

Clerk of the Discipline Committee, be furnished to the parties not later than 21 days before the date appointed for the inquiry. Provided that the said period of 49 days may be reduced and/or the said period of 21 days be increased by direction of the Clerk of the Discipline Committee on the application of the registered person.

2. Each party shall at the expense of the other furnish to the other a copy of any document in his list within five days of receiving written request from such other party.

3. (a) So that such directions may be given as to the future course of the proceedings as appear best adapted to secure their just, expeditious and economical disposal, such notice shall further require the parties to attend, in person or by Solicitor, at a date, time and place stated in the notice (being a date not earlier than 14 days before the appointed date of the inquiry) before the Clerk of the Discipline Committee who shall, if he thinks fit, give directions in relation to any of the following matters:

- (i) the giving by the applicant of further information in relation to the matters which are the subject of the application;
- (ii) the disclosure by the applicant of further documents not disclosed in his list of documents;
- (iii) the inspection of documents included in the list of documents of either party and the provision of copies of such documents;
- (iv) the giving of evidence by affidavit or by signed or agreed statement;
- (v) the admission as evidence of the whole or any part of the record of testimony given before any Court or Commission or Tribunal of Enquiry whether such testimony be sworn or unsworn and whether given in the United Kingdom or elsewhere, provided that such record is authenticated to the satisfaction of the Clerk of the Committee;
- (vi) any admissions of fact which the registered person may be willing to make in relation to the matters which are the subject of the application;
- (vii) the provision to the Committee in advance of the hearing of copies of relevant documents;
- (viii) an estimate of the probable length of the hearing;
- (ix) the adjournment of the date of hearing stated in the notice and the fixing of some other date or dates;
- (x) such other matters as it may appear to the Clerk of the Discipline Committee will contribute to the purposes aforesaid;

If either party fails to appear at the date and time appointed, the Clerk of the Discipline Committee may upon proof of service of such notice proceed to give directions in relation to any of the matters referred to notwithstanding the absence of such party.

(b) Attendance before the Clerk of the Discipline Committee under the provisions of Regulation 3 (a) may be dispensed with by direction of the Clerk of the Discipline Committee with the consent of the registered person and the applicant.

4. The Registrar in serving notice on the registered person in respect of whom the inquiry has been ordered shall inquire whether he is a member of any of the bodies referred to in the first Schedule to the Act and shall except where the Discipline Committee already include a member of that body, inform the body of which that person is a member, that they are entitled to nominate one person for membership of the Discipline Committee by notice in writing sent to the Registrar. The person so nominated shall from the date of the notice be deemed a member of the Discipline Committee for the purpose of the particular inquiry and of the report in connection with the member of the body by which the additional member has been nominated and the appointment of such additional member shall be confirmed by the Council.

5. If the registered person desires to be heard by the Discipline Committee at the inquiry, whether in person or by Counsel or Solicitor, pursuant to section 7 (4) of the Act, he or his solicitors shall serve written notice of that desire on the Registrar within 14 days of service upon him of notice of the said inquiry.

6. If the Clerk of the Discipline Committee shall have directed that evidence may be given by affidavit or by signed or agreed statement and such affidavit or signed or agreed statement shall not have been produced when such direction was given, a copy thereof shall be furnished by the party relying upon the same to the other party within such time as may be directed by the Clerk and if no time shall be directed, not later than 7 days before the date appointed for hearing. Except by consent of the parties, no such affidavit or signed or agreed statement shall be admitted in evidence unless a copy shall have been

furnished to the other party as aforesaid. The party receiving such copy after directions by the Clerk of the Discipline Committee shall be entitled to serve upon the other party notice in writing of objection to the admissibility of the affidavit or statement or to any particular passages therein and in the event of such objection, the affidavit or statement or the passages therein to which objection is taken shall not be admissible in evidence, provided that no objection shall be effective unless served within 3 days of receipt of a copy of the document to which objection is raised.

7. If either party fails to appear at the hearing the Discipline Committee may upon proof of service of the notice of the hearing proceed to hear and determine the application in his absence.

8. (a) Subject to their powers under Regulation 20 and to the provisions of Regulation 6 the Discipline Committee shall accept evidence given by affidavit, by signed or agreed statement or by the record of sworn or unsworn testimony given before any Court, Commission or Tribunal of Enquiry (whether in or outside the United Kingdom) furnished in conformity with any direction given by the Clerk of the Discipline Committee pursuant to Regulation 3;

(b) If the registered person is not present at the hearing, the Discipline Committee may either as to the whole or part of the facts act upon the affidavit of the applicant;

(c) The Discipline Committee in their discretion may accept copies of letters and other documents as prima facie evidence without formal proof of signature or receipt thereof.

9. After the conclusion of the hearing the Discipline Committee shall deliver to the Council their report to be prefaced by a statement of their findings in relation to the facts of the case and to conclude with their recommendations (without prejudice to any representations that may be made in accordance with the provisions of section 7 (5) of the Act) in relation to any action which they feel is warranted and which the Council is empowered to take as to (a) removal from the Register, and (b) the period of disqualification from the Register.

10. The Council shall consider the report and shall resolve whether or not they intend to remove the name of the registered person from the Register.

11. (a) Where the Council have served notice of their intention to remove the name of a person from the Register whether because he has been convicted of a criminal offence or in pursuance of a resolution under Regulation 10 hereof and have received application in the prescribed manner under section 7 (5) of the Act within three months of the date of service of such notice they shall fix a date, place and hour for the hearing of such representations. The Registrar shall advise the person of these details by notice in writing served at least 21 days before the date fixed.

(b) Any application in pursuance of section 7 (5) of the Act shall be signed by the registered person or his solicitor and shall state the desire of the applicant to make representations to the Council and the nature of such representations and shall be served on the Registrar.

12. (a) After consideration of representations (if any) made to them under section 7 (5) of the Act the Council shall resolve whether or not to cause the name of the registered person to be removed from the Register, and, if they resolve that it is to be removed, they shall determine whether or not he is to be disqualified from registration for any, and if so, what period.

(b) When the Council have passed a Resolution under Regulation 12 (a) directing the Registrar to remove the name of a registered person from the Register the Council shall, unless they by resolution otherwise determine, cause a notice of their resolution and of the findings, or a report of the findings, of the Discipline Committee to be published.

13. Three members of the Discipline Committee, of whom one may be the additional person (if any) nominated and appointed in accordance with Section 7 (2) of the Act, shall constitute a quorum.

14. (a) The members of the Discipline Committee present at their first meeting after the Annual General Meeting of the Council shall appoint a Chairman and a Vice-Chairman who shall hold office until the date of the succeeding Annual General Meeting of the Council.

(b) If the Chairman or Vice-Chairman shall die or resign his office a successor shall be appointed at the next meeting of the Committee by a majority of the members present and such successor shall hold office for so long