



# Professions Supplementary to Medicine Act 1960

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An Act to provide for the establishment of a Council, boards and disciplinary committees for certain professions supplementary to medicine; to provide for the registration of members of those professions, for regulating their professional education and professional conduct and for cancelling registration in cases of misconduct; and for purposes connected with the matters aforesaid. [27th October 1960]

## Textual Amendments

- F1** Act repealed (prosp.) by 1999 (c. 8), ss. 60(3), 65, 67(1)(3), Sch. 5. and the repeal being partly in force, as to which see individual provisions

## Modifications etc. (not altering text)

- C1** Act: power to modify conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(c)(4), **Sch. 3**  
**C2** Act amended by: S.I. 1966/990, art. 1, **Sch.**; S.I. 1986/630, art. 2, **Sch.**; S.I. 1999/1853, art. 2, **Sch.**; S.I. 1999/1854, art. 2, **Sch.**; and S.I. 1999/1855, art. 2, **Sch.**  
**C3** Act modified by S. I. 1986/630, **art. 7**

## Commencement Information

- I1** Act not in force at Royal Assent, see s. 14(3); Act wholly in force at 1.7.1964

*Establishment of a Council and boards for certain professions supplementary to medicine*

## 1 The Council for Professions Supplementary to Medicine, and the boards.

- (1) There shall be a body, to be called the Council for Professions Supplementary to Medicine (in this Act referred to as “the Council”) which shall have the general function of co-ordinating and supervising the activities of the boards established under this Act, and the additional functions assigned to it by this Act.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Professions Supplementary to Medicine Act 1960. (See end of Document for details)*

- (2) For each of the following professions, that is to say, chiropodists, dietitians, medical laboratory technicians, occupational therapists, physiotherapists, radiographers and remedial gymnasts, there shall be a body, to be called the Chiropodists Board, the Dietitians Board, and similarly for the other professions, which shall have the general function of promoting high standards of professional education and professional conduct among members of the relevant profession, and the additional functions assigned to it by this Act.
- (3) The Council shall perform its general function of co-ordinating and supervising the activities of the boards—
- (a) by making to each board, or inviting the boards to make to the Council, proposals as to the activities to be carried on by the board or other boards;
  - (b) by recommending a board to carry on such activities, or to limit its activities in such manner, as the Council considers appropriate after consultation with the board on the proposals aforesaid;
  - (c) by concerning itself with matters appearing to it to be of special interest to any two or more of the boards, and by giving the boards such advice and assistance as it thinks fit with respect to such matters;
  - (d) by exercising its powers under the following provisions of this Act in such manner as the Council considers most conducive to the satisfactory performance by each board of the board's functions under this Act.
- (4) The Council shall be constituted in accordance with Part I of the First Schedule to this Act and each board shall be constituted in accordance with the relevant provisions of Part II of that Schedule; and the supplementary provisions contained in Part III of that Schedule shall have effect (so far as applicable) with respect to the Council and the boards.

**Modifications etc. (not altering text)**

- C4 S. 1(2) amended by S.I. 1966/990, **art. 1**  
 S. 1(2) amended (1.4.1986) by S.I. 1986/630, **art. 2, Sch.** (subject to a saving in **art. 8**).  
 S. 1(2) amended (28.2.1997) by S.I. 1997/504, **art. 2**  
 S. 1(2) amended (26.3.1997) by S.I. 1997/1121, **art. 2**  
 S. 1(2) amended (19.6.1999) by S.I. 1999/1853, **arts. 1(1), 2.**  
 S. 1(2) amended (19.6.1999) by S.I. 1999/1854, **arts. 1(1), 2.**  
 S. 1(2) amended (19.6.1999) by S.I. 1999/1855, **art. 1(1)**

*Registration of members of the supplementary professions*

**2 Establishment and maintenance of registers.**

- (1) It shall be the duty of each board to prepare and maintain a register of the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled in accordance with the provisions of this Act to be registered by the board and who apply in the prescribed manner to be so registered.
- (2) For the purposes of this Act, a person is registered by a board, and in respect of a profession, if his name is on the register maintained under this Act by the board for that profession.

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- (3) The Council may, after consultation with all the boards for the time being established under this Act, make rules with respect to the form and keeping of the registers maintained by the boards and the making of entries, alterations and corrections therein, and in particular—
- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
  - (b) providing for the notification to a board of any change in the particulars entitling a person to registration;
  - (c) prescribing the fees to be paid in respect of the entry or retention of names on the register, being such fees as the Council considers will produce not more than the sums required to defray the reasonable expenses of the Council under this Act;
  - (d) authorising a board to refuse to enter a name on the register until any fee prescribed for the entry has been paid, and to remove from the register the name of any person who, after the prescribed notices and warnings, fails to pay any fee prescribed for the retention of his name on the register or fails to notify the board of any change in the particulars entitling him to registration;
  - (e) prescribing anything falling to be prescribed under the foregoing provisions of this section;

and any such rules may make different provision for different circumstances.

Rules under this subsection shall not come into force until confirmed by order of the Privy Council.

- (4) It shall be the duty of each board—
- (a) to cause its register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year next following that in which the board is established; and
  - (b) in each year after that in which its register is first published under paragraph (a) above, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to the register since it was last printed; and
  - (c) to cause a print of each edition of the register and of each list of corrections to be deposited at the offices of the Council;

and it shall be the duty of the Council to keep the registers and lists so deposited open at all reasonable times for inspection by members of the public.

