this Act shall establish and maintain a register which shall be divided into Parts as hereinafter provided.
- (2) The registrar shall cause to be entered in the appropriate Part of the register the name and prescribed particulars of every person who, being qualified for registration, has applied in the prescribed manner for registration and has paid the prescribed fee.
- (3) The register shall be kept at the offices of the Council and shall be made available for public inspection at all reasonable times without charge.
- (4) The Council shall cause the register to be printed and published as often as it thinks fit.

4 Rules with respect to register

- (1) The Council may make rules with respect to the form and keeping of the register, the making of entries therein and the removal of entries therefrom and, in particular—
 - (a) prescribing a fee to be charged on the entry of a name in the register or on the restoration of any entry to the register;
 - (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year in which he was first registered ;
 - (c) authorising the registrar, notwithstanding anything in this Act, to refuse to make in, or restore to, the register any entry until a fee prescribed by rules under this section has been paid.
- (2) Rules under this section may authorise the registrar to remove from the register the name of a person who, after such notices and warning as may be prescribed by the rules, fails to pay a fee prescribed under paragraph (b) of the foregoing subsection.
- (3) If, within such period as may be prescribed by rules under this section, any person whose name has been removed from the register in accordance with rules made by virtue of the last foregoing subsection pays the fee due from him, together with such additional sum (if any) as may be so prescribed, his name shall be restored to the register and, if the Council so directs, shall be deemed for all purposes not to have been removed therefrom.
- (4) Rules under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in prescribed cases.

5 Fraudulent entries in the register

If any person wilfully procures or attempts to procure the entry of his name in the register by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

6 Removal of names from register

The registrar shall remove from the register the names of—

- (a) every deceased person ;
- (b) every person who has applied for his name to be removed; and

- (c) every person whose name has been ordered to be removed under section 15 of this Act.

7 Qualifications for registration

- (1) A person shall be entitled to be registered in Part I of the register if he satisfies the Council that he has—
 - (a) served under articles of apprenticeship in accordance with such terms and conditions as may be prescribed by the Council for a term not less than four years or such shorter period as the Council may prescribe and attended a course of training approved by the Council under section 11 of this Act; or
 - (b) attended a course of training at a school of farriery or other establishment approved by the Council under section 11 of this Act and has received such further practical training and experience as the Council may from time to time prescribe ; or
 - (c) completed a course of training as a farrier in Her Majesty's Army;and in each case satisfies the Council by passing a prescribed examination that he has attained a sufficient standard to qualify him to carry out the shoeing of horses.
- (2) A person shall be entitled to be registered in Part I of the register if not later than two years after the appointed day he applies for registration and satisfies the Council—
 - (a) that on the appointed day his name was registered in the Register of Farriers kept by the Company; and
 - (b) that during an aggregate period of 18 months in the period of 24 months ending on the said date he has been regularly and gainfully employed in the shoeing of horses.
- (3) A person shall be entitled to be registered in Part I of the register if—
 - (a) he satisfies the Council that he holds a qualification granted outside the United Kingdom and for the time being accepted for the purposes of this subsection by the Council and that during the period of two years ending on the date of his application for registration he has been regularly and gainfully employed in the shoeing of horses ; or
 - (b) being a person whose name has been registered in Part II of the register he subsequently passes a prescribed examination.
- (4) A person shall be entitled to be registered in Part II of the register if not later than two years after the appointed day he applies for registration and satisfies the Council—
 - (a) that during an aggregate period of three years in the period of five years ending on the appointed day he was engaged in the shoeing of horses by way of trade ; or
 - (b) that during the period of two years ending on the said date he was practising as a farrier in Her Majesty's Army.
- (5) A person shall be entitled to be registered in Part III of the register if not later than 12 months after the appointed day he applies for registration and satisfies the Council by means of a statutory declaration by a practising veterinary surgeon, which shall be in the prescribed form, that during the period of two years ending on the appointed day he has regularly and competently—
 - (a) carried out the shoeing of horses belonging to himself; or
 - (b) otherwise than by way of trade or for reward carried out the shoeing of horses belonging to other persons.

