

**THE HEALTH PROFESSIONS COUNCIL
(FUNCTIONS OF ASSESSORS) RULES 2003**

The Health Professions Council, in exercise of its powers under Articles 34(4), 35(3) and 36(3) of the Health Professions Order 2001 and of all other powers enabling it in that behalf, hereby makes the following Rules:

Citation

1. These Rules may be cited as the Health Professions Council (Functions of Assessors) Rules 2003.

Interpretation

2. In these Rules—

“assessor” means a legal assessor, medical assessor or registrant assessor;

“legal assessor” means a person appointed as a legal assessor under Article 34 of the Order;

“medical assessor” means a person appointed as a medical assessor under Article 35 of the Order;

“the Order” means the Health Professions Order 2001; and

“registrant assessor” means a person appointed as a registrant assessor under Article 36 of the Order.

Additional functions of legal assessors

3. A legal assessor shall have the following additional functions—

- (a) to be present at such meetings of the Council or a statutory committee as the Council or committee may request at which an allegation against a registrant is being considered and to advise on any questions of law and the admission of evidence arising from the proceedings which may be referred to him by the Council or the committee;
- (b) to inform the Council or a statutory committee of any irregularity in the Council’s or the committee’s consideration of any allegation or in the conduct of any proceedings before the Council or committee which may come to his knowledge (whether by his presence at a meeting or otherwise) and of advising the Council about the steps which may be taken (if any) to remedy the irregularity; and
- (c) to be present at such meetings of the Council as the Council may require at which an appeal under Article 37 of the Order is being considered, to advise on any question of law arising which may be referred to him by the Council.

Additional functions of medical assessors

4. A medical assessor shall have the following additional functions—

- (a) to be present at such meetings of the Council or a statutory committee as the Council or committee may request at which an allegation against a registrant is being considered and to advise on the medical significance of any matter relating to the physical or mental condition of the registrant which may be referred to him by the Council or the committee;
- (b) to inform the Council or a statutory committee if it appears to him that, without his advice, a mistake may be made in judging the medical significance of information (or the absence of information) in the Council's or the committee's consideration of any allegation before the Council or committee which may come to his knowledge (whether by his presence at a meeting or otherwise);
- (c) to be present at such meetings of the Council as the Council may require at which an appeal under Article 37 of the Order is being considered, to advise on the medical significance of any matter relating to the physical or mental condition of the registrant which may be referred to him by the Council; and
- (d) at the request of the Council or a statutory committee, to examine a registrant and report on his physical or mental condition for the purposes of any investigation of an allegation.

Additional functions of registrant assessors

5. A registrant assessor shall have the following additional functions—

- (a) to be present at such meetings of the Council or a statutory committee as the Council or committee may request at which an allegation against a registrant is being considered and to advise on any matter of professional practice within his professional competence which may be referred to him by the Council or the committee;
- (b) to inform the Council or a statutory committee if it appears to him that, without his advice, a mistake may be made in judging the significance of information (or the absence of information) relating to any matter of professional practice within his professional competence in the Council's or the committee's consideration of any allegation before the Council or committee which may come to his knowledge (whether by his presence at a meeting or otherwise); and
- (c) to be present at such meetings of the Council as the Council may require at which an appeal under Article 37 of the Order is being considered, to advise on any matter of professional practice within his professional competence which may be referred to him by the Council.

Advice given to Committees and the Council

6. (1) Where an assessor advises the Council or a statutory committee, he shall do so in the presence of the parties to the proceedings or their representatives who are in attendance at the proceedings.

(2) If the Council or committee refers an issue to an assessor for advice after it has begun deliberating on its decision, the advice may be given in the absence of the parties or their representatives; but in that event the assessor shall as soon as practicable after completion of those deliberations inform each of the parties or their representatives who are in attendance of the question put to him and the advice he gave, and shall subsequently record those matters in writing and give a copy to the parties or their representatives.

Where advice not accepted

7. If on any occasion the Council or a statutory committee does not accept the advice of an assessor, a record shall be made of the matter referred to him, of the advice given and of the decision not to accept it (together with the reasons for that decision), and a copy of the record shall be given to the parties to the proceedings or their representatives.

