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DRAFT STATUTORY INSTRUMENTS

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**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 3

The General Medical Council: over-arching objective

**The over-arching objective**

**21.**—(1) In section 1 of the Medical Act (the GMC: constitution etc.), for subsection (1A)(1) substitute—

“(1A) The over-arching objective of the General Council in exercising their functions is the protection of the public.

(1B) The pursuit by the General Council of their over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public,
- (b) to promote and maintain public confidence in the medical profession, and
- (c) to promote and maintain proper professional standards and conduct for members of that profession.”

(2) In section 34H(2) of that Act (objectives of GMC in establishing standards of postgraduate medical education and training)(2), for “that required by section 1(1A)” substitute “the over-arching objective”.

(3) In section 35C of that Act (functions of the Investigation Committee)(3), after subsection (6) insert—

“(6A) In deciding whether to give a warning under subsection (6), the Investigation Committee must have regard to the over-arching objective.”

(4) In section 35E of that Act (provisions supplementary to section 35D)(4), after subsection (3) insert—

“(3A) In exercising a function under section 35D, a Medical Practitioners Tribunal must have regard to the over-arching objective.”

(5) In section 41 of that Act (restoration of names to the register)(5), after subsection (11) insert—

“(12) In exercising a function under this section, a Medical Practitioners Tribunal must have regard to the over-arching objective.”

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(1) Subsection (1A) of section 1 was inserted by [S.I. 2002/3135](#).

(2) Section 34H was inserted by [S.I. 2010/234](#).

(3) Section 35C was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#), [S.I. 2008/1774](#), [S.I. 2008/3131](#) and [S.I. 2014/1101](#).

(4) Section 35E was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#) and [S.I. 2014/1101](#).

(5) Section 41 was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#).

(6) In section 44 of that Act (effect of disqualification in another relevant European State on registration in UK)(6), after subsection (5) insert—

“(5A) In deciding whether to give a direction under subsection (5)(a), a Medical Practitioners Tribunal must have regard to the over-arching objective.”

(7) In paragraph 23D of Schedule 1 to that Act (overriding objective of GMC in making rules about constitution of MPTS and Tribunals) (inserted by article 4(4)), at the end insert “; and where the General Council consider that there is a conflict between meeting the objective under this paragraph and the over-arching objective, they must give priority to meeting the objective under this paragraph.”

(8) In paragraph 1 of Schedule 4 to that Act (fitness to practise proceedings: procedure, evidence etc.)(7), after sub-paragraph (1A) (inserted by article 7) insert—

“(1B) Where the General Council consider that there is a conflict between meeting the objective under sub-paragraph (1A) and the over-arching objective, they must give priority to meeting the objective under sub-paragraph (1A).”

(9) In that paragraph, after sub-paragraph (2E) (inserted by article 9(1)) insert—

“(2F) Where rules made under this paragraph include provision under sub-paragraph (2A)(a), the Investigation Committee or such person as is by virtue of sub-paragraph (2B) exercising the function conferred by the provision must, in exercising the function, have regard to the over-arching objective.

(2G) Where rules made under this paragraph include provision under sub-paragraph (2C)(b), or provision under sub-paragraph (2C)(c) of the kind mentioned in sub-paragraph (2D), a Medical Practitioners Tribunal must, in exercising the function conferred by the provision, have regard to the over-arching objective.”

(10) In paragraph 5A of that Schedule (professional performance assessments and health assessments)(8), after sub-paragraph (3G) (inserted by article 10(5)) insert—

“(3H) In deciding whether to give a direction under sub-paragraph (3D), a Medical Practitioners Tribunal must have regard to the over-arching objective.”

(11) In paragraph 5C of that Schedule (knowledge of English assessments)(9), after sub-paragraph (4) insert—

“(4A) In deciding whether to give a direction under sub-paragraph (4), a Medical Practitioners Tribunal must have regard to the over-arching objective.”

(12) In section 55 of the Medical Act, after subsection (1) insert—

“(1A) References in this Act to the over-arching objective are to the over-arching objective of the General Council under section 1(1A) (read with section 1(1B)).”

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(6) Section 44 was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2007/3101](#).

(7) Paragraph 1 of Schedule 4 was amended by [S.I. 2006/1914](#).

(8) Paragraph 5A of Schedule 4 was amended by [S.I. 2014/1011](#).

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