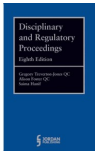


Book Review: 'Disciplinary and Regulatory Proceedings' by Gregory Treverton-Jones QC, Alison Foster QC, Saima Hanif



26/09/15. This eighth edition of Disciplinary and Regulatory Proceedings sets out to provide a complete guide to practitioners in this specialised field. It covers both topics common to all such proceedings and specific sections on particular tribunals. In so doing, it draws together a substantial volume of caselaw and regulations in one accessible volume.

The general sections are comprehensive. They cover technical issues such as the temporal and territorial jurisdiction of disciplinary proceedings. There is a helpful summary of the principles underlying the definition of misconduct itself, which covers two distinct principles: matters affecting fitness to practice (which must be connected to the profession involved) and matters which may bring the profession into disrepute (which, of course, is rather broader). There is helpful coverage of niche questions such as the potential civil liability of the regulator both to the impugned individual and third parties. Practical nuts and bolts are also covered; for instance there is a section on the time within which any fines must be paid, exactly the sort of issue which frequently arises in practice but is often overlooked by textbooks.

In terms of the procedural rules, there is detailed discussion of the principles underlying procedural fairness. As might be expected where an individual's livelihood is on the line, the common law requirements of natural justice and the European Convention on Human Rights should be respected. The underlying principles including the impartiality of the tribunal and the impact of procedural fairness on the rules of evidence are clearly drawn out.

Towards the end of the book there are detailed sections on financial services, healthcare and legal services. There are also sections providing – as the authors say - a high level overview of the regulation of other professions which address architects, accountants, pharmacists, the police and the rugby football union. Though shorter, these sections provide sufficient introduction to guide practitioners through the regulations underlying these processes. In the light of the general principles laid down earlier they will provide a productive starting point for practitioners.

This book provides an accessible and thorough account of the general principles underlying all disciplinary and regulatory proceedings. Of course, practitioners will still need to scrutinise the regulations of specific tribunals, not all of which could possibly be covered in a single volume. But this book is likely to function as a first port of call, to orientate practitioners as to the applicable general principles and direct them to the likely arguments. Used in this way, it is likely to achieve its aim of becoming an essential tool in the armoury of practitioners.

Review by Aidan Ellis, Temple Garden Chambers

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