**THE HEALTH PROFESSIONS COUNCIL
(REGISTRATION AND FEES) RULES 2003**

The Health Professions Council, in exercise of its powers under articles 5(2)(b), 7(1), 9(2), 10, 11, 12(1)(c) and 33 of the Health Professions Order 2001 and of all other powers enabling in that behalf, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Health Professions Council (Registration and Fees) Rules 2003 and shall come into force on [date] 2003.

Interpretation

2. In these rules—

“1960 Act” means the Professions Supplementary to Medicine Act 1960;

“Committee” means the Education and Training Committee of the Council;

“doctor” means a registered medical practitioner;

“the Order” means the Health Professions Order 2001;

“registration period” means the period during which a person’s registration is valid as determined in accordance with rule 10; and

“relative”, in relation to any person, means—

- (a) his spouse;
- (b) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece, or first cousin, of his or of his spouse; or
- (c) the spouse of any relative within paragraph (b);

and for the purposes of deducing any such relationship "spouse" includes a former spouse, a partner to whom the person is not married, and a partner of the same sex.

Form of Register

3. (1) There shall be entered in the register against the full name of each registrant—

- (a) his registration number;
- (b) his last known home address; and
- (c) the qualification (if any) which the registrant possesses which has led to his registration.

- (2) The home address of a registrant shall not be included in any published version of the register without his consent.
- (3) The entries for registrants in each part of the register shall appear in the alphabetical order of their surnames.
- (4) The Registrar may enter on the register any other information which is material to a registrant's registration.

Applications for registration

- 4. (1) An application for admission to a part of the register shall be—
 - (a) made in writing on the form specified in Schedule 1;
 - (b) signed by the applicant;
 - (c) accompanied by;
 - (i) the registration fee prescribed under rule 14, and
 - (ii) if the applicant is relying on article 12(1)(c) or seeking to be treated as satisfying the requirements of article 9(2)(a) by virtue of article 13 of the Order, the scrutiny fee prescribed by rule 17; and
 - (d) sent or given to the Registrar.
- (2) The applicant shall provide in connection with the application for registration—
 - (a) a reference as to the good character of the applicant given on the form specified in Schedule 3 by a person who;
 - (i) is not a relative of the applicant,
 - (ii) is a person of standing in the community which includes a registered professional, doctor, solicitor, accountant, bank manager, Justice of the Peace, principal of the institution which granted the applicant an approved qualification or a person authorised by the principal of that institution, Minister of the Church, Rabbi, Imam or other religious official acceptable to the Committee, and
 - (iii) has known the applicant for a period of at least three years;
 - (b) subject to paragraph (3), a reference as to the physical and mental health of the applicant given on the form specified in Schedule 4 by the applicant's doctor provided he:
 - (i) is not a relative of the applicant, and
 - (ii) has been the applicant's doctor for a period of at least three years ending on the date that the reference is given;

- (c) either:
 - (i) the document or other information conferring or evidencing that he holds an approved qualification, or
 - (ii) where his application is made under article 13 of the Order, such evidence as the Committee may reasonably require for the purposes of determining whether by virtue of that article the applicant is to be treated as satisfying the requirements of article 9(2)(a) of the Order; and
- (d) such other documents, information or evidence as the Committee may reasonably require, for the purpose of verifying the information in and determining the application.

(3) Where the Committee is satisfied that the applicant cannot provide a health reference in the terms provided by paragraph (2)(b), the Committee may satisfy itself as to the physical and mental health of the applicant—

- (a) by a reference given by a doctor who, in giving the reference, relies on the medical records of the applicant made by another doctor of whom the applicant was a patient for a period of at least three years ending on the date that the reference is given;
- (b) by an examination by a doctor nominated by the Committee; or
- (c) by such other manner as the Committee considers appropriate in a particular case.

Other conditions of registration

5. (1) For the purpose of satisfying itself as to the good character of the applicant, the Committee shall have regard to—

- (a) the character reference provided under rule 4(2)(a);
- (b) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence which, if committed in England & Wales, would constitute a criminal offence;
- (c) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and
- (d) any other matters which, in the opinion of the Committee, appear to be relevant to the issue;

and for this purpose the Committee may seek information additional to that provided with the application for registration from the applicant and from any other person or source as it considers appropriate.

(2) For the purpose of being satisfied as to the physical and mental health of the applicant, the Committee shall have regard to—

- (a) the health reference provided under rule 4(2)(b) or 4(3); and
- (b) such other matters as appear to it to be relevant;

and for this purpose the Committee may seek information additional to that provided with the application for registration from the applicant and from any other person or source as it considers appropriate and may require the applicant to be examined by a doctor nominated by the Committee.

