

HEARING AID COUNCIL  
DISCIPLINARY COMMITTEE

Held at:  
70 St Mary Axe  
London. EC3A 8BD

On:  
Tuesday, 19 August 2008

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PRESENT:

MR CHRISTOPHER HUGHES  
(Chair)

Panel Members:  
MR PETER INCE  
MR MIKE BISHOP

Legal assessor:  
MR DAVID GRANT

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MRS JANET HAWTHORNE, appeared on behalf of HEARING AID COUNCIL.

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**In the matter of**  
**MR CARMICHAEL and SOUND MATTERS**

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1 THE CHAIR: This is an application for restoration to the register by you, Mr Carmichael,  
2 and by the company you jointly own, Sound Matters. It is your application, but if  
3 we could start. What is the registrar's position with respect to this application?

4 MRS HAWTHORNE: There are a number of concerns that the registrar has highlighted  
5 in the paper. Now the decision isn't the registrar's, the decision is for the  
6 committee, and the committee may wish to address its minds whether it wishes to  
7 hear from Mr Carmichael himself. If we are hearing from Mr Carmichael himself  
8 today we would need to put him on oath, and the oath can be administered. We  
9 have a Bible and an affirmation, affirmation and oath.

10 **Affirmation is given to the committee.**

11 MR CARMICHAEL GIVES MITIGATION REGARDING REMOVAL FROM THE  
12 REGISTER OF HEARING AID DISPENSERS.

13 **[Meeting adjourns for 10 minutes]**

14 THE CHAIR: Mr Carmichael, the committee is concerned. We don't actually have your  
15 address. The point is this. Whatever the registered office of your company is, your  
16 residence is not 45 Bonville Road, and therefore you have an obligation to notify  
17 the registrar of your address. It is clear to us that some of the difficulties at least  
18 have flown from this failure to notify the registrar of your address. Now the  
19 registrar has now been notified of this, of your proper address, and you have a  
20 continuing obligation to notify the registrar of your address, and you will need to  
21 notify the registrar of your change of address in two or three weeks time, whenever  
22 it takes place, and subject to your undertaking to discharge your obligation to  
23 notify the registrar of your address, the committee is directing a restoration of your  
24 name to the register, and the company name to be registered.

25 THE CHAIR: So that's the restoration. There's an application for costs.

1 MRS HAWTHORNE: There is an application for costs.

2 MR GRANT: Before we go to that, Mr Chairman, may I just draw to the applicant's  
3 attention the fact that the committee, through the Chairman, have required you to  
4 give an undertaking to this committee that you will notify the registrar of any  
5 future change of address. That involves two things. One, it relates to a future  
6 event. So the moment you move, the obligation is yours. It's not for the registrar  
7 to write to you, it's for you to write to them. And secondly, by casting it in the way  
8 that he has, the Chairman requires you to give an undertaking, all right? That is a  
9 promise by you on oath to do that, and a breach of it itself could lend you liable to  
10 further disciplinary proceedings.

11 MR CARMICHAEL: This is the last time I wish to come before you.

12 THE CHAIR: There's an application for costs.

13 MRS HAWTHORNE: I have an application for costs. The application is for £1,419.30  
14 in respect of Mr Carmichael. The application includes a breakdown of the HAC  
15 fixed costs in order that Mr Carmichael understands what they are. That is the cost  
16 of the hearing to date. A number of matters have been listed for hearing to date,  
17 and the cost which attaches to that, which is a proportionate cost of one sixth cost  
18 is £604.44. Then there is part of the costs which relate to IODEM's administration  
19 charges in providing bundles, and then there is a breakdown on the second page of  
20 IODEM's legal and investigation's costs, and that comes with that to £793.13. The  
21 investigation charges relate to investigations that were performed on behalf of the  
22 registrar, which allowed information to be put into the papers in front of you, and  
23 also the matters coming up from the HAC themselves. In relation to Sound  
24 Matters, the cost application is for £1,242.48. Again a proportion of the costs are  
25 related to the fixed cost of today's hearing. And then there is a breakdown of

1 administration charges for IODEM, and then the investigation charges are set out  
2 in that schedule.

3 THE CHAIR: Thank you very much. So, Mr Carmichael, what do you have to say with  
4 respect to the two costs applications?

5 MR CARMICHAEL GIVES MITIGATION IN RESPECT TO COSTS APPLICATION

6 **[Meeting adjourns]**

7 THE CHAIR: There are before us two applications for costs. One against Sound Matters  
8 in the sum of £1,242.48, and one against Mr Paul Carmichael in the sum of  
9 £1,419.30. We are satisfied that these costs in each case properly incurred. There  
10 are two separate applications, and the work done on each application is  
11 proportionate to the issues raised. Accordingly we are satisfied that the  
12 applications are properly made, and we award costs in favour of the Hearing Aid  
13 Council in the sums requested, and we direct that they be paid within 28 days from  
14 today. Thank you.

15 MR CARMICHAEL: Thank you so much.

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