1962 No. 2545

PROFESSIONS SUPPLEMENTARY TO MEDICINE

The Professions Supplementary to Medicine (Registration (Appeals) Rules) Order of Council 1962

Made - - - - 20th November 1962

At the Council Chamber, Whitehall, the 20th day of November 1962

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 3 (3) of the Professions Supplementary to Medicine Act 1960(a) the Council for Professions Supplementary to Medicine have made Rules entitled "The Registration (Appeals) Rules, 1962":

And whereas the said Rules have been submitted for confirmation by the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are hereby pleased to confirm the same as set out in the Schedule to this Order.

This Order may be cited as the Professions Supplementary to Medicine (Registration (Appeals) Rules) Order of Council 1962.

W. G. Agnew.

(a) 8 & 9 Eliz. 2. c. 66.

SCHEDULE

THE REGISTRATION (APPEALS) RULES, 1962

The Council for Professions Supplementary to Medicine in exercise of its powers under section 3 (3) of the Professions Supplementary to Medicine Act, 1960 hereby makes the following Rules:—

1. These Rules may be cited as the Registration (Appeals) Rules, 1962.

2. In these Rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"The Act" means the Professions Supplementary to Medicine Act, 1960;

"Appellant" means a person who, being entitled to appeal under section 3 (3) of the Act, has given notice of appeal to the Council under Rule 6 of these Rules;

"Board" means a Board constituted in accordance with the provisions of the Act, and "Board" in relation to an appeal made under these Rules means the Board which has refused an application for registration of the appellant or has failed to grant or refuse such an application within the period prescribed by section 3 (3) of the Act, as the case may be;

"The Council" means the Council for Professions Supplementary to Medicine;

"The Registrar" means the Registrar of the Council.

3. The Interpretation Act 1889(a) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

4.—(1) The functions exercisable under these Rules by the Council for the purpose of determining an appeal or a class or group of appeals may be exercised by a committee appointed by the Council or one of its members authorised by it to act for the purpose.

(2) Such committee shall consist of not less than 3 members of the Council none of whom shall be a representative member as described in paragraph 1 (*c*) of the 1st Schedule to the Act.

5. Where a Board refuses an application for registration made in pursuance of section 3 (2) of the Act, the Board shall give notice to the applicant of its refusal and shall inform him in writing of its reasons therefor and of his right of appeal to the Council. Such notice shall include a statement of the procedure for appealing under these Rules.

6. A person wishing to appeal against the refusal of an application for registration or against the failure of a Board to grant or refuse an application within twelve months from the date thereof, shall within four weeks after the receipt by him of the notice referred to in the last preceding Rule, or at any time after the expiry of the said period of twelve months, as the case may be, give notice in writing to the Registrar, stating his grounds of appeal.

Such notice of appeal in writing may be given by the person wishing to appeal or any person whether legally qualified or not authorised by him to act on his behalf.

(a) 52 & 53 Vict. c. 63.

7. The Registrar shall send a copy of the notice of appeal to the Board, and the Board shall within four weeks of the receipt by it of the notice of appeal cause a statement to be prepared which shall include :—

(*a*) the reasons for its refusal of the application, or for its failure to grant or refuse the application within 12 months of the date thereof as the case may be, and

(*b*) any observations it may wish to make on the matters stated in the notice of appeal.

8. The Registrar shall send to the Appellant a copy of the Board's statement referred to in the last preceding Rule, together with a notice informing him that he may within a period of 14 days after the receipt by him of such statement send to the Registrar any observations in writing which he may wish to make thereon.

9. The Council, after considering the documents described in Rules 6, 7 and 8 and the Appellant's application for registration and any documents which accompanied it, may allow the appeal, or if it is of opinion that the documents disclose no good or reasonable grounds of appeal, or that the appeal is otherwise vexatious or frivolous, it may dismiss the appeal forthwith.

10. Unless the Council allows or dismisses the appeal under the last preceding Rule, it shall send a notice to the Appellant informing him:—

(*a*) that he is entitled, if he so requires, to be heard by the Council at an oral hearing of his appeal ;

(*b*) that if he so requires he must notify the Council in writing accordingly within fourteen days after the receipt by him of the Council's notice stating if it be the fact that he intends to be legally represented ; and

(*c*) that if he fails to do so, the Council will proceed to determine the appeal upon the documentary information before it.

11. If the Appellant requires an oral hearing, and notifies the Council in accordance with the last preceding Rule the Council shall fix the date, time, and place of the hearing and shall give at least twenty-eight days' notice, or such shorter notice as may be agreed by both parties, to the Appellant and to the Board.

12. Subject to the provisions of Rule 10 (*b*) hereof the Appellant may be represented at the hearing by any person appointed by him for the purpose.

13. The Board may appear as Respondent on the hearing of the appeal, and may be represented by any person appointed by it for the purpose, but may not be represented by Counsel or Solicitor unless the Appellant has notified the Council of his intention to be legally represented in accordance with the provisions of Rule 10 (*b*).

14. Subject to Rule 15, the procedure at the hearing shall be such as the Council may determine.

15. The Appellant shall have the right to be heard first, and to make a final reply if he so wishes, and the Appellant and the Board may if they wish call witnesses and may put questions to any witness called by the other party.

16. The Council may adjourn a hearing to such time, date, and place as it may determine and shall give to the Appellant and the Board reasonable notice thereof.

17. The decision of the Council on the appeal shall in the event of disagreement be the decision of the majority of the members appointed to determine the appeal, and shall be communicated in writing to the Appellant and the Board, or may, in the case of an oral hearing, be given orally after the conclusion of the hearing, together (in either case) with a statement of the reasons for the decision.

18. Any notice or document required or authorised to be given or sent under any of the foregoing Rules may be sent by post.

19. The time appointed by these Rules for the doing of any act may be extended by the Council on such terms (if any) as it may think fit, and such extension may be granted although the application for extension is not made until after the expiration of the time appointed.

The Common Seal of the Council for Professions Supplementary to Medicine was hereunto affixed this Sixth day of November 1962 in the presence of :— L.S.

JOHN H. HANBY,
A Member of the Council.

J. S. TAPSFIELD,
Registrar.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

Section 3 of the Professions Supplementary to Medicine Act 1960 entitles a person whose application for registration under that section has been either refused by a Board, or neither granted nor refused within a specified period, to appeal to the Council for Professions Supplementary to Medicine. The Rules confirmed by this Order prescribe the procedure to be followed in regard to the submission and determination of such appeals.