Additional education and training requirements

6. (1) An applicant for registration who—

- (a) has never previously been admitted to the register (or any register maintained under the 1960 Act); and
- (b) seeks registration on the basis of holding an approved qualification awarded more than five years before the date on which his application is received by the Council;

shall not be eligible for registration unless he has met any additional education, training or experience requirements specified by the Council in standards under 19(3) of the Order and which apply to him.

(2) A person who, having previously been admitted to the register (or any register maintained under the Professions Supplementary to Medicine Act 1960), applies to—

- (a) renew his registration;
- (b) be re-admitted to the register; or
- (c) be restored to the register;

and who has not practised the profession to which his application relates for a period of more than two years ending on the date on which his application is received by the Council shall not be eligible to have his registration renewed or to be re-admitted or restored to the register unless he has met any additional education, training or experience requirements specified by the Council in standards under 19(3) of the Order and which apply to him.

Knowledge of English language

7. The Committee may require an applicant to produce evidence that he has sufficient knowledge of spoken and written English to enable him to practise as a registered professional in the United Kingdom safely and competently.

Certificates

8. (1) The Registrar shall, upon entering the name of a person in the register, issue to that registrant a certificate specifying the part of the register in which he is registered, any designated title he may use and the date of registration.

(2) Any certificate issued in accordance with paragraph (1) shall remain the property of the Council and shall be surrendered to the Registrar upon demand.

Amendments to register

9. (1) A registrant shall notify the Registrar in writing within one month of any change in the registrant's name or home address as given in the register.

(2) The Registrar shall amend the register, so far as may be necessary—

- (a) in consequence of any notification under paragraph (1);
- (b) to give effect to any order made under articles 26(7) or (12), 29(5) 30(1), (2), (4), (6), (7), or (8), 31(2), (7) or (8) or 33 of the Order;
- (c) to give effect to any decision on appeal under article 37 or 38 of the Order; and
- (d) to give effect to any other information which comes to the attention of the Registrar and which in the Registrar's opinion requires such an amendment to be made in order to maintain the register's accuracy.

(3) Before making amendments under paragraphs (2)(a) or (d) the Registrar may make such further enquiries and, in a case falling with paragraph (2)(a), may require such further evidence from the registrant concerned, as appears to the Registrar to be necessary or appropriate.

Registration period

10. (1) The first registration period of a person who on the date of the coming force of an order under article 6 of the Order is transferred to the register from a register maintained under the 1960 Act will end in the second year after the transfer was made on the date shown in column 2 of Schedule 5 opposite the part of the register in which he is to be registered.

(2) Subject to paragraph (1) a person's registration period is the period beginning on the date that he is registered, readmitted to registration or his registration is renewed or restored and ending in the second year after that date on the date shown in column 2 of Schedule 5 opposite the part of the register in which he is to be registered.

Renewal and lapse of registration

11. (1) Not less than 42 days before his registration period ends the Committee shall send to a registrant—

- (a) an application for the renewal of his registration in the form specified in Schedule 2;
- (b) notice of the renewal fee prescribed under rule 15; and
- (c) a notice warning the registrant that unless a completed application form accompanied by the renewal fee is received by the Committee on or before the date specified in the notice, the registrant is liable to be removed from the register.

(2) If an application accompanied by the renewal fee is not received by the Committee in accordance with paragraph (1)(c) the Committee shall send a final notice to the registrant warning that unless his application and fee are received within 14 days (beginning with the day on which the Committee sent the final notice) the registrant's name may be removed from the register, and if no such application and payment is made, the Committee shall direct the Registrar to remove the registrant from the register.

(3) A person's registration shall not be treated as lapsed for the purposes of article 10(3) or 11 of the Order if that person—

- (a) is the subject of an allegation under article 22(1) of the Order (or is treated as if he were the subject of an allegation under article 22(6) of the Order) or is the subject of any investigation or proceedings under Parts V or VI of the Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) is the subject of a suspension order or conditions of practice order under article 29 of the Order or an interim suspension order or interim conditions of practice order.

(4) Any form, notification, warning or notice to be given by the Registrar to a registrant under this rule may be sent by post to the home address of the registrant as it appears in the register and shall be treated as sent at the time of its posting.

