

PROTOCOL ON NEW EVIDENCE

The aim of the Professional Conduct Procedure is to provide both parties with an environment in which they can expect to get a fair hearing - a fundamental right in British law. In order to achieve this, all evidence relevant to the case must be made available by both parties by the due dates, to be included in the folio of papers circulated prior to the Hearing.

Clauses 4.7 and 6.5 (d) refer to new evidence.

PROFESSIONAL CONDUCT HEARING

New evidence will not be accepted at a Professional Conduct Hearing without a statement, written or oral (dependent upon the source of the new evidence), which provides a good and sufficient reason as to why it was not available and submitted previously. The Professional Conduct Panel will decide what constitutes a 'good and sufficient' reason. The Panel may consult with the Clerk in this regard.

If accepted, the submission of late evidence will require the Hearing to be adjourned whilst the Panel and the other party have sufficient time to consider and respond to the new evidence.

The submission of new evidence must not be used as a 'surprise tactic'. The evidence will be refused if the Panel is of the opinion that this is the case.

APPEAL HEARING

New evidence that was not available at the time of the Professional Conduct Hearing must be submitted by the last deadline given in the Appeal process, for inclusion in the folio of papers circulated to the parties. This will ensure that the parties have adequate opportunity to respond to it at an Appeal Hearing.

The Appeal Panel will not accept new evidence produced on the day of the Appeal Hearing.

Latest review: September 2013