- (6) In any case in which it appears to the Council that a person has for sufficient reason failed to make application under subsection (2) or subsection (4) as the case may be of this section within two years of the appointed day or under subsection (5) of this section within 12 months thereof, the Council may direct that he shall be entitled to apply within such period as may be specified in the direction.
- (7) For the purposes of subsections (4) and (5) of this section a person shall be deemed to have been engaged in the shoeing of horses by way of trade if—
- (a) he has been self employed in the carrying out of the shoeing of horses owned by persons other than himself and such shoeing of horses has been carried out either as a full-time occupation or as a part-time occupation in conjunction with the trade of blacksmith or general smith; or
 - (b) he has otherwise than as an apprentice or while undergoing a course of training carried out the shoeing of horses in the course of his employment and such shoeing of horses has been carried out either—
 - (i) as a full-time occupation or as a part-time occupation in conjunction with the carrying on by his employer of the trade of a blacksmith or general smith; or
 - (ii) (in any case where his employer is not carrying on the trade of a blacksmith or general smith) as a full-time occupation or a part-time occupation and in relation only to horses owned by or in the charge of his employer or (with the prior approval and consent of his employer) to horses owned by a third person.

8 The Company's Register

For the purposes of subsection (2) of the foregoing section of this Act the Company shall make available its Register of Farriers and permit the Council to make copies thereof and to take extracts therefrom.

9 Determination of questions as to qualifications

Where an application for registration under the foregoing provisions of this Act is refused or the registrar fails to enter the name of the applicant in the appropriate Part of the register, the applicant may appeal to the Disciplinary Committee established under section 14 of this Act and the Committee shall have power to direct that the applicant be registered in the appropriate Part of the register.

10 Certificate of registration etc.

- (1) The registrar shall issue—
- (a) to a person registered in Part I or Part II of the register a certificate of registration in the prescribed form ;
 - (b) to a person registered in Part III of the register an acknowledgement of such registration in the prescribed form.
- (2) The Council shall make rules as to the surrender of certificates and acknowledgements issued under subsection (1) of this section.

11 Approval of courses, qualifications and institutions

(1) Subject to the provisions of this section the Council may approve for the purposes of this Act—

- (a) any course of training which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for carrying out the shoeing of horses;
- (b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to carry out the shoeing of horses ;
- (c) any qualification which, as a result of an examination . taken by a person whose name has been registered in Part II of the register, is granted to candidates reaching such standards as is mentioned in paragraph (b) . hereof;
- (d) any institution which the Council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the Council under this section ;

and may refuse its approval under this section or withdraw such an approval previously given; and notice of the giving, refusal or withdrawal of such an approval shall be served by the Council on the body or person affected.

- (2) Where the Council has refused to approve, or has withdrawn its approval from, any qualification or institution under this section, it shall give notice of its decision to the body or person affected.
- (3) The withdrawal of an approval under this section shall not prejudice the registration or entitlement to registration of any person who was registered or entitled to registration by virtue of that approval immediately before it was withdrawn.
- (4) Any reference in this section to a body or person affected, in relation to an approval, is a reference to the body or person who applied for approval.

12 Supervision of approved institutions and examinations

It shall be the duty of the Council to keep itself informed of the nature of the instruction given at institutions approved under the last foregoing section of this Act to persons attending courses approved under that section and of the examinations in the carrying out of farriery the passing of which may be prescribed by the Council as being a condition of registration under this Act.

13 The Investigating Committee

- (1) The Council shall set up a committee from among its members to be known as the Investigating Committee, for the preliminary investigation of cases (hereinafter referred to as " disciplinary cases ") in which it is alleged that a person is liable to have his name erased from the register on any grounds specified in section 15 of this Act.
- (2) It shall be the function of the Investigating Committee to decide whether a disciplinary case ought to be referred to the Disciplinary Committee, set up under the next following section, to be dealt with by it in accordance with the following provisions of this Act.

- (3) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution of the Investigating Committee.

