STATUTORY INSTRUMENTS

2015 No. 1964

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General Medical Council (Amendments to Miscellaneous Rules and Regulations) 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 (Amendments to Miscellaneous Rules and Regulations) Rules 2015 which are set out in the Schedule to this Order, in exercise of the powers conferred by section 35CC(1) and (4) to (7) of, and paragraphs 19B to 19D and 19G of Schedule 1 to, and paragraphs 1(1), (2ZA), (2ZB), (2A), (2B) to (2E), (3), (4) and (4B) to (4D), 5A(1), (2ZC) and (2ZE), 5C(1) and (2), and 7A(6) and (9) of Schedule 4 to, the Medical Act 1983(**1**).

In accordance with paragraph 1(6) of Schedule 4 to the Medical Act 1983, the General Medical Council has consulted with such bodies of persons representing medical practitioners, and such medical practitioners, as appeared to the General Medical Council requisite to be consulted.

By virtue of paragraph 24 of Schedule 1 and paragraphs 1(7) and 7A(10) of Schedule 4 to that Act the Rules are not to have effect until approved by order of the Privy Council(**2**).

(**1**) 1983 c.54. Section 35CC was substituted by article 13 of S.I. 2002/3135 and amended by paragraph 18 of Schedule 1 of S.I. 2008/3131 and article 22(1) of S.I. 2015/794. Paragraphs 19B to 19D and 23B of Schedule 1 were substituted by article 5(3) of S.I.2002/3135. Paragraph 19B was also amended by article 3(2) of S.I. 2006/1914. Paragraph 19G of Schedule 1 was added by article 3(3) of S.I. 2015/794. Schedule 4 was substituted by S.I. 2002/3135. Paragraph 1(1) of Schedule 4 was amended by article 8(1) of S.I. 2015/794. S.I. 2015/794 added the following paragraphs to Schedule 4: paragraph 1(2ZA) was added by article 8(2); paragraphs 1(2ZB), (2B) to (2E) by article 9(1); paragraphs 1(3), (4) and (4B) to (4D) by article 8; paragraphs 5C(1) and (2) by article 11; paragraphs 5A(1), (2ZC) to (2ZE) by article 10; and 7A(6) and (9) by article 14 In making the Rules in the Schedule, the General Medical Council has given effect to the overriding objective in paragraph 1(1A) of Schedule 4 to the Medical Act 1983.

(**2**) Paragraph 24 was substituted by article 5(3) of S.I. 2002/3135 and also amended by article 4(5) of S.I. 2015/794.

Citation and commencement

1. This Order may be cited as the General Medical Council (Amendments to Miscellaneous Rules and Regulations) Order of Council 2015 and comes into force on 31st December 2015.

Privy Council approval

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

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE Article 2

The General Medical Council (Amendments to Miscellaneous Rules and Regulations) Rules 2015

These Rules are made by the General Medical Council in exercise of the powers conferred by sections 35CC(1) and (4) to (7) of, and paragraphs 19B to 19D and 19G of Schedule 1 to, and paragraphs 1(1), (2ZA), (2ZB), (2A), (2B) to (2E), (3), (4) and (4B) to (4D), 5A(1), (2ZC) and (2ZE), 5C(1) and (2), and 7A(6) and (9) of Schedule 4 to, the Medical Act 1983(**3**).

In accordance with paragraph 1(6) of Schedule 4 to the Medical Act 1983, the General Medical Council has consulted with such bodies of persons representing medical practitioners, and such medical practitioners, as appeared to the General Medical Council requisite to be consulted.

Citation and commencement

1. These Rules may be cited as the General Medical Council (Amendments to Miscellaneous Rules and Regulations) Rules 2015 and come into force on 31st December 2015.

PART 1

Amendments to the General Medical Council (Fitness to Practise) Rules 2004

Amendments to the General Medical Council (Fitness to Practise) Rules 2004

2. The General Medical Council (Fitness to Practise) Rules 2004(**4**) are amended in accordance with rules 3 to 51.

Amendment of rule 2

3. In rule 2 (interpretation)—

(a) in the definition of "Case Examiner", for "28(3)(c)" substitute "28(2)(b)";

(b) for the definition of "Case Manager", substitute—

> ""Case Manager" means a person appointed by the MPTS under paragraph 7A(1) of Schedule 4 to the Act;";

(c) omit the definitions of—

(i) "FTP Panel";

(ii) "Interim Orders Panel";

(iii) "Legal Assessor";

(iv) "Panel";

(v) "the Presenting Officer";

(vi) "specialist health adviser";

(**3**) 1983 c.54. Section 35CC was substituted by article 13 of S.I. 2002/3135 and amended by, paragraph 18 of Schedule 1 of S.I. 2008/3131 and article 22(1) of S.I. 2015/794. Paragraphs 19B to 19D, 23B and 24 of Schedule 1 were substituted by article 5(3) of S.I.2002/3135. Paragraph 19B was also amended by article 3(2) of S.I. 2006/1914.. Paragraph 19G of Schedule 1 was added by article 3(3) of S.I. 2015/794. Schedule 4 was substituted by S.I. 2002/3135. Paragraph 1(1) of Schedule 4 was amended by article 8(1) of S.I. 2015/794. S.I. 2015/794 added the following paragraphs to Schedule 4: paragraph 1(2ZA) was added by article 8(2); paragraphs 1(2ZB), (2B) to (2E) by article 9(1); paragraphs 1(3), (4) and (4B) to (4D) by article 8; paragraphs 5C(1) and (2) by article 11; paragraphs 5A(1), (2ZC) to (2ZE) by article 10; and 7A(6) and (9) by article 14 In making the Rules in the Schedule, the General Medical Council has given effect to the overriding objective in paragraph 1(1A) of Schedule 4 to the Medical Act 1983.