Removal from the register

12. (1) Subject to paragraph (3) and without prejudice to any other power of the Registrar to remove a registrant's name from the register, the Registrar may remove the name of a registrant from the register upon written application made by or on behalf of that registrant.

(2) An application for the removal of a name from the register shall be made in writing and shall be accompanied by a declaration that the registrant concerned is not aware of any matter which could give rise to an allegation against him under article 22 of the Order.

(3) The Registrar may not remove the name of a registrant from the register under this rule if the registrant is subject to any allegation, investigation, proceedings or order of a kind mentioned in rule 11(3).

Restoration to the register

13. An application for restoration to the register shall be made in writing on the form specified in Schedule 2 and be accompanied by—

- (a) the restoration fee prescribed under rule 16; and
- (b) such information as a practice committee may require in order to satisfy itself as to the matters in article 33(5) of the Order.

Registration and readmission Fee

14. The fee to be charged for registration following an application for registration (including readmission to registration), is—

- (c) in respect of the first registration period, where the applicant applies less than one year after the date on which he was first awarded an approved qualification, £60; and
- (d) in all other cases, £120.

Renewal fee

15. The fee to be charged for renewal of registration in any registration period is £120.

Restoration Fees

16. The fee to be charged for restoring an entry in the register is £120.

Scrutiny Fee

17. (1) The fee to be charged for scrutinising an application for registration where the applicant is relying on article 12(1)(c), or is seeking to be treated as satisfying the requirements of article 9(2)(a) by virtue of article 13, of the Order is £200.

(2) The scrutiny fee shall be paid at the time an application for registration is made.

Payment of fees

18. (1) Subject to paragraph (3) a registrant shall pay at the beginning of a registration period any registration fee, renewal fee or restoration fee which is then payable.

(2) The Registrar may refuse to make an entry in the register, or to renew or restore such an entry, if any fee has not been paid.

(3) A registrant may with the agreement of the Registrar, elect to pay any registration fee renewal fee or restoration fee in four instalments by direct debit and in that event

references in these rules to an application being accompanied by any such fee shall be construed as if they were references to the first instalment of any such fee being paid by direct debit on or before the date on which it is due to be paid.

(4) Where it has been agreed in accordance with paragraph (3) that any fee is to be paid in instalments by direct debit and a payment has not been made by the date on which it is due the Registrar shall send a notice to the registrant stating that, if payment is not received within 14 days (beginning with the day on which the Registrar sent the notice) the registrant's name may be removed from the register, and if no such payment is made, the Registrar shall remove the registrant from the register.

(5) A person who satisfies the Council that he has retired from the practise of his profession, leaving unused his registration in any complete year of a registration period, shall, on written application to the Council, be given a refund of the proportion of the fee paid by him in respect of each such complete year in the registration period.

SCHEDULE 1

Application Form for Admission to the Register

[TO FOLLOW]

SCHEDULE 2

Application Form for Renewal or Restoration of Registration

[TO FOLLOW]

rule 4(2)(a)

SCHEDULE 3

Character Reference Form

Health Professions Order 2001

Before being registered under the Health Professions Order 2001 an applicant must satisfy the Health Professions Council that he or she is of good character. A reference as to the applicant's character is to be provided on this form by a person of professional standing in the community and includes a health professional registered by the HPC, doctor, solicitor, accountant, bank manager, justice of the peace, minister of the church, rabbi, imam or other religious official acceptable to the Council, who is not a relative[†] of the applicant and who has known the applicant for at least three years.

The Council may make further inquiries of the applicant or referee in order to verify or clarify any part of this reference.

Name of applicant: _____

I have known the above named person for ____ years and I know of no reason why he/she should not practise as a _____* with honesty and integrity.

Any additional information:

Name (please print):

Occupation:

Practice or Business address:

Telephone:

Please state in what capacity the applicant is known to you:

Signed:

Date:

NOTICE: Please ensure that all statements contained in this reference are true to the best of your knowledge, information and belief. Fraudulently procuring the making of a register entry under the Health Professions Order 2001 is a criminal offence.

