To consider

Update on fitness to practise legislative change

Issue

1. To provide an update on the Section 60 Order, including establishing the Medical Practitioners Tribunal Service as a statutory committee, and agreeing the approach and Rules necessary to achieve this.

Recommendations

2. The Strategy and Policy Board is asked to:

   a. Note the update on the Department of Health consultation on the Section 60 Order.
   
   b. Approve proposals for the Medical Practitioners Tribunal Service governance structure, and the draft Rules.
Update on fitness to practise legislative change

Issue

3 In September 2014, the Strategy and Policy Board approved on circulation a draft response to the Department of Health consultation on the Section 60 Order which would provide the legislative change necessary to take forward our adjudication reform programme. The consultation closed on 25 September 2014 and the Department of Health will analyse the responses received over the coming weeks. We are involved in providing feedback to the Department of Health to queries raised by respondents and will provide an oral update on this to the Board at its meeting on 3 December 2014.

4 We are now developing the Rules required to implement aspects of the Section 60 Order and introduce other elements of our reform programme. The proposed timeframe for implementation of the Rules is December 2015.

5 Three provisions in the Section 60 Order will be implemented sooner than this. This is because, running parallel to the Section 60 Order, is a private member’s Bill that introduces revised statutory objectives for the other regulators. The equivalent provisions in the Section 60 Order, i.e. the revision of our statutory objectives; the duty on the part of Fitness to Practise (FtP) Panels and the Investigation Committee to have regard to the revised objectives; and the Professional Standards Authority (PSA) right of referral (on the grounds that the decision is not sufficient to meet the revised statutory objectives), will, therefore, be implemented before the December 2015 deadline. Current estimates are that this will be in the spring but no earlier than May 2015.

6 One of the principal features of the adjudication Section 60 Order is to set the Medical Practitioners Tribunal Service (MPTS) on a statutory footing. We had intended to vest the powers of the MPTS in the MPTS Chair to be known as the Presider. However, given the tight timeframe to complete the Section 60 Order (i.e. before Parliament pro-rogues for the general election), there was insufficient time to make the necessary amendments to the Order and the Department of Health has reverted to the original proposal of vesting the powers of the MPTS in a statutory committee of Council. The Department of Health has included in the Order a general power for Council to direct the statutory MPTS Committee to delegate to the Chair of the MPTS (or any other officer of the Council) any or all functions of the MPTS. This model will, in practice, deliver the benefits of the Presider model.

MPTS governance

7 The Section 60 Order provides that the statutory committee will be constituted in Rules made by the GMC. Some provisions are mandatory, for example, the composition of the committee must be provided for in Rules. Some are discretionary
and we can consider whether or not to include provisions, such as those for the education and training of committee members, in the Rules.

8 We will also need to make provision for eligibility criteria for members and acceptable levels of attendance at committee meetings. As Council are precluded from making standing orders in relation to statutory committees, (apart from in relation to financial affairs and education and training (Schedule 1, paragraph 15(3) of the Medical Act 1983)), we will need to explore the appropriate mechanism for this.

Future development

9 There is the possibility, in future, to deliver services in partnership with other regulators and/or to other regulators. As a result, in drafting the Rules, we have sought to maintain flexibility. The draft Rules are at Annex A.

MPTS Committee

Composition

10 The Section 60 Order requires us to specify in Rules:

a The number of registrant and lay members of the MPTS Committee.

b That registrant members of the MPTS Committee do not form a majority of the members.

c That only persons who are not members of Council are to be members of the MPTS Committee.

11 In relation to paragraph 10a above, we propose a total of five members, two registrant and three lay members, one of whom will be Chair of the Committee.

12 Rules relating to eligibility criteria for members are discretionary. To maintain greatest flexibility, we have not included these in the Rules. These will be included in the appropriate document dealing with working arrangements.

Appointment of the Chair and members, terms of office and maximum period of office

13 We must make provision for appointing members, their term of office and who makes the appointments. We may make Rules specifying a maximum period of office during a specified period.

14 We propose that Council is the responsible body for appointing the Chair and Committee members, and the specified term of office for both is four years. We propose using the current arrangements provided in the Governance Handbook for appointing the Chair of the MPTS, i.e. the Chair of Council with a panel, the
composition of which is decided by the Remuneration Committee. The appointment of the MPTS Advisory Committee members is currently the responsibility of the Chair of the MPTS, with remuneration, benefits and terms of service decided by the Remuneration Committee. As the MPTS Committee will now be a statutory committee of Council, we propose that these appointments become the responsibility of the Chair of Council with a panel, the composition of which is decided by the Remuneration Committee, to be chaired by the Chair of Council and to include the Chair of the MPTS.