- (5) A document purporting to be a print of an edition of a register published under this section by authority of a board in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall be admissible in any proceedings as evidence, and in Scotland sufficient evidence, that any person specified in the document, or the documents read together, as being registered by the board is so registered, and that any person not so specified is not registered by the board.

### **3 Qualifications for registration.**

- (1) Subject to section nine of this Act and to rules under the last foregoing section, a person shall be entitled to be registered by a board if he applies for registration after such date as the board may by order appoint for the purposes of this section and satisfies the board—

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- (a) that he has attended a course of training approved by the board under section four of this Act; and
  - (b) that the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and
  - (c) that he holds a qualification so approved.
- (2) Subject as aforesaid, a person shall be entitled to be registered by a board if he applies for registration on or before the date aforesaid and satisfies the board that—
- (a) he is qualified, in relation to the relevant profession, as mentioned in regulation 3 of the <sup>M1</sup>National Health Service (Medical Auxiliaries) Regulations 1954, or the corresponding provision in force in Scotland (which relate to the qualifications of persons for employment under the National Health Service in the professions mentioned in section one of this Act); or
  - (b) he holds a qualification for the time being accepted for the purposes of this paragraph by the board; or
  - (c) he has had such training and practical experience in the relevant profession as the board considers are together sufficient to enable the applicant to practise that profession; or
  - (d) in consequence of his practical experience in the relevant profession, he is competent to practise that profession,
- and shall be so entitled if he applies for registration after the date aforesaid and satisfies the board that on that date he satisfied the requirements of any of paragraphs (a) to (d) of this subsection.
- (3) If a board refuses an application for registration made in pursuance of subsection (2) of this section, or neither grants nor refuses such an application before the expiration of twelve months from the date of the application, the applicant may appeal to the Council in accordance with rules made by the Council and confirmed by order of the Privy Council; and the said subsection (2) shall apply for the purposes of the appeal as if for references to the board in paragraphs (b) and (c) and to satisfying the board there were substituted respectively references to the Council and to satisfying the Council.
- (4) Subject as aforesaid, a person shall be entitled to be registered by a board if he satisfies the board—
- (a) that he holds a qualification granted outside the United Kingdom and for the time being accepted for the purposes of this subsection by the board; and
  - (b) if the board so requires, that he has had sufficient practical experience in the relevant profession.

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**Marginal Citations**

**M1** [S.I. 1954/941](#).

#### **4 Approval of courses, qualifications and institutions.**

- (1) Subject to the provisions of this section, the board for any profession may approve for the purposes of this Act—
- (a) any course of training which the board considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession and which persons having such preliminary qualifications as the board considers appropriate are eligible to attend;

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- (b) any qualification which, as the result of an examination taken in conjunction with a course of training approved by the board under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the board, that they have sufficient knowledge and skill to practise that profession;
- (c) any institution which the board considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the board 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 board on the body or person affected.

- (2) Where an application is made to a board for its approval under this section for a course of training or a qualification, the board shall send the application with its recommendations thereon to the Council, and the Council shall send the application and recommendations, together with its own recommendations thereon, to the Privy Council, and the Privy Council shall determine whether the approval is to be given or refused;  
Provided that before determining that an approval is to be refused, the Privy Council shall afford the applicant an opportunity of making representations to them with respect to the application and the recommendations of the Council and the board thereon.
- (3) If a board proposes to withdraw its approval under this section for a course of training or a qualification, the board shall report the matter to the Council and the Council shall send the report and its observations thereon to the Privy Council, and the Privy Council shall decide whether the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.
- (4) If it appears to the Council, after consulting the board by which an approval has been given under this section for a course of training or a qualification, that the approval should be withdrawn in view of any advances in medicine or allied sciences or any other changes in circumstances (including changes in the activities of the board) which have occurred since the approval was given, the Council shall make a proposal to the Privy Council that the approval be withdrawn; and the Privy Council, after affording the board an opportunity of making observations on the proposal, shall decide whether the proposal shall be abandoned or shall be proceeded with in accordance with the following provisions of this section.
- (5) Where the Privy Council decide under subsection (3) or (4) of this section that a proposal shall be proceeded with, the board shall serve notice on the body or person affected stating that the withdrawal of the approval in question is being considered and inviting that body or person to send to the board in writing, within one month from the date of the notice, any representations which that body or person may wish to make to the Privy Council against the withdrawal.
- (6) Where no such representations are received by the board within the month aforesaid, the Privy Council may if they think fit direct the board to withdraw the approval; and where such representations are so received—
  - (a) the board shall send the representations and its observations thereon to the Council, and shall serve a copy of its observations on the body or person affected; and

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- (b) the Council shall send the representations and the board's observations, together with its own observations thereon, to the Privy Council, and shall serve a copy of its own observations on the body or person affected; and
  - (c) the Privy Council, after affording the body or person affected an opportunity of making additional representations on the observations of the board and the Council, shall determine whether the approval is to be withdrawn and shall give directions to the board accordingly.
- (7) The power of approval conferred on a board by subsection (1) of this section shall include power to approve—
- (a) a course of training prepared by the board and conducted either under arrangements made by the board or otherwise;
  - (b) a qualification awarded by the board as the result of an examination held under arrangements made by the board;
- and the foregoing provisions of this section shall apply in relation to an approval under this subsection, and any other approval for a course of training or a qualification for which no application is made, as if an application for the approval were made by the board concerned and as if subsections (5) and (6), and in subsections (3) and (4) the words "in accordance with the following provisions of this section", were omitted.
- (8) If a board refuses or withdraws its approval under this section for an institution, the body or person affected may, within one month from the date of service on him of notice of the refusal or withdrawal, appeal to the Privy Council; and the Privy Council, after affording the board and the said body or person an opportunity of making observations on the case and after considering any representations of the said body or person on the board's observations, shall either dismiss or allow the appeal and, where they allow an appeal against a refusal of approval, shall direct the board to give that approval.
- (9) If before the expiration of six months from the date of an application for approval under this section for an institution the approval has not been given or refused, the applicant shall be deemed to have received notice of its refusal on the expiration of that period; and the withdrawal of such an approval shall not take effect until the expiration of the month mentioned in subsection (8) of this section and, if within that month the body or person affected gives notice to the Privy Council of an appeal under that subsection against the withdrawal, shall not take effect unless and until the appeal is dismissed or abandoned.
- (10) 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.
- (11) 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 the approval.