14 The Disciplinary Committee

- (1) The Council shall set up a committee from among its members to be known as the Disciplinary Committee, for the consideration and determination of disciplinary cases referred to it under the last foregoing section and of any other cases of which they have cognizance under section 9 or any of the following provisions of this Act.
- (2) The provisions of Schedule 3 to this Act shall have effect with respect to the constitution and procedure of the Disciplinary Committee.

15 Removal of names from register

- (1) Where—
- (a) a person who is registered by the Council is judged by the Disciplinary Committee to be guilty of serious misconduct in any professional respect; or
 - (b) the Disciplinary Committee is satisfied that such a person was not qualified for registration at the time he was registered; or
 - (c) such a person has been convicted of an offence involving cruelty to animals, the Committee may, if it thinks fit, direct that the person's name shall be removed from the register or that his registration therein shall be suspended, that is to say, it shall not have effect during a period specified in the direction:

Provided that, in any case falling within paragraph (b) of this subsection, where the application for registration was referred to the Disciplinary Committee under section 9 of this Act, the Committee shall not direct that a person's name shall be removed from the register except upon evidence which was not before the Committee when it considered the application.

- (2) When the Disciplinary Committee directs that a person's name shall be removed from the register, the Committee shall cause notice of the direction to be served on that person.
- (3) A person in respect of whom a direction is made under subsection (1) of this section may, within twenty-eight days after notice of the direction was given to him, appeal against the direction to the High Court, or, in Scotland, to the Court of Session.
- (4) The Council may appear as respondent on any such appeal, and for the purpose of enabling directions to be given as to costs of any such appeal the Council shall be deemed to be a party thereto, whether it appears on the hearing of the appeal or not.
- (5) On the hearing of the appeal the Court may make such order as it thinks fit, and its order shall be final.
- (6) A direction made under subsection (1) of this section shall not take effect before the expiration of the time limited for appealing against it, and where an appeal is lodged the direction shall not take effect before the appeal is disposed of or withdrawn or fails for want of prosecution.
- (7) A person whose name is removed from the register in pursuance of a direction of the Disciplinary Committee under this section shall not be entitled to be registered in the register again except in pursuance of a direction in that behalf given by the Committee

on the application of that person; and a direction ; under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

16 Offences by unregistered persons

- (1) Subject to the provisions of this section it shall be unlawful—
- (a) for a person who is not registered in the register to carry out any farriery; or
 - (b) for a person who is registered in Part III of the register to carry out farriery by way of trade or for reward ; or
 - (c) for a person who is not registered in the register to use or adopt the style, title or description "farrier" or " shoeing smith " or any other style, title or description similar thereto or which may be calculated to deceive or mislead or cause any person to believe that such person is so registered:

Provided that this subsection shall not apply to the carrying out of farriery by—

- (i) a person serving under articles of apprenticeship which satisfy the prescribed terms and conditions, if carried out in the course of his apprenticeship;
 - (ii) a person attending a course of training approved by the Council under section 11 of this Act conducted at an institution so approved if carried out in the course of his training ;
 - (iii) a veterinary surgeon or veterinary : practitioner;
 - (iv) a person undergoing training as a veterinary surgeon in respect of any farriery carried out by him under the supervision of a veterinary surgeon, veterinary practitioner or a person registered under this Act; or
 - (v) a person rendering first-aid in case of emergency to a horse.
- (2) Subsection (1) of this section shall not apply to a person—
- (a) who, having had his name removed from the register has not yet been given notice by the registrar of its removal; or
 - (b) who, having applied for registration in the register before the expiration of the period of two years or 12 months as the case may be beginning with the day appointed by the Secretary of State under section 19 of this Act as the day on which this Act, except this section, is to come into force, or such period as the Council may direct in pursuance of subsection (6) of section 7 of this Act, has not had his application finally determined.

- (3) A person who contravenes this section shall be liable on summary conviction to a fine not exceeding £100.

- (4) (a) Where an offence under this section has been committed by an employee and it is proved that his employer has failed to take all reasonable steps to prevent the offence then such employer shall be deemed also to be guilty of an offence under this section and shall be liable to be proceeded against and punished accordingly and where such employer is a body corporate and an offence punishable under this section is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body

Status: This is the original version (as it was originally enacted).

corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (b) In this subsection, "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

17 Service of documents

Any notice or other document authorised or required to be given under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in rules under this Act, be served by post; and for the purposes of the application to this section of section 26 of the Interpretation Act 1889 (which relates to service by post) the proper address of a person to whose registration such a document relates shall be his address in the register.