*insert profession

† the term “relative” is broadly defined by The Health Professions Council (Registration and Fees) rules 2003 as follows:

“relative”, in relation to any person, means—

- (a) his spouse;*
- (b) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece, or first cousin, of his or of his spouse; or*
- (c) the spouse of any relative within paragraph (b);*

and for the purposes of deducing any such relationship "spouse" includes a former spouse, a partner to whom the person is not married, and a partner of the same sex.

rule 4(2)(b)

SCHEDULE 4

Health Reference Form

Health Professions Order 2001

Before being registered under the Health Professions Order 2001 an applicant must satisfy the Health Professions Council that he or she is of good health. A reference as to the applicant's health is to be provided on this form by a registered medical practitioner who is not a relative[†] of the applicant and who has either been the applicant's doctor for the past three years or who has examined the applicant's medical records made by a doctor who has been the applicant's doctor for that period.

A reference may be provided based on the registered medical practitioner's personal knowledge at the time the application is made without carrying out a formal health examination. However, the Council may require the applicant (at his or her own expense) to undergo such an examination in order to provide satisfactory evidence of good mental and physical health.

The Council may make further inquiries of the applicant or referee in order to verify or clarify any part of this reference.

Name of applicant: _____

§ I have been the applicant's doctor for the last ____ years and am satisfied he/she is of good health both physically and mentally. I am not aware of any circumstances which would affect the his/her capacity to practise as a _____*.

§ I have examined the medical records of the applicant made by a registered medical practitioner who was the applicant's doctor for the last three years and am satisfied that there appears to be no medical reason which would affect his/her capacity to practise as a _____*.

Any additional information:

Name (please print):

Practice address:

Telephone:

Signed:

Date:

NOTICE: Please ensure that all statements contained in this reference are true to the best of your knowledge, information and belief. Fraudulently procuring the making of a register entry under the Health Professions Order 2001 is a criminal offence.

§ delete as appropriate

*insert profession

† the term “relative” is broadly defined by The Health Professions Council (Registration and Fees) rules 2003 as follows:

“relative”, in relation to any person, means—

- (a) his spouse;*
- (b) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece, or first cousin, of his or of his spouse; or*
- (c) the spouse of any relative within paragraph (b);*

and for the purposes of deducing any such relationship "spouse" includes a former spouse, a partner to whom the person is not married, and a partner of the same sex.

rule 10

SCHEDULE 5
Registration Period

Part of Register	End of registration period
Arts Therapist	31st May
Biomedical Scientist	30th November
Chiropodist and Podiatrist	31st July
Clinical Scientist	30th September
Dietitian	30th June
Occupational Therapist	31st October
Orthoptist	31st August
Paramedic	31st August
Physiotherapist	30th April
Prosthetist-Orthotist	30th September
Radiographer	28th February
Speech and Language Therapist	30th September

**THE HEALTH PROFESSIONS COUNCIL
(HEALTH COMMITTEE) (PROCEDURE) RULES 2003**

The Health Professions Council, in exercise of its powers under articles 22(4), 30, 32 and 33 of and Paragraph 18 of Schedule 1 to the Health Professions Order 2001^(a) and of all other powers enabling it in that behalf and after consulting in accordance with article 41(3) of that Order, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Health Professions Council (Health Committee) (Procedure) rules 2003 and shall come into force on [date] 2003.

Interpretation

2. In these rules—

“allegation” means any allegation of a kind mentioned in article 22(1)(a) of the Order or any matter which is treated as an allegation by virtue of action taken under article 22(6) of the Order;

“case relating to health” means an allegation that a health professional’s fitness to practise is impaired by reason of his physical or mental health;

“the Committee” means the Health Committee of the Council;

“complainant” means a person by whom an allegation has been made to the Council;

“Conduct and Competence Committee” shall be construed in accordance with article 3(9) of the Order;

“health professional” means a person whose name appears in the Register against whom an allegation has been made and includes a person whose registration is currently suspended;

“legal assessor” means a person appointed under article 34 of the Order;

“medical assessor” means a person appointed under article 35 of the Order;

“the Order” means the Health Professions Order 2001;

“Panel” means a panel appointed by the Committee in accordance with paragraph 19(6) of Schedule 1 to the Order;

“Panel Chairman” means the chairman of a Panel;

“registrant assessor” means a person appointed under article 36 of the Order; and

Deleted: ¶

^(a) S.I. 2002/254

“Solicitor” means any solicitor appointed by the Council and presenting evidence to the Committee of an allegation against a health professional and includes Counsel instructed to represent the Council in connection with such a case.

