S T A T U T O R Y I N S T R U M E N T S

2010 No. 000

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules Order of Council 2010

Made - - - -

Laid before Parliament …

Coming into force - -

At the Council Chamber, Whitehall, the [ ] day of [ ] 2010

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas, in exercise of their powers under paragraphs 19A to 19E, 23 and 23B of Schedule 1 to the Medical Act 1983(**1**) the General Medical Council has made the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules 2010 as set out in the Schedule to this Order:

And whereas by paragraph 24 of that Schedule(**2**), such rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken these rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules Order of Council 2010, and shall come into force on **1 April 2010**.

Judith Simpson
Clerk of the Privy Council

(**1**) 1983 c.54
(**2**) Paragraph 24 was inserted into the Act by SI 2000 No 3135

SCHEDULE

THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF PANELS AND INVESTIGATION COMMITTEE) (AMENDMENT) RULES 2010

The General Medical Council, in exercise of its powers under paragraphs 19A, 19B, 19C, 19D, 19E, 23 and 23B of Schedule 1 to the Medical Act 1983(**3**) hereby makes the following rules:-

Citation, commencement and purpose

1.—

(1) These Rules may be cited as the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules 2010, and shall come into force on **1 April 2010**.

(2) The General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004(**4**) are amended as follows.

Amendments in relation to legally qualified Chairmen in Registration Appeals Panel proceedings

2.—

(1) In rule 2, before the definition of "medical" insert the following:

"legally qualified" in relation to any person means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990, or who is an advocate or solicitor in Scotland, or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland;".

(2) In rule 3, after paragraph (3) insert the following:

"(4) A medical or lay person whose name is included on the list at paragraph (1)(a)(i) may also be legally qualified."

(3) In rule 5:-

(a) after paragraph (1), insert the following:

"(1A) The list at paragraph (1)(a)(i) may include, in respect of panellists eligible to act as Chair of a Registration Appeals Panel, legally qualified persons."

(b) in paragraph (2), after "respectively" insert the following: "and when selecting a person to act as Chair in proceedings before a Registration Appeals Panel, may select a legally qualified person".

Amendments in relation to non-availability and ineligibility to act

3.—

(1) In rule 5(3), after "unavailable for the whole or part of any proceedings" insert "or becomes ineligible to act as Chair during the course of any proceedings".

(2) For rule 7, substitute the following:-

(**3**) 1983 c.54. Paragraphs 19A, 19B, 19C, 19D, 19E, 23 and 23B of Schedule 1 to the Medical Act 1983 were inserted by SI 2002/3135.

(**4**) Scheduled to SI 2004/2611, as amended by SI 2005/402

"**7.** –

(1) The validity of any proceedings of a Panel or the Committee shall not be affected by any defect in the appointment of a panellist.

(2) Where a panellist is unavailable for the whole or part of any proceedings or becomes ineligible to act during the course of any proceedings and the proceedings are adjourned as a result then the appeal may proceed notwithstanding that any panellists present at the original hearing are not present at the subsequent hearing or that any panellists present at the subsequent hearing were not present at the original hearing, unless the Registrar considers that it is not in the interests of justice to convene a freshly constituted panel."

Given under the official seal of the General Medical Council this day of 2010

L.S.

Peter Rubin
Chair

Niall Dickson
Chief Executive and Registrar

EXPLANATORY NOTE

(This note is not part of the Order)