18 Interpretation

In this Act, unless the context otherwise requires—

" appointed day " in relation to any provision means the day appointed under section 19 of this Act for the commencement of that provision ;

" the Company " means The Worshipful Company of Farriers being The Livery Company of the City of London bearing that name and incorporated by Royal Charter dated the seventeenth day of January 1674 granted by His late Majesty King Charles II;

" the Council " means the Farriers Registration Council established pursuant to section 2 of this Act;

" farriery " means any work in connection with the preparation or treatment of the foot of a horse for the immediate reception of a shoe thereon, the fitting by nailing or otherwise of a shoe to the foot or the finishing off of such work to the foot;

" horse " includes pony, mule, donkey or other equine animal;

" notice " means notice in writing;

" prescribed " means prescribed by rules drawn up by the Council;

" register " means the register maintained pursuant to section 3 of this Act;

" registrar " means the registrar of the Council; and

" shoeing " has the same meaning as farriery.

19 Short title and commencement

- (1) This Act may be cited as the Farriers (Registration) Act 1975.
- (2) This Act, except section 16, shall come into force on such day as the Secretary of State may by order appoint.
- (3) The provisions of section 16 of this Act shall come into force on such day as the Secretary of State may by order appoint and different days may be appointed under this section for the coming into force of those provisions in different areas.

- (4) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument.
- (5) This Act shall not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 1

Section 2.

THE FARRIERS REGISTRATION COUNCIL

PART I

CONSTITUTION

- 1 Subject as hereinafter provided, the Council shall consist of a total of 16 members and shall comprise—
- (a) three persons appointed from time to time by the Company, of whom one shall be Chairman of the Council;
 - (b) two persons to be appointed as hereinafter provided who shall be engaged in the carrying out of farriery on their own account;
 - (c) two persons to be appointed as hereinafter provided who shall be employees carrying out farriery in the course of their employment, not being apprentices or persons undergoing a course of training ;
 - (d) two persons appointed from time to time by the National Master Farriers', Blacksmiths' and Agricultural Engineers' Association (in this schedule referred to as "the Association ");
 - (e) two persons appointed from time to time by the Royal College of Veterinary Surgeons; and
 - (f) one person (not being a person registered in the register or a person qualified in the opinion of the person making the appointment, to be so registered or a veterinary surgeon or a veterinary practitioner) appointed from time to time by each of the following, namely—
 - The Jockey Club ;
 - The Royal Society for the Prevention of Cruelty to Animals ;
 - The Council for Small Industries in Rural Areas ;
 - The Small Industries Council for Rural Areas of Scotland; and
 - The British Equestrian Federation.
- 2
- (a) Of the persons first to be appointed in pursuance of subparagraph (b) of the foregoing paragraph one shall be appointed by the Association and one by the Company and both shall be persons registered in the Company's Register of Farriers.
 - (b) The persons first to be appointed in pursuance of sub-paragraph (c) of the foregoing paragraph shall be appointed by the Association and shall be such persons as in the opinion of the Association have the necessary qualifications.
- 3 All the first appointments of the members of the Council shall so far as practicable be made before the appointed day in time to enable the persons nominated to assume membership on its establishment.

Status: This is the original version (as it was originally enacted).