## **5 Supervision of approved institutions and of examinations for approved qualifications.**

- (1) It shall be the duty of each board to keep itself informed of the nature of—
- (a) the instruction given at approved institutions to persons attending approved courses of training; and
  - (b) the examinations as the result of which approved qualifications are granted.

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- (2) For the purpose of its duty under the foregoing subsection, a board may appoint persons to visit approved institutions or to attend examinations as a result of which approved qualifications are granted.
- (3) It shall be the duty of a visitor appointed under this section to report to the board as to the sufficiency of the instruction given to persons attending approved courses of training at the institutions visited by him, or as to the sufficiency of the examinations attended by him, and as to any other matters relating to the institutions or examinations on which the board may, either generally or in a particular case, request him to report; but no visitor shall interfere with the giving of any instruction or the holding of any examination.
- (4) A board may pay to visitors appointed under this section remuneration and travelling and subsistence allowances at such rates as the Council may determine with the consent of the Privy Council and after consultation with all the boards for the time being established under this Act.
- (5) In this section the expression “approved”, in relation to a board, means approved by the board under section four of this Act.

## 6 Use of titles.

- (1) A person who is registered shall be entitled to use the title of state registered chiropodist or state registered dietitian (and similarly for the other professions mentioned in section one of this Act) according to the profession in respect of which he is registered.
- (2) Any person who—
  - (a) takes or uses either alone or in conjunction with any other words, the title of state registered chiropodist, state chiropodist or registered chiropodist (and similarly as respects the other professions mentioned in section one of this Act) when his name is not on the register established under this Act in respect of that profession; or
  - (b) takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that his name is on a register established under this Act,shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>fifty pounds][<sup>F2</sup>level 3 on the standard scale] and, in the case of a second or subsequent conviction, to a fine not exceeding [<sup>F2</sup>one hundred pounds][<sup>F2</sup>level 3 on the standard scale].

### Textual Amendments

- F2** Words “level 3 on the standard scale” substituted (S.) for “fifty pounds” and “one hundred pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

### Modifications etc. (not altering text)

- C5** [S. 6\(2\): Criminal Justice Act 1982 \(c.48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E. W. )
- C6** [S. 6\(2\): S. I. 1984/703](#), (N. I. 3) art. 9 (in relation to liability on first and subsequent convictions), art. 6 (increase of fines) and art. 5 (substitution of references to levels on the standard scale) apply (N. I. )

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## 7 Penalty for false representations, etc., to obtain registration.

If a person procures or attempts to procure the entry of any name on a register established under this Act by wilfully making or producing or causing to be made or produced, either verbally or in writing, any declaration, certificate or representation which he knows to be false or fraudulent, he shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>one hundred pounds].

### Textual Amendments

- F3** Words “level 3 on the standard scale” substituted for “one hundred pounds” by virtue of (E. W. ) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46, (S. ) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N. I. ) by S. I. 1984/703, (N. I. 3) arts. 5, 6

### *Disciplinary provisions*

## 8 Investigating and disciplinary committees.

- (1) Each board shall set up two committees, to be known as the investigating committee and the disciplinary committee respectively, of which—
  - (a) the investigating committee shall be charged with the duty of conducting a preliminary investigation into any case where it is alleged that a person registered by the board is liable to have his name removed from the register, and of deciding whether the case should be referred to the disciplinary committee; and
  - (b) the disciplinary committee shall be charged with the duty of considering and determining any case referred to it by the investigating committee and any other case of which the disciplinary committee has cognisance under subsection (5) of the next following section.
- (2) The provisions of Part I of the Second Schedule to this Act shall have effect with respect to the constitution of investigating and disciplinary committees, and the provisions of Part II of that Schedule shall have effect with respect to the procedure of disciplinary committees.

### Modifications etc. (not altering text)

- C7** S. 8(1)(b) modified by S.I. 1986/630, art. 8(2)

## 9 Removal of names from register for crime, infamous conduct, etc.

- (1) Where—
  - (a) a person who is registered by a board is convicted by any court in the United Kingdom of a criminal offence which, in the opinion of the disciplinary committee set up by the board, renders him unfit to be registered; or
  - (b) such a person is judged by the disciplinary committee to be guilty of infamous conduct in any professional respect; or
  - (c) the disciplinary committee is satisfied that the name of such a person has been fraudulently entered on the register maintained by the board,



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the committee may, if it thinks fit, direct that the person's name shall be removed from the register.

