
DRAFT STATUTORY INSTRUMENTS

2015 No.

The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015

PART 2

The Medical Practitioners Tribunal Service

Case managers

14. After paragraph 7 of Schedule 4 to the Medical Act insert—

“Case managers

7A.—(1) For the purpose of conducting the management of cases before a Medical Practitioners Tribunal, the MPTS may appoint persons as case managers.

(2) A person may be appointed as a case manager either generally or for any particular proceedings or class of proceedings; accordingly, when appointing a person as a case manager for particular proceedings, the MPTS may appoint—

- (a) a person whom they have already appointed generally or for proceedings of the class in question, or
- (b) a person whom they have not already appointed but wish to appoint for the particular proceedings.

(3) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under this paragraph.

(4) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as a case manager.

(5) The chair of a Medical Practitioners Tribunal may be appointed as a case manager for the proceedings before that Tribunal if the chair satisfies such criteria as are set under sub-paragraph (3) in relation to legal qualifications and legal experience.

(6) The General Council may make rules as to the functions of case managers appointed under this paragraph including, without prejudice to the generality of the powers to make such rules, provision—

- (a) enabling the case manager to give directions (including directions as to the adjournment of proceedings);
- (b) requiring directions given by the case manager to be treated as binding except in cases or circumstances specified in the rules;

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 ISBN 978-0-11-113005-6

(c) (where the rules include provision by virtue of paragraph 1(4D)(a)) enabling the case manager to assess costs (or, in Scotland, to tax expenses or, in Northern Ireland, to tax costs) and requiring the case manager to have regard to a party's ability to pay.

(7) Nothing in this paragraph prevents a Medical Practitioners Tribunal from themselves collectively conducting the management of the case before them.

(8) The General Council may pay to persons appointed under this paragraph such remuneration as the Council may determine.

(9) Rules made under this paragraph may also contain such incidental and supplementary provisions as appear to the General Council expedient.

(10) Rules under this paragraph do not come into force until approved by order of the Privy Council.”