- 4 Appointments to the Council in pursuance of either of the said sub-paragraphs (b) or (c) of paragraph 1 of this Schedule shall be made with due regard to the desirability of securing that the Council includes persons representative of all parts of Great Britain.
- 5 (1) The offices of the members of the Council appointed under sub-paragraphs (b) and (c) of paragraph 1 of this Schedule shall be vacated at the expiration of the period of three years beginning with the appointed day and at the expiration of each successive period of three years thereafter, but this shall not preclude a person whose office is thus vacated from being nominated to fill the vacancy.
- (2) The office of any member shall also be vacated if at any time—
- (a) he would not qualify for appointment at that time under the provision in accordance with which he was appointed;
- (b) he resigns his office by notice given to the registrar.
- (3) A person appointed to fill a casual vacancy among the members of the Council shall hold office during the remainder of the term of office of the person in whose place he is appointed.
- (4) So far as is practicable an appointment to the Council shall be so made as to enable the person appointed to assume office at the time the vacancy in question arises.
- 6 Before the expiration of two years beginning with the appointed day the Council shall draw up a scheme providing for the appointment after the expiration of the period of office of the members first appointed of persons as members of the Council in pursuance of sub-paragraphs (b) and (c) of paragraph 1 of this Schedule under a procedure provided for by the scheme.

PART II

SUPPLEMENTARY PROVISIONS

- 7 The quorum at meetings of the Council shall be seven or such other number as the Council may determine.
- 8 The functions of the Council may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the nomination of a member.
- 9 In addition to the Investigating Committee and the Disciplinary Committee authorised by this Act, the Council may set up one or more additional committees of the Council or one or more area councils for any particular part or parts of Great Britain to carry out, on behalf of the Council, such of its functions as the Council may determine, not being functions required by this Act to be carried out by the Council itself.
- 10 The Council shall appoint a registrar of the Council and such other officers and servants as it may determine.
- 11 The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts.
- 12 (1) The Council shall appoint auditors of the Council and shall cause its accounts to be audited annually by them and as soon as is practicable after the accounts for any period have been audited the Council shall cause them to be published.

Status: This is the original version (as it was originally enacted).

(2) A person shall not be qualified to be an auditor of the Council, unless he is either a member of one or more of the following bodies—

- (a) the Institute of Chartered Accountants in England and Wales ;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified Accountants ;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State,

or a person who is for the time being authorised by the Secretary of State under section 161(1)(b) of that Act as being a person with similar qualifications obtained outside the United Kingdom.

(3) None of the following persons shall be qualified to be an auditor of the Council—

- (a) an officer or servant of the Council;
- (b) a person who is a partner of or in the employment of an officer or servant of the Council;
- (c) a body corporate,

but a Scottish firm may act as auditor of the Council if each partner of the firm is qualified so to act. References in this sub-paragraph to an officer or servant shall be construed as not including references to an auditor.

SCHEDULE 2

Section 13.

CONSTITUTION OF THE INVESTIGATING COMMITTEE

- 1 (1) The Investigating Committee shall consist of the Chairman of the Council and five other members of the Council elected from among themselves by members of the Council.
- (2) Of the said five other members so elected at least one shall be a practising farrier or shall previously have been actively engaged in carrying out farriery for a period of not less than five years.
- (3) The first election of the members of the Investigating Committee, other than the Chairman, shall be held at the first meeting of the Council following the appointed day; thereafter ordinary elections of the members of the Investigating Committee, other than the Chairman, shall be held at the first meeting in each year of the Council and any election to fill a casual vacancy occurring among those members shall be held at the next meeting of the Council after the vacancy occurs.
- (4) The quorum for a meeting of the Investigating Committee shall be three.
- (5) At any meeting of the Investigating Committee the Chairman of the Council, or in his absence such member of the Committee as the Committee may choose, shall be Chairman. The Chairman shall have a second or casting vote.
- (6) The functions of the Investigating Committee may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the election of a member.

- (7) A member of the Investigating Committee shall upon ceasing to be a member of the Council also cease to be a member of the Committee.
- (8) The Investigating Committee shall meet at such interval before a meeting of the Disciplinary Committee as the Chairman of the Council may determine and at such time and place as he may determine.
- 2 The members of the Investigating Committee shall hold office for such term as may be determined from time to time by the Council.

SCHEDULE 3

Section 14.

