

4. A Chairman and a Vice-Chairman shall be appointed by a majority of the members present at the first meeting of the Committee after an Annual General Meeting of the Council and shall hold office until the date of the next Annual General Meeting.

5. If the Chairman or Vice-Chairman of the Committee 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 shall hold office for so long only as his predecessor would have held office if no vacancy had occurred.

6. At every meeting of the Committee the Chairman, or, in his absence, the Vice-Chairman shall preside. In the absence of both, an acting Chairman shall be appointed by a majority of the members present to preside at that meeting.

PART II

Preliminary Proceedings

7. An application shall be in writing under the hand of the applicant in Form 1 and shall be sent to the Registrar, together with an affidavit in Form 2 by the applicant stating the matters of fact on which he relies in support of his application.

8. If on consideration of the application and the affidavit or for any other reason the Council direct the Committee to hold an inquiry, the Registrar shall fix a date for the hearing and shall serve notice of the inquiry in Forms 3 and 4 upon the parties and shall serve a copy of the application and affidavit upon the registered person. Provided that the date fixed for the hearing may be altered by the Registrar as he thinks fit.

9. The notice of the inquiry, which shall be served at least 49 days before the date fixed for the hearing, shall require the parties to furnish to the Clerk and to each other at least 21 days before that date a list of all the documents on which the party furnishing the list intends to rely.

10. Each party may inspect and (at his own expense) take copies of the documents specified in the list furnished by the other party.

11. If the registered person intends to be heard at the inquiry, whether in person or by Counsel or solicitor, he shall serve written notice of his intention upon the Clerk within 14 days of service upon him of notice of the inquiry.

PART III

Directions of the Clerk

12. The notice of the proposed inquiry shall require the applicant and the registered person to attend before the Clerk on a date not earlier than 14 days before the date fixed for the holding of the inquiry; and on their attendance before him (whether in person or by counsel or solicitor) or (where the Clerk is satisfied that the notice has been served) in default of attendance, the Clerk shall give such directions of an interlocutory nature as appear to him appropriate for the just, expeditious and economical disposal of the application and shall, if so required by the applicant or the registered person, if he thinks fit, direct that any question raised as to the receivability of evidence be referred to the Chairman for his consideration: provided that if the Clerk is satisfied that directions are unnecessary he may, with the consent of the parties, dispense with the requirement to give such directions and the requirement to attend upon him for that purpose.

13. The Clerk shall, if so required by the applicant or the registered person, refer to the Chairman for his decision any direction required or given under Regulation 12 above.

PART IV

The Inquiry

14. Where a party fails to appear at the inquiry the Committee may, if satisfied that the notice of inquiry was served upon that party, hear and determine the application in his absence.

15. The Committee may receive oral, documentary or other evidence which appears to them relevant for the purposes of the inquiry, whether or not such evidence would be admissible in a court of law: provided that the Committee shall only receive evidence which would not be admissible in a court of law, if the Chairman is satisfied that it is desirable in the interests of justice to receive it having regard to the difficulty and expense of obtaining evidence which would be so admissible.

16. If upon the hearing it shall appear to the Committee that the allegations in the affidavit in Form 2 require to be

amended or added to the Committee may permit such amendment or addition and may require the same to be embodied in a further affidavit if in the opinion of the Committee such amendment or addition is not within the scope of the original affidavit: provided that if such amendment or addition is such as to take a registered person by surprise or prejudice the conduct of his case the Committee shall grant an adjournment of the hearing.

17. The Committee shall hear all inquiries in public (subject to any restrictions on reporting imposed by the Council), unless the Council shall otherwise direct.

18. After the conclusion of the hearing the Committee shall deliver to the Council its report, which shall consist of a statement of their findings in relation to the facts of the case and their recommendations in relation to removal of the name from the Register and the period of disqualification from registration.

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

20. An application under Section 7(5) of the Act shall be in writing, signed by the registered person or his solicitor, shall state the nature of any representations which he wishes to make to the Council and shall be served on the Registrar, who shall by at least 21 days' written notice to the registered person, fix the date, time and place, for the application to be heard by the Council.

21.—(1) After considering representations under Section 7(5) of the Act, or if no such representations are made, the Council shall resolve whether or not to cause the name of the registered person to be removed from the Register and, if so, for what period he shall be disqualified for registration under the Act.

(2) Where the Council have resolved to remove the name of a registered person from the Register, the Council shall, unless they resolve otherwise, cause a notice of their resolution and of the findings or a report of the findings of the Committee to be published in such manner as the Council may determine.

PART V

General

22. No application in respect of which the Council has directed an inquiry to be held shall be withdrawn except by leave of the Council. If the Committee is of opinion that leave to withdraw the application should be granted, the Committee may adjourn the hearing and report to the Council, which shall give such directions as they think fit.

23. Shorthand notes of proceedings may be taken by a person appointed by the Committee, and any person who appeared at the proceedings shall be entitled to inspect the transcript thereof. Shorthand writers shall, if required, supply to the Committee, any person entitled to be heard and the Council, but to no other person, a copy of the transcript of those notes on payment of their charges. If no shorthand notes are taken the Chairman shall take a note of the proceedings, and the provisions of this Regulation as to inspection and the taking of copies shall apply to that note accordingly.

24. Where it appears to the Committee to be just, it may vary or dispense with any requirements of these Regulations respecting notices, affidavits, documents, service, or time and may adjourn its own proceedings from time to time as it thinks fit.

25. The Clerk, if he thinks fit may:—

- (1) reduce the period of 21 days prescribed by Regulation 9 above
- (2) increase the period of 14 days prescribed by Regulation 11 above
- (3) vary the date fixed for attendance before him under Regulation 12 above.

26. Subject to the provisions of these Regulations the procedure of the Committee and of the Council in connection with any inquiry shall be such as the Committee or the Council, as the case may be, may determine.

27. All affidavits shall be filed and kept by the Registrar. The Committee may order that any documents or other exhibits produced at a hearing shall be retained by the Clerk until the time within which an appeal may be entered has expired or, if notice of appeal is given, until the appeal is heard or otherwise disposed of.

28.—(1) Any notice or document required by or for the purposes of these Regulations to be served may be served by post, and when sent to any registered person shall be deemed to be properly addressed if addressed to him at his address in the Register and, unless the contrary is proved,