

ANNEX 5

CILEx REGULATION HEALTH COMMITTEE (PROCEDURE) RULES

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1. These Rules shall apply where CILEx Regulation or The Chartered Institute of Legal Executives (CILEx) receive information about a Relevant Person or Applicant that raises questions of their fitness to practise on the grounds of health.
2. The Health Committee shall consist of three members of the CILEx Regulation Disciplinary Tribunal constituted under the Investigation, Disciplinary and Appeal Rules (IDAR). Two shall be lay members and one shall be a professional member.
3. CILEx Regulation shall delegate responsibility to an Investigator to consider whether a member's fitness to practise is seriously impaired, unless it decides otherwise.
4. If on the evidence presented CILEx Regulation considers there is immediate risk to the public and/or the Relevant Person or Applicant CILEx Regulation may suspend their membership. In all other matters of health, CILEx Regulation shall follow the procedure as set out in these Rules.
6. CILEx Regulation shall send notice by guaranteed post to the Relevant Person or Applicant informing them that:-
 - (a) Information has been received raising questions as to their fitness to practise. CILEx Regulation shall outline the nature of the condition alleged to affect their impairment;
 - (b) They should consent and agree to disclose to CILEx Regulation medical reports on his fitness to practise;
 - (c) That they should submit any representations or evidence as to their fitness to practise;
 - (d) That failure to reply within 14 days or to provide medical reports without good reason, will enable CILEx Regulation to decide the matter on the information available. CILEx Regulation will notify them of their power to suspend membership.
7. Once the expiry of the time limit referred to in Rule 5 (d) above occurs, CILEx Regulation shall determine whether the member's fitness to practise is seriously impaired.
8. Where there is no medical evidence on account of the Relevant Person or Applicant refusing to or failing to provide it, CILEx Regulation may reasonably conclude that the Relevant Persons fitness to practise is impaired.

9. If CILEx Regulation decides the member's fitness to practise is seriously impaired, CILEx Regulation may suspend the Relevant Persons membership for the protection of the public or in the member's own interest.
10. The decision of CILEx Regulation in Rule 6 shall be notified to the member.
11. CILEx Regulation may review any Relevant Person or Applicants suspension of its own volition every three months or at the request of the Relevant Person or Applicant where new medical evidence is submitted.
12. The Relevant Person may appeal a decision notified under paragraph 7 to the Health Committee by lodging Notice of Appeal within 42 days.
13. The Health Committee shall review the decision as soon as is practicable and shall take into consideration all relevant matters in reaching its decision.
15. The Health Committee may uphold the decision of the Investigator to suspend the Relevant Person or make any such order as it sees fit.
16. The Health Committee shall sit in private. A hearing will only be held in public where the Relevant Person or Applicant consents or where no medical evidence is to be adduced.
17. A suspended member remains bound by membership obligations under Article 18D.

