STATUTORY INSTRUMENTS

2015 No. 1967

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015

Made - - - -	*1st December 2015*
Laid before Parliament	*2nd December 2015*
Coming into force - -	*31st December 2015*

At the Council Chamber, Whitehall, the 1st day of December 2015
By the Lords of Her Majesty's Most Honourable Privy Council

The General Medical Council has made the General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules 2015 which are set out in the Schedule to this Order, in exercise of the powers conferred by paragraph 19F of Schedule 1 to the Medical Act 1983(**1**).

By virtue of paragraph 24 of Schedule 1(**2**) to that Act the Rules shall not have effect until approved by order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules Order of Council 2015 and comes into force on 31st December 2015.

Privy Council approval

2. Their Lordships, having taken the Rules in the Schedule into consideration, are pleased to and do approve them.

(**1**) 1983 c. 54. Paragraph 19F of Schedule 1 was inserted by article 2(4) of S.I. 2015/794.
(**2**) Paragraph 24 was amended by article 4(5) of S.I. 2015/794.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE Article 2

The General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules 2015

These Rules are made by the General Medical Council in exercise of the powers conferred by paragraph 19F of Schedule 1 to the Medical Act 1983(**3**).

Citation, commencement and interpretation

1. These Rules may be cited as the General Medical Council (Constitution of the Medical Practitioners Tribunal Service) Rules 2015 and come into force on 31st December 2015.

2. Interpretation In these Rules—

"the Act" means the Medical Act 1983;

"chair" means the chair of the MPTS;

"final outcome", in relation to any proceedings where there are rights of appeal, means the outcome of the proceedings—

(a) once the period for bringing an appeal has expired without an appeal being brought; or

(b) if an appeal is brought in accordance with those rights, once those rights have been exhausted;

"lay" in relation to any person, means a person who is not and never has been provisionally or fully registered, was at no time registered with limited registration and does not hold qualifications which would entitle them to apply for provisional or full registration under the Act;

"licensing body" means any body, other than the General Council, anywhere in the world that licenses or regulates any profession;

"member", unless the context otherwise requires, means a registrant member or a lay member and includes the chair;

"registrant" means a registered medical practitioner who holds a licence to practise;

"spent conviction" means—

(a) in relation to a conviction by a court in Great Britain, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974(**4**); or

(b) in relation to a conviction by a court in Northern Ireland, a conviction that is a spent conviction for the purposes of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**5**).

Composition of the MPTS

3.—(1) The MPTS are to consist of 2 registrant members and 3 lay members.

(2) Only persons who are not members of the General Council are to be members of the MPTS.

(3) The General Council must set and publish criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment as chair or another member of the MPTS.

(**3**) 1983 c. 54. Paragraph 19F of Schedule 1 was inserted by article 2(4) of S.I. 2015/794.
(**4**) 1974 c.53.
(**5**) S.I. 1978/1908 (N.I. 27).

Terms of office of members

4.—(1) The term of office for which a member of the MPTS is appointed is to be determined by the General Council on appointment.

(2) No member of the MPTS may hold office as a member (including as chair) of the MPTS for more than an aggregate of 8 years during any continuous period of 20 years.

(3) For the purposes of the computation of years under paragraph (2), service after 1st February 2012 as a member of the relevant committee constituted under paragraph 25 of Schedule 1 to the Act is to be taken into account: this applies to a member appointed to the MPTS under paragraph 19F(6) of Schedule 1 to the Act.

Education and training of members

5.—(1) The General Council must make provision in standing orders with respect to the requirements with regard to education and training of members of the MPTS, and those standing orders may provide for—

(a) education and training to be the responsibility of another body; and

(b) those requirements to be set and varied by that body from time to time.

Disqualification from appointment as a member

6.—(1) A person (P) is disqualified from appointment as a member of the MPTS if any of the following paragraphs apply.

(2) If P has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction.

(3) If P has at any time been convicted of an offence in the United Kingdom, and—

(a) the final outcome of the proceedings was a sentence of imprisonment or detention; and

(b) the conviction is not a spent conviction.

(4) If P has at any time been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—

(a) for which P was responsible or privy; or

(b) to which P contributed or facilitated;

(5) If P has at any time been removed from being concerned with the management or control of any body under section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005(**6**) (powers of Court of Session);

(6) If P has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that P should continue to hold that office;

(7) If P has at any time been adjudged bankrupt or sequestration of P's estate has been awarded, and—

(a) P has not been discharged; or

(b) P is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(**7**) (bankruptcy restrictions order and undertaking).

(**6**) 2005 asp 10.
(**7**) 1986 c. 45.

(8) If P has at any time made a composition or arrangement with, or granted a trust deed for, P's creditors and P has not been discharged in respect of it.

(9) If P is subject to any of the following—

(a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(**8**);

(b) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(**9**);

(c) an order made under section 429(2) of the Insolvency Act 1986(**10**) (disabilities on revocation of a county court administration order).

(10) If P has been included by—

(a) the Disclosure and Barring Service in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(**11**) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**12**)); or

(b) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(**13**)).

(11) If P has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was any of the following—

(a) P's suspension from a register held by the licensing body, and that suspension has not been terminated;

(b) P's erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body;

(c) a decision that had the effect of only allowing P to practise that profession subject to conditions, and those conditions have not been lifted.

(12) If P has at any time been subject to any investigation or proceedings concerning P's fitness to practise by the General Council, in the course of which or where the final outcome has been that—

(a) P's registration in the register has been suspended (including by an interim suspension order or an order under section 38 of the Act (power to order immediate suspension etc. after a finding of impairment of fitness to practise)) and that suspension has not been terminated;

(b) P has been erased from the register (for a reason connected to P's fitness to practise); or

(c) P's registration in the register has been made conditional upon their compliance with any requirement (including by an order for interim conditional registration or an order under section 38 of the Act) and that requirement has not been lifted.

(13) If P has at any time been subject to any investigation or proceedings relating to an allegation that P's entry in the register was fraudulently procured, the final outcome of which was P's erasure from the register.

(14) If P has agreed in the course of proceedings concerning P's fitness to practise to comply with undertakings, in accordance with rules under paragraph 1(2A) to (2D) of Schedule 4 to the Act (procedure and evidence before the Investigation Committee, Interim Orders Tribunals and Medical Practitioners Tribunals), and the undertakings continue to apply.

(**8**) 1986 c.46.
(**9**) S.I. 2002/3150 (N.I. 4).
(**10**) 1986 c.45.
(**11**) 2006 c.47.
(**12**) S.I. 2007/1351 (N.I. 11).
(**13**) 2007 asp 14.