- (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) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to Her Majesty in Council in accordance with such rules as Her Majesty in Council may by Order prescribe for the purposes of this subsection; and the board concerned may appear as respondent on any such appeal and, for the purpose of enabling directions to be given as to the costs of the appeal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

The <sup>M2</sup>Judicial Committee Act 1833 shall apply in relation to a disciplinary committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

- (4) A direction for the removal of a name from the register shall take effect—
  - (a) where no appeal under this section is brought against the direction within the time limited for the appeal, on the expiration of that time;
  - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
  - (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed and not otherwise.
- (5) A person whose name is removed from a register in pursuance of a direction of a disciplinary committee under this section shall not be entitled to be registered in that 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.
- (6) It shall be the duty of each disciplinary committee to prepare and from time to time revise, in consultation with its board and the Council, a statement as to the kind of conduct which the committee considers to be infamous conduct in a professional respect, and the board shall send by post to each registered member of the relevant profession, at his address on the register, a copy of the statement as for the time being revised; but the fact that any matters are not mentioned in such a statement shall not preclude the disciplinary committee from judging a person to be guilty of infamous conduct in a professional respect by reference to such matters.

#### Marginal Citations

M2 1833 c. 41.

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### Miscellaneous

<sup>F4</sup>10 .....

#### Textual Amendments

**F4** S. 10 repealed (1.7.1999) by [Health Act 1999 \(c. 8\)](#), s. 67(3), [Sch. 5](#)

### 11 Default powers of the Privy Council.

- (1) If it appears to the Privy Council, either in consequence of representations made to them or for any other reason, that the Council or a board has failed either generally or in a particular case to do, or to do satisfactorily, any thing which under this Act that body has power or a duty to do, the Privy Council may if they think fit, subject to subsection (3) of this section, direct that body to do that thing in such manner and within such period as may be specified by the directions; and any such directions shall be enforceable by mandamus on the application of the Privy Council.
- (2) Instead of proceeding to enforce such directions by mandamus, the Privy Council may if they think fit—
  - (a) in the case of directions to a board, order the Council to give effect to the directions; or
  - (b) in any case, themselves give effect to the directions and recover from the Council as a simple contract debt any expenses certified by them to have been incurred in doing so.
- (3) The power to give directions under this section shall not include power to give directions with respect to a board's functions under section three of this Act.
- (4) Any expenses of the Privy Council under this section shall be defrayed out of moneys provided by Parliament, and any sums received by the Privy Council under this section shall be paid into the Exchequer.

### 12 Exercise of powers conferred on the Privy Council.

- (1) For the purpose of exercising any powers conferred by this Act on the Privy Council, the quorum of the Privy Council shall be three.
- (2) Any document purporting to be—
  - (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
  - (b) signed by the clerk of the Privy Council or by any other person authorised by the Privy Council in that behalf,
 shall be evidence of the fact that the instrument was so made and of the terms of the instrument.
- (3) Any power to make an order conferred on the Privy Council by a provision of this Act shall—
  - (a) include power to vary or revoke the order by a subsequent order under that provision; and
  - (b) be exercisable by statutory instrument.

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### 13 Notices, etc.

- (1) In this Act the expression “notice” means a notice in writing.
- (2) Any notice or other document authorised or required to be served 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 purpose of the application to this subsection of [<sup>F5</sup>section 7 of the <sup>M3</sup>Interpretation Act 1978] (which relates to service by post) the proper address of a person to whose registration such a document relates shall be his address on the relevant register.

#### Textual Amendments

**F5** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

#### Marginal Citations

**M3** [1978 c. 30.](#)

### 14 Short title, extent and commencement.

- (1) This Act may be cited as the Professions Supplementary to Medicine Act 1960.
- (2) It is hereby declared that this Act extends to Northern Ireland, . . . <sup>F6</sup>
- (3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for different provisions.

#### Textual Amendments

**F6** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 6 Pt. I](#)

#### Modifications etc. (not altering text)

**C8** Power of appointment conferred by s. 14(3) fully exercised: [S. I. 1961/1201](#), 1962/828, 1651, 1963/1044, 1964/927

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## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### CONSTITUTIONS OF THE COUNCIL AND BOARDS, AND SUPPLEMENTARY PROVISIONS

#### PART I

#### CONSTITUTION OF THE COUNCIL

**Modifications etc. (not altering text)**

- C9** Sch. 1 Pt. I (paras. 1-3) amended (28.2.1997) by S.I. 1997/504, art. 2, **Sch. para. 1**  
 Sch. 1 Pt. I (paras. 1-3) amended (26.3.1997) by S.I. 1997/1121, art. 2, **Sch. para. 1**  
 Sch. 1 Pt. I (paras. 1-3) amended by S.I. 1966/990, art. 1, **Sch.**  
 Sch. 1 Pt. I (paras. 1-3) amended by S.I. 1986/630, art. 2, **Sch.** (subject to savings in art. 8).  
 Sch. 1 Pt I (paras. 1-3) amended (19.6.1999) by S.I. 1999/1853, arts. 1(1), 2, **Sch. paras. 1, 2.**  
 Sch. 1 Pt I (paras. 1-3) amended (19.6.1999) by S.I. 1999/1854, arts. 1(1), 2, **Sch. para. 1.**  
 Sch. 1 Pt I (paras. 1-3) amended (19.6.1999) by S.I. 1999/1855, arts. 2, **Sch. para. 1**