15 We propose including a maximum period of two terms of office in a period of 20 years. This reflects current provisions in the Constitution Order which apply to Council members.

Disqualification from appointment as a member

16 We must provide Rules on disqualification. We propose replicating the list of disqualification criteria set out in the GMC Constitution Order 2008 as amended (which provides for the constitution of the GMC Council).

Cessation of office

Cessation, suspension or removal

17 Rules must make provision for cessation, suspension and removal. We propose replicating the provisions in the GMC Constitution Order 2008 as amended with Council being responsible for the decision.

18 We suggest that suspension may be preceded by provisional suspension. The statutory powers will be vested in the MPTS statutory committee but, under the power of delegation, provisional suspension of a Committee member will be delegated to the Chair of MPTS, and provisional suspension of the MPTS Chair will be delegated to the Chair of the Remuneration Committee.

Cessation of office of Chair

19 We propose to include a provision relating to the cessation of the office of Chair on the basis of: ceasing to be a member of the MPTS Committee; resignation; suspension of the appointee's membership of the MPTS Committee by Council; or a vote to terminate the appointment as Chair of the MPTS Committee by a simple majority of Council.
Delegation and deputising

Delegation

20 We may provide in Rules for the delegation of the functions of the MPTS to the Chair of the MPTS, or to such other officers of the GMC as Council may specify. We propose to provide for delegation to the Chair of the MPTS. Most circumstances where delegation to an individual other than the Chair may be needed are adequately dealt with under the arrangements for deputising. However, there may be exceptional circumstances where, for example, we may need another officer to step in for the MPTS to continue to function effectively and therefore we propose that the power of delegation provides for delegation to another officer of the GMC. The Chair of Council would exercise these functions in specified circumstances.

21 We propose to consider further the functions to be delegated and will seek approval for these functions to be made post-consultation.

Deputising arrangements in absence of MPTS Chair

22 There are two types of scenario when deputising arrangements may be needed:

a Where the Council has advance notice that the Chair will be absent for more than one meeting; will be unavailable for an extended period (for more than one month); or there is a vacancy in the office of the Chair.

b Where the Chair is absent from a particular meeting on a particular day.

23 In the case of the Chair’s absence under 22a above, we propose that the Chair would be required to notify the Chair of Council of their absence and the Chair of Council would decide on an appropriate person to deputise.

24 In the case of the Chair’s absence under 22b above, we propose Council is responsible for approving a deputy taken from the MPTS Committee for the purposes of the meeting only. Working arrangements will provide for delegation of authority for the approval of a deputy to the Chair of Council, or the Chair of the Remuneration Committee or the Chair of the Audit and Risk Committee if the Chair of Council is not available and if an urgent decision is required to enable a meeting to proceed.

Quorum

25 We must specify the quorum at meeting of the MPTS Committee in rules. We propose a meeting with three members of the Committee present will be quorate.
Other discretionary rules

Transitional arrangements for Chair/Committee members

26 The draft Rules provide for the Chair of the MPTS immediately before the Rules come into force to be appointed by Council to serve as the Chair of the MPTS Committee following implementation of the Rules, for such period as the Remuneration Committee may determine.

27 The draft Rules also provide that members of the existing MPTS Committee may be appointed to the new statutory committee.

Education and training of MPTS Committee members

28 We propose making provision for education and training of members in Standing Orders.

Attendance at meetings

29 Committee members will be expected to make sufficient contribution to the work of the Committee, including attending a certain number of meetings and meeting a specified percentage of other commitments to the Committee. This will be set out in the working arrangements for the Committee.

Effect of vacancy

30 We propose making provision in rules that validity of MPTS proceedings will not be affected by any vacancy or defect in the appointment or removal or provisional suspension or suspension of a member of the MPTS Committee.
Supporting information

How this issue relates to the corporate strategy and business plan
32 The legislative reform programme for fitness to practise supports strategic aim three: to improve the level of engagement and efficiency in the handling of complaints and concerns about patient safety.

How the issues support the principles of better regulation
33 Establishing the MPTS Committee in statute is one of the steps necessary to complete the operational separation of the GMC’s adjudication and investigation functions (existing in shadow form since 2011). This will support regulation that is accountable, transparent and targeted.

What engagement approach has been used to inform the work (and what further communication and engagement is needed)
34 In 2011, we conducted a public consultation on the principle of operational separation between our investigation and adjudication functions. The Department of Health has conducted and is currently analysing a public consultation on the changes necessary to primary legislation to achieve this. We will conduct a further consultation on the changes necessary to our rules to put the MPTS on a statutory footing.

