

**Hearing Procedure for Oral Hearings
(referrals to the Disciplinary Commissioner)**

Procedure for Oral Hearings

(Referrals to the Disciplinary Commissioner)

1. Disciplinary Commissioner outlines basis of the Reference.
2. Relevant personnel introduced by the Disciplinary Commissioner.
3. Disciplinary Commissioner confirms how the hearing will be conducted with regard to the Rules of Procedure.
4. The Disciplinary Commissioner identifies the detail of the Reference and documentation already produced. The Disciplinary Commissioner then examines any witnesses put forward in support of the case, the Referred Party or its representative being entitled to ask questions of any witnesses present.
5. The Referred Party then invited to call any witnesses on its behalf provided these witnesses have been identified by the Referred Party and their written statements have been included in the Response (see Rules of Procedure), the Disciplinary Commissioner being entitled to ask questions of any of those witnesses.
6. The Disciplinary Commissioner asks for submissions from the Referred Party to summarise its case.
7. The Disciplinary Commissioner retires to consider the position.
8. The Disciplinary Commissioner reconvenes the hearing to give the decision (or to explain that the decision will be given on a different date).
9. The effect of the decision explained including as to any penalties and costs sanctions and that formal confirmation will be sent out and, in a case where decision will be given on a different date, whether or not any parties will be required to attend on that fresh date
10. Hearing closed.

Note:

1. The Referred Party to appear in person where possible, and additionally may have legal or other representation provided this is nominated by the Referred Party in its Response.
2. Definitions as set out in Rules of Procedure.
3. In the event of a decision being given on a different date to the Oral hearing, the Referred Party will not normally be required to attend unless the Disciplinary Commissioner indicates otherwise.

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