- 1 (1) Subject to the provisions of this Act, the Council shall consist of a total of twenty-one members and shall comprise—
- (a) four persons appointed by the Privy Council and one person appointed by the [<sup>F7</sup>First Minister and deputy First Minister in Northern Ireland acting jointly], of whom one person appointed by the Privy Council shall be resident in Scotland and another in Wales and of whom none shall be a registered medical practitioner or a member of a profession mentioned in section one of this Act;
  - (b) three persons appointed jointly by the [<sup>F8</sup>Secretary of State for Health][<sup>F9</sup>the Secretary of State for Wales] the Secretary of State for Scotland and the Minister of Health and Local Government of Northern Ireland, of whom one only shall be a registered medical practitioner and none shall be a member of a profession mentioned as aforesaid;
  - (c) seven persons (in this Schedule referred to as “representative members of the Council”), of whom one shall be appointed by each of the boards established under this Act from among the representative members of that board;
  - (d) three registered medical practitioners, of whom one shall be appointed by each of the English Colleges;
  - (e) two registered medical practitioners appointed jointly by the Scottish Corporations; and
  - (f) one registered medical practitioner appointed by the General Medical Council.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Professions Supplementary to Medicine Act 1960. (See end of Document for details)*

- (2) For each representative member of the Council there shall be an alternate member who shall, subject to the provisions of this Schedule, be appointed from among its representative members by the same board and on the same occasion as the member for whom he is alternate.

#### Textual Amendments

- F7** Words in [Sch. Pt. I para. 1\(1\)\(a\)](#) substituted (2.12.1999) by [S.I. 1999/663, art. 2\(1\)](#), [Sch. 1 para. 12](#); [S.I. 1999/3208, art. 2](#).
- F8** Words substituted by virtue of [S.I. 1988/1843, arts. 2, 3, 5\(4\)](#), [Sch.2 Pt. I, Sch. 3](#)
- F9** Words inserted by [S.I. 1969/388, Sch. 1](#)

#### Modifications etc. (not altering text)

- C10** Reference to Minister of Health and Local Government of Northern Ireland to be construed as reference to head of Department of Health and Social Services for Northern Ireland: [S.R. & O. \(N.I.\) 1964/205, 1965/13](#) and [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 7\(1\)](#)

- 2 Each board may appoint two persons to act as additional members of the Council (without the right to vote) at a meeting at which the Council is considering a matter appearing to the Council to be of special interest to registered members of the profession for which the board is established.
- 3 (1) During the initial period as respects a board, the representative member of the Council and his alternate member who, apart from this sub-paragraph, are required to be appointed by the board from among its representative members shall instead be appointed jointly by the Ministers of the Crown mentioned in paragraph (b) above from the members of the relevant profession.
- (2) Before making an appointment under this paragraph as respects any profession the said Ministers shall consult the body or bodies specified as respects that profession in the Second Schedule to the National Health Service (Medical Auxiliaries) Regulations 1954 (which relate to the qualifications of persons for employment under the National Health Service in the professions mentioned in section one of this Act); and a person shall not be eligible for appointment under this paragraph unless—
- (a) he is qualified, in relation to the profession in question, as mentioned in regulation 3 of those regulations or the corresponding provision in force in Scotland; or
- (b) he is recommended for appointment by the body or one of the bodies specified as aforesaid.

## PART II

### CONSTITUTION OF THE BOARDS

#### Modifications etc. (not altering text)

- C11** [Sch. 1 Pt. II \(paras. 4-8\)](#) amended (28.2.1997) by [S.I. 1997/504, art. 2](#), [Sch. para. 2](#)  
[Sch. 1 Pt. II \(paras. 4-8\)](#) amended (26.3.1997) by [S.I. 1997/1121, art. 2](#), [Sch. para. 2](#)

*Status: Point in time view as at 11/05/2001.*

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Sch. 1 Pt. II, (paras. 4-8) amended (19.6.1999) by S.I. 1999/1853, arts. 1(1), 2, **Sch. para. 2.**  
 Sch. 1 Pt II, (paras. 4-8) amended (19.6.1999) by S.I. 1999/1854, arts. 1(1), 2, **Sch. para. 2.**  
 Sch. 1 Pt II, (paras. 4-8) amended (19.6.1999) by S.I. 1999/1855, art.2, **Sch. para. 2.**  
 Sch. 1 Pt II (paras. 4-8) amended (16.8.1966) by S.I. 1966/990, **Sch.**  
 Sch. 1 Pt II (paras. 4-8) amended (1.4.1986) by S.I. 1986/630, art. 2, **Sch. para. 2** (subject to a saving in art. 8).

- 4 (1) Subject to the provisions of this Act, a board shall consist of the total number of members specified as respects that board in the second column of the following table and shall comprise—
- (a) the number of persons so specified in the third column of the table, who shall be members of the relevant profession chosen to represent the members of that profession (and who in this Schedule are referred to as “representative members of the board”);
  - (b) the number of persons so specified in the fourth column of the table, who shall be registered medical practitioners nominated as indicated in that column;
  - (c) one person (as indicated in the fifth column of the table) appearing to the Council, after consultation with [<sup>F10</sup>the Secretary of State for Education and Employment] and the Secretary of State for Scotland, to be specially qualified to advise the board on problems affecting professional education generally; and
  - (d) the number of other persons (if any) specified as respects the board in the sixth column of the table, who shall be persons appearing to the Council to satisfy the relevant requirements of paragraph 7 of this Schedule.
- (2) For each representative member of a board there shall be an alternate member who shall, subject to paragraph 11 of this Schedule, be elected or appointed on the same occasion as the member for whom he is alternate.