What equality and diversity considerations relate to this issue
35 Establishing the MPTS in statute will increase confidence in our adjudication process which will benefit doctors who are over-represented in our fitness to practise procedures.

36 We will apply open and transparent appointment procedures when appointing new members of the MPTS Committee.

If you have any questions about this paper please contact: Anna Rowland, Assistant Director – Policy and Planning, arowland@gmc-uk.org, 020 7189 5077.
Draft Constitution of MPTS Rules

1. These draft rules set out a variety of provisions dealing with the constitution of the Medical Practitioners Tribunal Service as a statutory committee.

2. References in blue are to the relevant section in the Medical Act (to be inserted under the Section 60 Order).
THE GENERAL MEDICAL COUNCIL [CONSTITUTION OF THE MEDICAL PRACTITIONERS TRIBUNAL SERVICE] RULES

1. Citation, commencement and interpretation

These Rules may be cited as the General Medical Council Constitution of the Medical Practitioners Tribunal Service) Rules [2015] and come into force on xxx [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;
“MPTS” means the Medical Practitioners Tribunal Service;
“member”, unless the context otherwise requires, means a registrant member or a lay member and includes the chair; and
“registrant” means a registered medical practitioner who holds a licence to practise;
“protected conviction” means, a conviction that is protected for the purposes of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975;
“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; 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.

3. Composition of the MPTS

(1) The MPTS are to consist of [2] registrant members and [3] lay members. [19F(3)(a)]

(2) Only persons who are not members of the General Council are to be members of the MPTS. [19F(2)]

(3) Registrant members of the MPTS must not form a majority of the members. [19F(4)]

4.— Terms of office of members

(1) The duration of the term of office of each member of the MPTS is to be determined by the General Council, on appointment. [19F(3)(b)]
(2) No member of the MPTS may hold office as a member of the MPTS for more than an aggregate of [8] years during any period of [20] years. [19F(8)(b)]

5. Disqualification from appointment as a member [19F(3)(d)]

A person is disqualified from appointment as a member of the MPTS if that person—
(a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent or protected conviction;
(b) has at any time been convicted of an offence in the United Kingdom, and—
   (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and
   (ii) the conviction is not a spent or protected conviction;
(c) has at any time been removed—
   (i) 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—
      (aa) for which the person was responsible or to which the person was privy, or
      (bb) which the person by their conduct contributed to or facilitated, or
   (ii) under—
      (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (powers of Court of Session to deal with management of charities), or
      (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005 (powers of the Court of Session),
   from being concerned with the management or control of any body;
(d) 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 the person should continue to hold that office;
(e) at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—
   (i) the person has not been discharged, or
   (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986² (bankruptcy restrictions order and undertaking);
(f) has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;
(g) is subject to—
   (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986,
   (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1986,
   (iii) a disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002, or
   (iv) an order made under section 429(2) of the Insolvency Act 1986 (disabilities on revocation of a county court administration order);
(h) has been included by—
(i) the Disclosure and Barring Service in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007), or
(ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007);

(i) 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—

(i) the person's suspension from a register held by the licensing body, and that suspension has not been terminated,
(ii) the person'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, or
(iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;

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

(i) the person'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,
(ii) the person has been erased from the register (for a reason connected to the person's fitness to practise), or
(iii) the person'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;

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

(l) has agreed in the course of proceedings concerning the person'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 Panels and Fitness to Practise Panels), and the undertakings continue to apply;

(m) is or has been subject to any investigation or proceedings concerning the person's fitness to practise by—

(i) any licensing body, or
(ii) the General Council,

and the General Council is satisfied that the person's membership of the MPTS would be liable to undermine public confidence in the regulation of the medical profession;

(n) has at any time been convicted of an offence elsewhere than in the United Kingdom and the General Council is satisfied that the person's membership of the MPTS would be liable to undermine public confidence in the regulation of the medical profession.