Service of Documents

3. (1) In these rules a reference to the sending of a notice or other document to any person is a reference to it being sent—

- (a) in the case of the Council, its committees, a Panel or the Registrar, to the offices of the Council;
- (b) in the case of a health professional, to his address identified in the register; and
- (c) in all other cases, to the last known address of that person.

(2) All communications to be sent for the purposes of these rules may be sent by post and any such communication shall be treated as having been sent on the day on which it was posted.

Appointment of panels

4. Where an allegation is referred to the Committee it shall arrange for a Panel to deal with it.

Referral to Conduct and Competence Committee

5. (1) Where it appears to the Committee or a Panel (as the case may be) that an allegation which it is considering would be better dealt with by the Conduct and Competence Committee, the Committee or Panel may refer the allegation to the Conduct and Competence Committee for consideration.

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

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

Allegations

6. (1) Where an allegation is referred to a Panel it shall without delay—

- (a) send to the health professional a notice setting out the allegation;
- (b) invite the health professional, before the end of the period of 28 days beginning with the date on which the notice is sent, to make written representations to the Panel;

- (c) inform the health professional—
 - (i) that he may, before the end of the period of 28 days beginning with the date on which the notice is sent, request that a hearing be held, and
 - (ii) that, even if he does not request a hearing, the Panel may hold a hearing if it considers it to be desirable; and
 - (d) inform the health professional of his right to be heard, and to be represented, at such a hearing.
- (2) Where any written representations are made to the Panel under paragraph 1(b) it may, if it sees fit, notify the complainant of the representations and invite him, before the end of the period of 14 days beginning with the date on which the invitation was sent, to deal with any points raised by the Panel in respect of those representations.
- (3) The Council shall give notice of any allegation which is referred to the Committee to—
- (a) where known, the employer of the health professional or any other person with whom he has an arrangement to provide professional services;
 - (b) where known, any other body by which the health professional is authorised to practise a health or social care profession; and
 - (c) the Secretary of State, the Scottish Ministers, the National Assembly for Wales and the Department of Health, Social Services and Public Safety in Northern Ireland.
- (4) If the health professional has requested that a hearing be held or the Panel determines that it would be desirable to hold such a hearing the Panel shall fix a day on which the Panel is to hear the case and notify the parties of the day, time and venue for the hearing.
- (5) A health professional may be represented in any proceedings by any person who may but need not be legally qualified but may not be represented by a member of the Council or any of its committees or by a person employed by the Council.
- (6) The date fixed for a hearing shall not be on any day earlier than the end of the period of 28 days beginning with the day on which the Panel sent the notice referred to in paragraph (4) to the health professional.
- (7) The Panel or the Panel Chairman may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate if such a meeting would, in its opinion, assist the Panel to perform its functions.
- (8) At any meeting which he conducts under paragraph (7) the Panel Chairman may give directions under article 32(4) of the Order and, with the agreement of the parties, take any action which the Panel would be competent to take at such a meeting.

(9) The Panel may require any person (other than the health professional) to attend and give evidence or produce documents and may permit any person who, in its opinion, has an interest in the proceedings to make written representations.

(10) The Panel may carry out such other investigations as it sees fit and may seek advice or assistance from the Solicitor, a legal assessor, medical assessor or registrant assessor, but, subject to rule 7, the Panel shall not interview the health professional without his consent.

(11) In considering an allegation the Panel may take account of any failure by a health professional to comply with the standards of conduct, performance and ethics established by the Council under article 21(1)(a) of the Order but such failure alone shall not be taken to establish that a health professional's fitness to practise is impaired.

Further investigations in cases relating to health

7. (1) Before holding any hearing in relation to a case relating to health, the Panel, without prejudice to its powers under rule 6(10), may—

- (a) ask the health professional to provide a written description of his practice;
- (b) provide the health professional with any information or opinion which the Panel has received and affording the health professional the opportunity to comment on that information or opinion;
- (c) inspect a sample of the health professional's patient or client records;
- (d) invite the health professional to take a test of competence;
- (e) invite the health professional to undergo a medical examination by a registered medical practitioner nominated by the Panel; and
- (f) interview the complainant, the health professional and not more than five persons nominated by the health professional.

(2) For the purpose of paragraph (1)(c) the Panel may only inspect patient or client records with the consent of the patient or client concerned unless the records are provided in a form from which the patient or client cannot be identified.