#### **Textual Amendments**

**F10** Words in **Sch. 1 para. 4(1)(c)** substituted (1.1.1996) by S.I. 1995/2986, art. 11(1), **Sch. para. 4**

- 5 (1) At least one representative member of a board and his alternate member shall reside and practise the relevant profession in Scotland and at least one other representative member of a board and his alternate member shall reside and practise that profession in Wales:  
 Provided that the foregoing requirement as to Scotland shall not apply to the Occupational Therapists Board, but at least two representative members of that board and their alternate members shall reside in Scotland and shall practise and have been trained as occupational therapists there.
- (2) If a matter appearing to a board to be of special interest to registered members of the relevant profession residing and practising that profession in Northern Ireland is to be considered at a meeting of the board and no representative member, or alternate member acting as a member, of the board at the meeting resides and practices as aforesaid, the board shall appoint a registered member of the profession who so

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- resides and practises to act as an additional member of the board (without the right to vote) while the matter in question is being considered.
- (3) Five representative members of the Radiographers Board and their alternate members shall be diagnostic radiographers and the other representative and alternate members of that board shall be radiotherapeutic radiographers.
- 6 Before the English Colleges or the Scottish Corporations nominate a person for appointment as a member of a board in pursuance of paragraph (b) of sub-paragraph (1) of paragraph 4 above, they shall consult such body or bodies (if any) as they consider appropriate in relation to that nomination, being a body or bodies appearing to them to represent medical practitioners specialising in a field with which the board will be concerned.
- 7 (1) Of the four members of the Dietitians Board appointed in pursuance of paragraph (d) of sub-paragraph (1) of paragraph 4 above—  
one shall be a member of the teaching staff of a university department concerned with the teaching of nutrition,  
one shall be a member of the teaching staff of an institution where dietitians are trained,  
one shall be an expert in the subject of nutrition working in the field of human nutrition, and  
the other shall be a biochemist.
- (2) Of the two members of the Occupational Therapists Board appointed in pursuance of the said paragraph (d), one shall be a person engaged in industry or technical education and the other shall be a member of the teaching staff of a university.
- (3) The member of the Physiotherapists Board and the Radiographers Board appointed as aforesaid shall be a physicist.
- (4) The member of the Remedial Gymnasts Board so appointed shall be an expert in physical education.
- (5) Before making any appointment in pursuance of the said paragraph (d) the Council shall consult such bodies or persons as appear to it to be appropriate in relation to that appointment.
- 8 (1) The members of a board, other than the representative members, shall be appointed by the Council.
- (2) Subject to paragraph 11 of this Schedule, the representative and alternate members of a board taking office after the initial period shall be registered members of the relevant profession elected by the registered members of that profession in accordance with a scheme for that board prepared by the Council in consultation with the board and approved by the Privy Council.
- (3) The representative and alternate members of a board taking office during the initial period shall be appointed by the Council after consultation with the relevant body or bodies mentioned in sub-paragraph (2) of paragraph 3 of this Schedule; and a person

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shall not be eligible for appointment under this sub-paragraph unless he is qualified or recommended as mentioned in that sub-paragraph:

Provided that in exercising its powers under this sub-paragraph the Council shall appoint the representative member of the Council and his alternate member appointed under paragraph 3 of this Schedule by Ministers instead of by the board to be two of the representative members of the board.

### PART III

#### SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL AND BOARDS

**Modifications etc. (not altering text)**

**C12** [Sch. 1 Pt. III](#) (paras. 9-22) amended by [S.I. 1986/630](#) art. 2, Sch. (subject to saving in art. 8)

#### *Incorporation*

- 9 The Council and each board shall be a body corporate with perpetual succession and a common seal.

#### *Tenure of office etc. of members, alternate members and chairmen*

- 10 (1) Subject to the next following sub-paragraph and paragraph 11 of this Schedule, the representative and alternate members of a board taking office after the initial period and the members (other than representative members) of the Council or a board shall hold office for four years and shall then retire.
- (2) The members (other than representative members) of the Council shall retire in rotation in accordance with a scheme made by the Council and approved by the Privy Council, and the members and alternate members of a board (other than representative and alternate members taking office during the initial period) shall retire in rotation in accordance with a scheme made by the board and approved by the Council; and for the purpose of securing retirement by rotation any such scheme may provide that during the period of four years from the establishment of the body making the scheme (or as respects the retirement of representative and alternate members of a board, four years from the end of the initial period) some persons shall retire after less than four years in office, so however that a representative member of a board and his alternate member shall retire at the same time.
- (3) Subject to paragraph 11 of this Schedule, the representative and alternate members of the Council appointed by a board shall hold office for one year and shall then retire.
- (4) Subject as aforesaid, the representative member of the Council and his alternate member appointed under paragraph 3 of this Schedule by Ministers instead of by a board shall hold office until the end of the period which is the initial period for the purposes of that paragraph as respects that board and shall then retire.



