

## SCHEDULE

### THE GENERAL OSTEOPATHIC COUNCIL HEALTH COMMITTEE (PROCEDURE) RULES 2000

## PART V

## GENERAL

### **Cancellation of hearing**

**36.**—(1) Where after an allegation has been referred to the Committee for consideration it appears to the Committee that such consideration cannot owing to exceptional circumstances properly take place, it may after taking advice from the legal assessor and after consulting the Investigating Committee and obtaining the consent of the osteopath concerned direct that a hearing should not be held and that the case should be concluded, provided that where there is an individual complainant the Committee shall before it consults the Investigating Committee try to ascertain the views of the complainant.

(2) The Committee shall not be required to obtain the consent of the osteopath under paragraph (1) where such consent could not be obtained owing to the osteopath's death, or mental or physical incapacity.

(3) As soon as any decision is reached, the Committee shall conclude the case and give notice of its determination to cancel a hearing to the osteopath and to the complainant, if any.

### **Suspension of proceedings**

**37.**—(1) At any stage during the proceedings the Chairman shall have the power to suspend the proceedings before the Committee.

(2) When the proceedings are so suspended the Committee shall send written notice of the date, time and place of any recommenced hearing to the osteopath, and such hearing shall not take place before the end of the period of 28 days beginning with the day on which the notice of hearing is sent.

### **Deliberation in private**

**38.** The Committee may deliberate in private at any time and for any purpose during any proceedings.

### **Evidence**

**39.**—(1) Subject to the provisions of rule 17(2) and (3), the written evidence sent to the osteopath in accordance with rule 12(2) should be admissible in documentary form without the necessity of calling witnesses to give that evidence orally.

(2) Subject to paragraph (1) above, the Committee may at its discretion at any hearing receive oral or documentary or other evidence of any fact or matter which appears to it relevant to the inquiry into the case before it, provided that where any fact or matter is tendered as evidence which would not be admissible as such if the proceedings were criminal proceedings in the United Kingdom the Committee shall not receive it unless after consultation with the legal assessor it is satisfied that its reception is necessary to enable it to perform its duty and that the interests of justice will not thereby be prejudiced.

(3) The Committee shall have the power to administer oaths and all evidence given orally shall be given on oath or be affirmed.

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(4) The Committee may by summons require any person to attend at a time and place stated in the summons to give evidence or to produce any documents in his custody or under his control which relate to any matter in issue before the Committee and the Committee shall pay the necessary expenses of attendance.

(5) Any person summoned to attend under the provisions of this rule shall be informed of the offence under section 32(2) of the Act which may be committed in the event of non-compliance.

(6) All parties to the proceedings may seek a summons of the Committee requiring persons to attend and give evidence or to produce documents before the Committee.

### **Legal Representation**

**40.** References to legal representation in these Rules shall include representation by Counsel, a Solicitor, or an officer or member of any professional organisation of which the osteopath is a member, or a member of his family.

### **Referral to the Professional Conduct Committee**

**41.—**(1) Where it appears to the Committee that the allegation which it is considering would be better dealt with by the Professional Conduct Committee, the Committee may refer the allegation to the Professional Conduct Committee for consideration.

(2) If, following a referral under this rule, the Professional Conduct Committee subsequently notifies the Committee that it does not propose to consider the allegation the Committee shall resume its consideration of it and shall conclude it.

(3) If, following a referral under this rule, the Professional Conduct Committee certifies to the Committee that it has dealt with the allegation, the Committee shall cease to exercise its functions in relation to it.

### **Service of documents**

**42.—**(1) In these Rules a reference to the sending of a notice or other communication required by these Rules to be served on an osteopath is a reference to delivering it to him or sending it to him by Registered Post or by the Recorded Delivery system to his address in the Register or if his last known address differs from the address in the Register then to his last known address.

(2) Where such notice is sent by Registered Post or Recorded Delivery service it shall be treated as having been sent on the day it was posted.

(3) Where personally delivered then it shall be treated as having been delivered when it is handed to the osteopath.

### **Notes and transcripts of hearings**

**43.—**(1) A shorthandwriter or recording system shall be available at the hearing to permit a verbatim record of the proceedings to be made.

(2) Any party to the proceedings of the Committee shall on application to the Registrar before the end of the period of three months beginning on the last day of the hearing in question, be furnished with a transcript of all or any part of the proceedings at which the party was entitled to be present, whether he was present or not.