(**4**) S.I. 2004/2608.

(vii) "specialist performance adviser";

(d) in the definition of "panellist", omit "or a Panel";

(e) at the appropriate place in the alphabetical order, insert—

""costs" includes fees, charges, disbursements or expenses;

"Interim Orders Tribunal" means an Interim Orders Tribunal constituted under rules made under paragraph 19G of Schedule 1 to the Act;

"Medical Practitioners Tribunal" means a Medical Practitioners Tribunal constituted under rules made under paragraph 19G of Schedule 1 to the Act;

"MPTS" means the Medical Practitioners Tribunal Service constituted under rules made under paragraph 19F of Schedule 1 to the Act;

"non-compliance matter" means a matter (including one in respect of which a direction has been made pursuant to paragraph 5A(3D) or 5C(4) of Schedule 4 to the Act or a matter being considered under section 35D that relates to such a direction) that has been referred to the MPTS for them to arrange for consideration by a Medical Practitioners Tribunal pursuant to any of section 35A(6C) of, paragraph 5A(3)(a) or (3A)(b), 5C(3)(a) or (3A)(b) of Schedule 4 to, the Act;

"representative for the GMC" means a barrister, solicitor or other legal representative instructed by the Registrar to present the case on behalf of the General Council at any hearing before a Tribunal or Committee;

"Tribunal" means a Medical Practitioners Tribunal or an Interim Orders Tribunal;".

Amendment of rule 3

4. For rule 3 (appointment of panels of advisers, assessors and examiners), substitute—

"**Appointment of assessors and examiners**

3.—(1) The Registrar may appoint—

(a) a panel of medical and lay performance assessors for the purposes of carrying out performance assessments in accordance with Schedule 1; and

(b) a panel of medical examiners for the purposes of carrying out health assessments in accordance with Schedule 2.

(2) Members of the General Council are not eligible for appointment to a panel appointed under paragraph (1).".

Amendment of rule 4

5. In paragraph (5) of rule 4 (initial consideration and referral of allegations), after "public interest" omit ", in the exceptional circumstances of the case,".

Amendment of rule 5

6. In paragraphs (1) and (2) of rule 5 (functions of the Registrar in relation to cautions, convictions and determinations)(**5**), for "a FTP Panel" substitute "the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal".

(**5**) Paragraph (2) was last amended by Rules Scheduled to S.I. 2009/1182.

Amendment of rule 6

7. For rule 6 (referral to Interim Orders Panel), substitute—

"**Referral to Interim Orders Tribunal**

6. If, at any stage, the Registrar is of the opinion that an Interim Orders Tribunal should consider making an interim order in relation to a practitioner, he shall refer the allegation to the MPTS for them to arrange for it to be considered by such a Tribunal accordingly.".

Amendment of rule 7

8. Omit paragraph (6) of rule 7 (investigation of allegations).

Amendment of rule 8

9.—(1) Rule 8 (consideration by Case Examiners)(**6**) is amended as follows.

(2) In paragraph (1), for "28(3)(c)" substitute "28(2)(b)".

(3) In sub-paragraph (d) of paragraph (2), for "for determination by a FTP Panel" substitute "to the MPTS for them to arrange for determination by a Medical Practitioners Tribunal".

(4) In paragraph (6), for "Interim Orders Panel" substitute "Interim Orders Tribunal".

Amendment of rule 9

10. For paragraph (d) of rule 9 (consideration by the Committee), substitute—

"(d) refer the allegation to the MPTS for them to arrange for determination by a Medical Practitioners Tribunal; or".

Amendment of rule 10

11.—(1) Rule 10 (undertakings) is amended as follows.

(2) In paragraph (1), for "a FTP Panel", substitute "the MPTS for them to arrange for it to be determined by a Medical Practitioners Tribunal".

(3) In paragraph (5), for "a FTP Panel", substitute "the MPTS for them to arrange for it to be determined by a Medical Practitioners Tribunal".

(4) In sub-paragraph (a) of paragraph (7), for "invite the practitioner" substitute "write to the practitioner inviting him".

(5) In paragraph (8)—

(a) in sub-paragraph (a), for "letter" substitute "written invitation";

(b) for sub-paragraph (c), substitute—

"(c) the practitioner's health, performance or knowledge of English has deteriorated, or otherwise gives rise to further concern regarding his fitness to practise,";

(c) for the full out words "the Registrar may refer the allegation for determination by a FTP Panel" substitute "the Registrar may refer the allegation to the MPTS for them to arrange for determination by a Medical Practitioners Tribunal".

(**6**) Paragraphs (1) and (2) were amended by Rules Scheduled to S.I. 2009/1913 and S.I. 2007/3168, respectively.