
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

Assessments of knowledge of English

11.—(1) In paragraph 5A of Schedule 4 to the Medical Act (professional performance assessments), in sub-paragraph (10), omit “registered”.

(2) In sub-paragraph (11) of that paragraph, after “But an assessment” insert “of a person’s professional performance”.

(3) In sub-paragraph (12) of that paragraph, for “shall not be carried out by an Assessment Team” substitute “shall not be undertaken as part of an assessment carried out by virtue of this paragraph”.

(4) After that sub-paragraph insert—

“(13) The General Council may by rules provide that an assessment of a person’s knowledge of English undertaken as part of an assessment of the person’s professional performance by virtue of this paragraph is to be undertaken in accordance with such provision as is made in rules under paragraph 5C(2) subject to such modifications as the General Council consider necessary or expedient.”

(5) In paragraph 5C of Schedule 4 to the Medical Act (knowledge of English assessments)(1), in sub-paragraph (1), in paragraph (a)—

(a) in sub-paragraph (ii), for “a Fitness to Practise Panel” substitute “a Medical Practitioners Tribunal”, and

(b) after “a registered person” insert “or a person seeking restoration to the register”.

(6) After that sub-paragraph insert—

“(1A) The reference in sub-paragraph (1) to a person seeking restoration to the register is a reference to a person applying under section 41, or by virtue of section 31(8) or 31A(1)(c), for the person’s name to be restored to the register.”

(7) In sub-paragraph (2) of that paragraph—

(a) in paragraph (a), omit “by such persons”, and

(b) in paragraphs (a) and (b), omit “registered”.

(8) In sub-paragraph (3) of that paragraph—

(a) before “person who is required to undertake” insert “registered”,

(b) omit “may”, and

(1) Paragraph 5C of Schedule 4 was inserted by [S.I. 2014/1011](#).

(c) for paragraph (a) (but not the following “and”) substitute—

“(a) may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal,”.

(9) After that sub-paragraph insert—

“(3A) If the Investigation Committee are of the opinion that a registered person who is required to undertake an assessment of that person’s knowledge of English has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information requested in respect of that assessment—

- (a) the Investigation Committee may direct the Registrar to refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal; and
- (b) the Registrar, having been given a direction under paragraph (a), must make the referral to the MPTS and must without delay serve on the person concerned a notification of the making of the referral.

(3B) Where a matter is referred to the MPTS under sub-paragraph (3) or (3A), the MPTS must arrange for the matter to be considered by a Medical Practitioners Tribunal.

(3C) If a Medical Practitioners Tribunal, having given a direction by virtue of this paragraph to require a person to undertake an assessment of that person’s knowledge of English, are of the opinion that the person concerned has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information required in respect of that assessment, the Tribunal must consider that matter.”

(10) In sub-paragraph (4) of that paragraph—

- (a) for the words from the beginning to “they may” substitute “The Medical Practitioners Tribunal, on their consideration of a matter under sub-paragraph (3B) or (3C) may”, and
- (b) in paragraph (b), for “the Fitness to Practise Panel” substitute “the Tribunal”.

(11) In sub-paragraph (5) of that paragraph—

- (a) for “the Fitness to Practise Panel” substitute “the Medical Practitioners Tribunal”, and
- (b) for “the Registrar” substitute “the MPTS”.

(12) After that sub-paragraph insert—

“(5A) Where, under sub-paragraph (4), the Medical Practitioners Tribunal give a direction for suspension or a direction for conditional registration, or where the Tribunal decide not to give a direction under that sub-paragraph, the MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction or decision.”

(13) In sub-paragraph (7) of that paragraph—

- (a) for “a Fitness to Practise Panel”, in each place it appears, substitute “a Medical Practitioners Tribunal”,
- (b) in paragraph (b), for “the Panel” substitute “the Tribunal”,
- (c) in paragraph (c), for “the Registrar for him to refer it to” substitute “the MPTS for them to arrange for”, and
- (d) in that paragraph, for “be disposed of” substitute “dispose of it”.