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- (5) Subject as aforesaid, the representative and alternate members of a board taking office during the initial period shall hold office until the end of that period and shall then retire.
- 11 (1) A member or alternate member of the Council or a board may at any time, by notice to the registrar appointed under this Act, resign his office.
- (2) A member or alternate member of the Council or a board whose name is removed by direction of a disciplinary committee from any register maintained under this Act shall relinquish his office.
- (3) A representative or alternate member of the Council appointed by a board who ceases to be a representative member of that board shall relinquish his office on the Council.
- (4) When a member or alternate member of the Council or a board ceases to hold office otherwise than by retirement, his place shall be taken—
- (a) in the case of a representative member of a board, by his alternate member if then in office and if not by a person appointed or elected in the same manner and satisfying the same requirements of Part II of this Schedule as the representative member;
- (b) in any other case, by a person appointed or elected in the same manner and satisfying the same requirements of Part I or Part II of this Schedule as the member or alternate member in question:
- Provided that a scheme under sub-paragraph (2) of paragraph 8 of this Schedule may provide for the selection, otherwise than by election, of—
- (i) a person to succeed an alternate member of a board who has taken the place of his representative member under paragraph (a) above;
- (ii) persons to succeed a representative member of a board and his alternate member where the representative member ceases to hold office otherwise than by retirement and there is no alternate member to take his place under the said paragraph (a);
- and the requirement that an alternate member shall be selected on the same occasion as his representative member shall not apply where an alternate member is selected in pursuance of this sub-paragraph or continues as the alternate member for the successor under this sub-paragraph of a previous representative member of the Council.
- (5) A person taking office by virtue of sub-paragraph (4) above shall retire when the person whose place he takes would normally have retired.
- 12 (1) One of the members of the Council appointed by the Privy Council shall be designated by the Privy Council as the chairman of the Council, and a board shall appoint one of its members to be the chairman of the board.
- (2) The chairman of the Council or a board shall hold office as such until the expiration of the period determined by the body designating or appointing him as chairman or until he ceases to be a member of the Council or board, whichever first occurs, and shall then retire from that office.

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- (3) The chairman, or in his absence the person acting as chairman, of the Council or a board shall have a second or casting vote.
- 13 An alternate member of the Council or a board may act as a member of the Council or board at any meeting of that body when the representative member for whom he is alternate is absent, but not otherwise.
- 14 A person retiring from or resigning office as the chairman or a member or alternate member of the Council or a board shall be eligible to hold that office again.
- 15 The powers of the Council or a board or any committee thereof may be exercised notwithstanding any vacancy in its membership, and no proceedings of such a body shall be invalidated by any defect in the selection of a person to be a member of that body.

#### *Committees*

- 16 (1) The Council or a board with the approval of the Council may appoint one or more committees to carry out, on behalf of the Council or board, such of the functions of the Council or board as that body may determine and as are not required in the case of a board to be carried out by an investigating or disciplinary committee.
- [<sup>F11</sup>(2) A committee appointed under this paragraph shall consist of the number of members determined by the body appointing it, and not more than one third of the members may be persons who are not members of that body; and a member of such a committee shall hold office in accordance with the terms of the instrument under which he is appointed.]

#### **Textual Amendments**

- F11** Sch. 1 para. 16(2) repealed (11.5.2001 for specified purposes and otherwise *prosp.*) by 1999 c. 8, ss. 60(3), 65, 67(1)(3), Sch. 5; S.I. 2001/1985, art. 2(2)(b)(ii)(5)

#### *Standing Orders*

- 17 The Council or a board may make standing orders for regulating the proceedings (including quorum) of the Council or board or any committee thereof, so however that orders under this paragraph shall not be made with respect to the proceedings of a disciplinary committee.

#### *Expenses and accounts*

- 18 (1) Any fees payable under this Act in respect of the entry or retention of a name on a register shall be paid to the Council, and any expenses of the Council shall be

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defrayed out of the sums received by the Council either on account of those fees or otherwise.

- (2) The Council shall furnish each board with such sums as the board may require for defraying—
  - (a) any remuneration or allowances which the board is authorised by this Act to pay; and
  - (b) any costs which the board is directed to pay on an appeal under section nine of this Act; and
  - (c) any other expenses incurred by the board with the approval of the Council, and each board shall furnish the Council with such evidence as the Council may reasonably require of all payments made by the board out of sums furnished by the Council.
- (3) The Council shall keep proper accounts of all sums received or paid by it, and proper records in relation to those accounts (including records of the evidence furnished as aforesaid), and its accounts for each financial year of the Council shall be audited by auditors appointed by the Council; and as soon as any accounts of the Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors thereon.
- [<sup>F12</sup>(4) A person shall not be appointed auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]

#### Textual Amendments

**F12** Sch. 1 para. 18(4) substituted (01.10.1991) by S.I. 1991/1997, reg. 2, Sch. para. 8 (with reg. 4).

- 19 The Council or a board may pay to any of its members or alternate or additional members, or to any member of a committee appointed by it, travelling, subsistence or other allowances at such rates as may be determined by the Council with the consent of the Privy Council.

#### *Officers and servants*

- 20 (1) The Council (but not the board) shall have power to appoint a registrar and other officers and servants on such terms as to remuneration, pensions or otherwise as the Council may determine; and the Council shall make such arrangements as it thinks appropriate for the services of officers and servants appointed by it to be available to the boards and to any committees of the Council or a board.
- (2) A board shall have power with the approval of the Council to appoint teaching and other staff, on such terms as to remuneration, pensions or otherwise as the board with the approval of the Council may determine, in connection with any course of training or examination conducted under arrangements made by the board.
- (3) . . . . . <sup>F13</sup>