(3) For the purpose of paragraph (1)(f) the Panel may only interview a person with his consent and a person who consents to be interviewed may be represented at that interview by any person, who may but need not be legally qualified, other than a member of the Council or any of its committees or a person employed by the Council.

Conduct of hearing

8. (1) At any hearing—

- (a) the proceedings shall be held in public unless the Panel is satisfied that it would be in the interests of the health professional, the complainant, any person giving

evidence or of any patient or client that the public should be excluded from all or part of the hearing;

- (b) subject to sub-paragraph (c) the rules of evidence for civil proceedings shall apply;
- (c) the Panel may hear or receive evidence which would not be admissible if the proceedings were civil proceedings in any court in that part of the United Kingdom in which the hearing takes place if it is satisfied that admission of that evidence is necessary in order to protect members of the public;
- (d) where the health professional has been convicted of a criminal offence, a certified copy of the certificate of conviction (or, in Scotland, an extract conviction) shall be admissible as proof of that conviction and of the findings of fact upon which it was based;
- (e) the Panel may require evidence to be given on oath or affirmation and for that purpose may administer oaths or affirmations in an appropriate form;
- (f) the Panel may adjourn the proceedings from time to time as it thinks fit.

(2) At the beginning of any hearing the Panel Chairman shall explain to the parties the order of proceedings which the Panel proposes to adopt and, unless the Panel determines otherwise, the parties shall be heard in the following order—

- (a) the Panel Chairman shall invite the Solicitor to present the case against the health professional and to adduce the evidence in support of that case;
- (b) any witness called by the Solicitor shall be examined by him, may be cross-examined by the health professional or his representative and may be questioned by the Panel;
- (c) at the conclusion of the case against the health professional the Panel Chairman shall invite the health professional or his representative to address the Panel and to adduce evidence as to the health professional's fitness to practise;
- (d) any witness called by the health professional shall be examined by him or his representative, may be cross-examined by the Solicitor and may be questioned by the Panel;
- (e) the Panel Chairman shall invite the Solicitor to again address the Panel;
- (f) the health professional or his representative may then address the Panel for a second time.

Absence of the health professional

9. Where the health professional is neither present nor represented at a hearing, the Panel may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to serve the notice of the hearing on the health professional.

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Disposal of cases

10. (1) Where the Panel concludes that an allegation is well founded it shall dispose of the case in accordance with article 29 of the Order.

(2) The Panel shall notify the health professional and the complainant of its decision and the reasons for reaching that decision and shall inform the health professional of his right of appeal.

Review of Orders and Applications for restoration to the Register

11. (1) Wherea Panel proposes to—

- (a) review an order in accordance with article 30 of the Order; or
- (b) consider an application for restoration in accordance with article 33 of the Order,

it shall without delay send a notice to the person concerned informing him of his right to appear, and to be represented, before the Panel to argue his case.

(2) Where the person concerned, before the end of the period of 28 days beginning with the date on which the notice under paragraph (1) is sent, sends a notice to the Panel stating that he wishes to appear before it, the Panel shall fix a day on whichit is to hear the case and send to the person concerned notice of the day, time and venue for the hearing.

(3) The Panel shall not fix a date for the hearing which is before the end of the period of 14 days beginning with the day on which the person concerned sends the notice referred to in paragraph (2) to the Panel.

(4) The person concerned may be represented in any proceedings by any person who may but need not be legally qualified but may not be represented by a member of the Council or any of its committees or by a person employed by the Council.

(5) The Panel may require any person (other than the health professional) to attend and give evidence or produce documents and may permit any person who, in its opinion, has an interest in the proceedings to make written representations.

(6) The Panel or the Panel Chairman may hold a preliminary meeting in private with the parties, their representatives and any other person it considers appropriate if such a meeting would, in its opinion, assist the Panel to perform its functions.

(7) At any meeting which he conducts under paragraph (6) the Panel Chairman may give directions under article 32(4) of the Order and, with the agreement of the parties, take any action which the Panel would be competent to take at such a meeting.

(8) A hearing under paragraph (2) shall be conducted in accordance with rule 8 but, where the proceedings relate to an application made by the person concerned, the Panel

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shall adopt an order of proceedings which provides for that person to present his case first and for the Solicitor to speak last.

(9) The Panel shall notify the health professional of its decision and the reasons for reaching that decision and shall inform the health professional of his right of appeal.

Field Code Changed