6.— Removal of members from office [19F(3)(g)]

(1) A member must be removed from office by the General Council, if—

(a) the member resigns, which a member may do at any time by a notice in writing to the General Council;
(b) in the case of—

(i) a registrant member, that member is erased from the register for a reason not connected to the member's fitness to practise, or

(ii) a lay member, that member becomes a person who no longer satisfies the criteria for being a lay member [under paragraph 1A(1)(b) of Schedule 1 to the Act];

(c) the member becomes a person of the type mentioned in rule [5(a), (b) or (e) to (h)] (irrespective of whether or not they subsequently cease to be a person of the type mentioned in those provisions);

(d) the member becomes a person of the type mentioned in rule [5(c) or (d)];

(e) in the case of a registrant member, the member has become the subject of any investigation or proceedings concerning the member's fitness to practise by the General Council or any licensing body, as a result of which—

(i) the member's registration in the register is suspended,

(ii) the member is erased from the register, or

(iii) the member's registration in the register has been made conditional upon the member's compliance with any requirement,

and the proceedings relating to that particular sanction have reached their final outcome;

(f) in the case of a registrant member, the member has become the subject of any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured or incorrectly made, the final outcome of which is the removal of the person's entry in the register;

(g) in the case of a registrant member, the member has agreed in the course of proceedings concerning the member'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 Panels and Fitness to Practise Panels);

(h) the General Council is satisfied that the member's level of attendance at meetings of the MPTS falls below a minimum level of attendance acceptable to the General Council, having regard to—

(i) any recommended minimum levels of attendance that the General Council have set in their standing orders, and

(ii) whether or not there were reasonable causes for the member's absences;

(i) the General Council is satisfied the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the General Council have included in their standing orders;

(j) the General Council is satisfied that the member is no longer able to perform their duties as a member of the MPTS because of adverse physical or mental health;

(k) the General Council is satisfied that the member's continued membership of the MPTS would be liable to undermine public confidence in the regulation of the medical profession.

(2) A member who becomes, or may be about to become, a person to whom [paragraph (1)(b) to (g)] applies must notify the General Council and the MPTS in writing of that fact as soon as the person becomes aware of it.

(3) Any member of the MPTS or employee of the General Council may notify the General Council if they are of the view that the General Council may need to exercise its functions under [paragraph 1].

(4) The chair must notify the General Council if the chair is aware that—
(a) a member has become, or may be about to become, a person to whom paragraph (1)(b) to (g) applies; and
(b) that member has not notified the General Council in writing of that fact and the chair is not satisfied that the member will do so immediately.

7.— Suspension of members from office [19F(3)(g)]

(1) The General Council may suspend a member from office by a notice in writing served on the member—

(a) if the General Council has reasonable grounds for suspecting that the member has become a person to whom rule [6(1)(b)(ii) to (d)] applies, for the purposes of determining whether or not the member has become such a person;
(b) while the General Council is considering whether or not it is satisfied as to the matters set out in rule [6(1)(h) to (k)];
(c) if the member is subject to any investigation or proceedings concerning the member's fitness to practise by—
   (i) any licensing body, or
   (ii) the General Council,

and the General Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the MPTS while the investigation or proceedings concerning the member's fitness to practise is or are ongoing;
(d) if the member is subject to any investigation or proceedings concerning whether the member's entry in the register was fraudulently procured or incorrectly made and the General Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the MPTS while the investigation or proceedings concerning the member's entry in the register is or are ongoing; or
(e) if the member is subject to any investigation or proceedings in the United Kingdom relating to a criminal offence, or in any other part of the world relating to an offence which, if committed in any part of the United Kingdom, would constitute a criminal offence, and—
   (i) either—
      (aa) the investigation or proceedings relate to an offence involving dishonesty or deception, or
      (bb) the final outcome of the investigation or proceedings may be that the person is sentenced to a term of imprisonment or detention, and
   (ii) the General Council is satisfied that it would not be appropriate for the member to continue to participate in proceedings of the General Council while the investigation or proceedings is or are ongoing.

(2) The General Council must suspend a registrant member from office by a notice in writing served on the member if the member is the subject of an order under section 38 or 41A of the Act (power to order immediate suspension etc. after a finding of impairment of fitness to practise, and interim orders).

(3) The notice in writing under paragraph (1) or (2) must set out the reasons for the suspension and the duration of the period of suspension, which must (in the first instance) not be for more than 6 months.

(4) The General Council may stay its consideration under paragraph (1) of whether or not to suspend a member while the MPTS considers whether or not to suspend the member provisionally.

(5) If a member has been suspended provisionally—
(a) the MPTS must notify the in writing of the provisional suspension as soon as is reasonably practicable; and
(b) the General Council must consider the matter with a view to determining whether or not to suspend the member under paragraph (1) or to remove the member under rule [6(1)].

(6) If after considering the matter under rule [5(b)], the General Council decides not to suspend the member, and not to remove the member from office, the MPTS must terminate their provisional suspension of the member.

(7) The General Council

- (a) may at any time review a suspension of a member by it; and
- (b) must review any suspension of a member by it after 3 months from the start of the period of suspension, if requested to do so by the suspended member.