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**Textual Amendments**

**F13** Sch. 1 para. 20(3) repealed by Superannuation Act 1972 (c. 11), Sch. 8

**Modifications etc. (not altering text)**

**C13** Para. 20(2) amended by Superannuation Act 1972 (c. 11), s. 22(2)

*Miscellaneous*

- 21 It shall be the duty of a board to furnish the Council with a copy of the minutes of proceedings of the board and any committee (other than an investigating or disciplinary committee) appointed by the board and of any document considered at a meeting of the board or committee; and it shall be the duty of the Council, at the request of a board, to make available to the board a copy of so much of any minutes of proceedings of the Council or a committee appointed by the Council and of so much of any document considered at a meeting of the Council or committee as relates to the board.
- 22 (1) In this Schedule,—
- “the English Colleges” means the Royal College of Physicians of London, the Royal College of Surgeons of England and the Royal College of Obstetricians and Gynaecologists;
- “the initial period”, in relation to a board, means the period expiring six months (or for the purposes of paragraph 3 of this Schedule, eight months) after such date as the Council may by order determine to be that on which the board’s register is established;
- “representative member” has the meaning assigned to it, in relation to the Council, by paragraph (c) of sub-paragraph (1) of paragraph 1 of this Schedule, and in relation to a board, by paragraph (a) of sub-paragraph (1) of paragraph 4 of this Schedule;
- “the Scottish Corporations” means the Royal College of Physicians of Edinburgh, the Royal College of Surgeons of Edinburgh and the Royal Faculty of Physicians and Surgeons of Glasgow.
- (2) Any power to make a scheme conferred by a provision of this Schedule shall include power to vary or revoke the scheme by a subsequent scheme under that provision.

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## SECOND SCHEDULE

Section 8.

### THE INVESTIGATING AND DISCIPLINARY COMMITTEES

#### PART I

##### CONSTITUTION OF THE COMMITTEES

- 1 [F14(1) The board by which an investigating committee and a disciplinary committee are set up shall, in consultation with the Council, make rules regulating the membership of each of the committees, and the times and places of the meetings, quorum and mode of summoning members of the disciplinary committee; but, subject to paragraph (b) below, a person shall not be eligible for membership of either committee unless he is a member of the board.]
- (2) Such rules shall secure that—
- (a) 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; and
  - (b) where a case against a person who resides and practises the relevant profession in Northern Ireland is before either of the committees, at least one member of that committee at any meeting thereof shall be a member of the board who resides and practises as aforesaid or (where no member of the board satisfies that requirement or no member who satisfies that requirement is available to act on the committee) a registered member of the relevant profession residing and practising as aforesaid and appointed by the board to be a member of the committee for the purposes of the case in question.
- (3) Rules under this paragraph shall not come into force until approved by the Privy Council.

#### Textual Amendments

- F14** Sch. 2 para. 1(1) repealed (11.5.2001 for specified purposes and otherwise *prosp.*) by 1999 c. 8, ss. 60(3), 65, 67(1)(3), Sch. 5; S.I. 2001/1985, art. 2(2)(b)(ii)(5)

#### PART II

##### PROCEDURE OF DISCIPLINARY COMMITTEES

- 2 (1) For the purposes of any proceedings before a disciplinary committee in England or Wales or Northern Ireland the committee 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 produce any document which he could not be compelled to produce on the trial of an action.
- (2) The provisions of section [F1536 of the Supreme Court Act 1981][F16, of section 67 of the Judicature (Northern Ireland) Act 1978] or of the Attendance of Witnesses Act

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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 disciplinary committee 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 disciplinary committee in Scotland, the 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 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.

#### **Textual Amendments**

**F15** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)

**F16** Words inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [Sch. 5](#)

- 3 (1) Subject to the next following sub-paragraph, the Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before disciplinary committees, 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 by the rules, to the person alleged to be liable to have his name removed from the register;
  - (b) for determining who, in addition to the person aforesaid, 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 committee;
  - (d) 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 by the rules;
  - (e) for requiring proceedings before the committee to be held in public except so far as may be provided by the rules;
  - (f) for requiring, in cases where it is alleged that a person is guilty of infamous conduct in any professional respect, that where the committee judges that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates.
- (2) As respects proceedings for the registration of a person whose name was previously removed from a register by direction of a disciplinary committee, the Council shall have power to make rules with respect to all or any of the matters mentioned in the foregoing sub-paragraph, but shall not be required to do so; and separate rules under this paragraph may be made as respects such proceedings.
- (3) Before making rules under this paragraph the Council shall consult the boards for the time being established under this Act, and before entering into consultations with the Council under this sub-paragraph a board shall consult such bodies representing members of the relevant profession as the board thinks fit.

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- (4) Rules under this paragraph shall not come into force until confirmed by order of the Privy Council.
- 4 (1) For the purpose of advising a disciplinary committee on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the committee who shall be
- [<sup>F17</sup>(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (2) The power of appointing an assessor for a disciplinary committee shall be exercisable by the Council after consultation with the board concerned, but if no assessor appointed by the Council is available to act in any particular proceedings the committee may itself appoint an assessor qualified as aforesaid for those proceedings.
- (3) The Lord Chancellor may, by statutory instrument, make rules as to the functions of assessors appointed under this paragraph, and in particular such rules may contain provision for securing—
- (a) that where an assessor advises a disciplinary committee on any question of law as to evidence, procedure or any other matters specified by 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 while the committee is deliberating in private, 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 such a question as aforesaid,
- and may contain such incidental and supplementary provisions as the Lord Chancellor considers expedient.
- (4) Except in the case of an assessor appointed by the committee itself under subparagraph (2) above, an assessor may be appointed under this paragraph 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) The relevant board may pay to an assessor appointed under this paragraph remuneration at such rates as may be determined by the Council with the consent of the Lord Chancellor.

#### Textual Amendments

**F17** Words substituted by Courts and Legal Services Act 1990 (c.41, SIF 37), s. 71(2), **Sch. 10 para 15**

**Status:**

Point in time view as at 11/05/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Professions Supplementary to Medicine Act 1960.