THE DISCIPLINARY COMMITTEE

PART I

CONSTITUTION OF DISCIPLINARY COMMITTEE

- 1 (1) The Disciplinary Committee shall consist of a chairman elected by the Council and of eight other members so elected, of whom at least one shall be a practising farrier or shall previously have been actively engaged in carrying out farriery for a period of not less than five years.
- (2) The Council shall make rules as to the times and places of the meetings of the Disciplinary Committee, the quorum and of the mode of summoning the members thereof.
- (3) The quorum for a meeting of the Disciplinary Committee shall be five.
- (4) A person shall not be qualified to be a member of the Disciplinary Committee unless he is a member of the Council.
- (5) No person who acted as a member of the Investigating Committee with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.
- 2 The members of the Disciplinary Committee shall hold office for such term as may be determined from time to time by the Council.
- 3 The functions of the Disciplinary Committee may be exercised notwithstanding vacancies in its membership, and its proceedings shall not be invalidated by any defect in the election of a member.

PART II

PROCEDURE OF DISCIPLINARY COMMITTEE

- 4 (1) For the purpose of any proceedings under this Act before the Disciplinary Committee in England and Wales (whether relating to disciplinary cases or otherwise) the Disciplinary Committee may administer oaths, and any party to the proceedings may sue out * writs of subpoena and testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Status: This is the original version (as it was originally enacted).

- (2) Section 49 of the Supreme Court of Judicature (Consolidation) Act 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.
- (3) For the purpose of any proceedings under this Act before the Disciplinary Committee in Scotland (whether relating to disciplinary cases or otherwise) the Disciplinary Committee 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 Disciplinary Committee and for the issue of letters of second diligence against any witness or haver failing to appear after due citation, to grant warrant for the recovery of documents, and to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.
- (4) The Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee, and in particular—
- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person alleged to be liable to have his name erased from the registers ;
 - (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Disciplinary Committee;
 - (c) for enabling any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules ;
 - (d) for requiring in any case where it is alleged that a person registered under this Act has been guilty of serious misconduct in any professional respect and where the Disciplinary Committee judge that the allegation has not been proved, that they shall record a finding that the person is not guilty of such misconduct in respect of the matter to which the allegation relates ;
 - (e) for ensuring that persons likely to be affected by any finding of the Committee are duly notified of that finding:

Provided that, as respects proceedings for the restoration of names to the register or appeals against the refusal of an application for registration the Council shall have power to make rules with respect to all or any of the matters aforesaid, but shall not be required to do so, and separate rules under this paragraph may be made as respects such proceedings and as respects such appeals.

- (5) Before making rules under this paragraph the Council shall consult such organisations as appear to the Council to be representative of the interests of farriers or of persons employing farriers.
- (6) Rules under this paragraph shall not come into force until approved by the Lord Chancellor, and the Lord Chancellor may approve rules under this paragraph either as submitted to him or subject to such modification as appears to him requisite: Provided that where the Lord Chancellor proposes to approve such rules subject to modifications he shall notify to the Council the modifications he proposes to make and shall consider the observations of the Council thereon.

Status: This is the original version (as it was originally enacted).

- 5 (1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them there shall be in all such proceedings an assessor to the Disciplinary Committee who shall be a barrister, advocate or solicitor of not less than ten years' standing.
- (2) The power of appointing assessors under this paragraph shall be exercisable by the Council, but if no assessor appointed by it is available to act at any particular proceedings the Disciplinary Committee may appoint an assessor under this paragraph to act at these proceedings.
- (3) The Lord Chancellor may make rules as to the functions of assessors appointed under this paragraph, and in particular, rules under this paragraph may contain such provisions for securing—
- (a) that where an assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matters specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered after the Disciplinary Committee have begun to deliberate as to its findings, that every such party or person as aforesaid shall be informed what advice the assessor has tendered ;
 - (b) that every such party or person as aforesaid shall be informed if in any case the Committee does not accept the advice of the assessor on any such question as aforesaid ;
- and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.
- (4) Subject to the provisions of this paragraph an assessor under this paragraph may be appointed either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.
- (5) Any remuneration paid by the Council to persons appointed to act as assessors shall be at such rates as the Lord Chancellor may approve.
- 6 The power to make or approve rules conferred on the Lord Chancellor by this Part of this Schedule shall be exercisable by statutory instrument.
- 7 In the application of this Part of this Schedule to Scotland, for the references to the Lord Chancellor there shall be substituted references to the Lord Advocate.