(8) Following a review, the General Council may—

- (a) terminate the suspension;
- (b) if that review is within 3 months of the end of a period of suspension, extend the suspension for a further period of up to 6 months from the date on which the suspension would otherwise come to an end.

(9) The General Council must notify the suspended member in writing of the outcome of any review and that notice in writing must include the reasons for any decision taken.

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Chair of the MPTS

8.— Appointment, term of office and cessation of office of the chair

[19F(3)(d)]

(1) The General Council must, as one of its functions relating to the appointment of members of the MPTS, appoint the chair of the MPTS.

(2) The General Council may appoint a person to be the chair of the MPTS (“the appointee”)—

- (a) when it appoints that person to be a member of the MPTS; or
- (b) whom it has already appointed as a member of the MPTS.

(3) The General Council must, upon making the appointment, determine the term of the appointee's office as chair and that term cannot last beyond the date on which the appointee's term of office as a member of the MPTS is due to expire (irrespective of whether or not the appointee is thereafter reappointed as a member of the MPTS).

(4) An appointee ceases to be chair upon—

- (a) ceasing to be a member of the MPTS;
- (b) resigning as chair, which the appointee may do at any time by a notice in writing to the General Council;
- (c) suspension of the appointee's membership of the MPTS by the General Council; or
- (d) a vote to terminate the appointee's appointment as chair by a simple majority of all the other members of the MPTS.
9. Transitional arrangements in respect of the first chair of the MPTS and members of the MPTS [19F(6)]

Notwithstanding rule [7(1) and (2)], where immediately before the commencement of these rules, a committee of the General Council constituted under paragraph 25 of Schedule 1 to the Act have been carrying out functions relating to fitness to practise proceedings, the General Council may—

(a) appoint as the chair of the MPTS, for such a period as the General Council may determine, the person who was, immediately before that commencement, the chair of that committee; and

(b) appoint as a member of the MPTS other than the chair, for such period as the Council may determine, a person who was, immediately before that commencement, a member of that committee.

10.— Deputising arrangements in respect of the chair
[19F(3)(e)]

(1) Subject to paragraph (2), if, for any reason, the chair is absent from a meeting of the MPTS, the General Council may—

(a) nominate a member of the MPTS (“deputy chair”) to serve as chair at that meeting; or

(b) determine that the meeting will not take place, or will not continue (in circumstances where the meeting has already commenced).

(2) If, for any reason—

(a) the General Council is on notice that their chair is likely—

(i) to be absent for more than one meeting of the MPTS, or

(ii) to be unavailable to perform the duties of a chair for more than one month; or

(b) the office of chair is vacant,

the Council may—

(a) nominate a member (“deputy chair”) to serve as chair;

(b) delegate the functions of the MPTS chair to the chair of the General Council;

during the absence or unavailability of the chair or the vacancy.

(3) A member serving as deputy chair must cease to be deputy chair—

(a) in the case of—

(i) the absence or unavailability of the chair, once the chair notifies the MPTS that they are able to resume their duties, or

(ii) the office of chair being vacant, once the vacancy is filled;

(b) if the member ceases to be a member;

(c) if the member resigns as deputy chair, which the member may do at any time by a notice in writing to the General Council;

(d) if the member's membership of the General Council is provisionally suspended by the MPTS or suspended by the General Council; or

(e) if the MPTS votes (by a majority at a quorate meeting) to terminate the member's appointment as deputy chair.

11. Delegation [19F(7)]

(1) The General Council may direct the MPTS to delegate to the chair of the MPTS, or to such other officer of the General Council as the Council determine, such of the functions of the MPTS as the Council determine.
Proceedings of the MPTS

12. Quorum of the MPTS [19F(3)(f)]
The quorum of the MPTS is to be 3.

13.— Effect of vacancies etc. on the validity of proceedings [19F(8)(f)]
(1) The validity of any proceedings of the MPTS is not be affected by—
   (a) any vacancy among the members of the MPTS;
   (b) any defect in the appointment of a member of the MPTS;
   (c) a member whom the General Council must remove from the MPTS under rule [6(1)(b) to (g)] participating in the proceedings;
   (d) a member whom the General Council has removed under rule [6(1)] having participated in the proceedings; or
   (e) a member who has been provisionally suspended by the MPTS or suspended by the General Council under rule [7(1) or (2)] having participated in the proceedings.

(2) Notwithstanding paragraph (1)(c), a member whom the General Council must remove from the MPTS under rule [6(1)(b) to (g)] is not entitled to participate in proceedings of the MPTS, pending the member's removal from the MPTS by the General Council.