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

1979 No. 29

MEDICAL PROFESSION

**The General Medical Council (Review Board for Overseas
Qualified Practitioners Rules) Order of Council 1979**

Made - - - - 11th January 1979

Laid before Parliament 19th January 1979

Coming into Operation 15th February 1979

At the Council Chamber, Whitehall, the 11th day of January 1979

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

Whereas in pursuance of section 27(5) of the Medical Act 1978(a) the General Medical Council have made the Review Board for Overseas Qualified Practitioners Rules 1978:

And whereas by subsection (6) of the said section 27 such Rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to approve the same as set out in the Appendix to this Order.

This Order may be cited as the General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979, and shall come into operation on 15th February 1979.

N. E. Leigh,
Clerk of the Privy Council.

APPENDIX

**THE REVIEW BOARD FOR OVERSEAS QUALIFIED PRACTITIONERS
RULES 1978**

The General Medical Council in exercise of their powers under section 27 of the Medical Act 1978 hereby make the following Rules:—

Citation and Commencement

1. These Rules may be cited as the Review Board for Overseas Qualified Practitioners Rules 1978 and shall come into operation on 15th February 1979.

Interpretation

2. In these Rules, unless the context otherwise requires:—

“the Act of 1956” means the Medical Act 1956(a);

“the Act of 1978” means the Medical Act 1978;

“the Board” means the Review Board for Overseas Qualified Practitioners established under section 27 of the Act of 1978;

“the Chairman” means the Chairman of the Board appointed under section 27(2)(a) of the Act of 1978;

“the Council” means the General Medical Council;

“the President” means the President of the Council;

“the Registrar” means the Registrar of the Council;

“the succession day” has the meaning given by section 1(16) of the Act of 1978.

3. The Interpretation Act 1889(b) shall apply in relation to these Rules as it applies in relation to an Act of Parliament.

4. Paragraph 8 of Schedule 4 to the Act of 1978 shall apply to any notification required by these Rules to be sent to an applicant.

Constitution of the Board

5.—(a) The bodies concerned with postgraduate medical education in England and Wales, in Scotland, and in Northern Ireland, to whose recommendations the President shall have regard when appointing a Chairman and a Deputy Chairman of the Board under section 27(2)(a) of the Act of 1978, shall be the Council for Postgraduate Medical Education in England and Wales, the Scottish Council for Postgraduate Medical Education, and the Northern Ireland Council for Postgraduate Medical Education.

(b) Until the succession day the Board shall include, under section 27(2)(b)(ii) of the Act of 1978, two members of the Council elected under section 4 of the Act of 1956 and two members of the Council appointed under section 3 of that Act.

(c) After the succession day the Board shall include under section 27(2)(c) of the Act of 1978 four elected members of the Council, two appointed members of the Council, and one member of the Council who is or has been registered under Part III of the Act of 1956 or under section 18 or 22 of the Act of 1978.

6. Subject to the provisions of section 27(2) of the Act of 1978 the members of the Board shall hold office for such period as the Council shall determine and shall be eligible for re-appointment.

(a) 1956 c. 76.

(b) 1889 c. 63.

7. The Chairman shall make arrangements for securing that not more than five members of the Board shall attend for the hearing of any application, who shall include either the Chairman or the Deputy Chairman, one member of the Board who is or has been registered under Part III of the Act of 1956 or under section 18 or 22 of the Act of 1978, and three of the other members of the Board who are elected or appointed members of the Council, provided that no member of the Council shall be eligible to take part in the review of any decision in which he was previously involved as a member of the Council.

8.—(a) The quorum of the Board shall be three.

(b) All acts of the Board shall be decided by the votes of the majority of the members present at a meeting, and if the votes are equal the person acting as Chairman shall have a casting vote.

(c) Any power conferred by these Rules on the Chairman of the Board may, in his absence or on his authority, be exercised by the Deputy Chairman.

Procedure

9.—(a) Any person entitled to apply to the Board under section 28 of the Act of 1978 for a decision of the Council to be reviewed, and who wishes so to apply, shall make written application for the purpose to the Registrar within six months of the date on which the decision was notified to the applicant by the Registrar.

(b) Such application shall identify the decision which the applicant wishes to be reviewed, and shall state the reasons why the applicant considers that the decision should not stand. No documentary or other evidence may be tendered by the applicant at this stage which he had not tendered to the Council before the decision under appeal was taken.

10. If the reasons stated by the Registrar under section 28(1) of the Act of 1978 relate to the character of the applicant, the applicant may if he wishes require to be heard by the Board on his application. If the reasons stated by the Registrar under section 28(1) of the Act of 1978 relate to any other matter, the applicant shall not be entitled to require an oral hearing of his application, but the Chairman may decide to hold an oral hearing if he considers it desirable.

11.—(a) The Registrar shall inform the applicant whether or not the Board will hold an oral hearing.

(b) If an oral hearing is to be held the Registrar shall also inform the applicant of the date, time and place at which the Chairman has decided that the hearing will be held, and shall give the applicant not less than 14 days' notice of such hearing.

12. In connection with the consideration of any application the Registrar shall provide to members of the Board, in addition to copies of any statement or evidence furnished by the applicant:—

- (i) a copy of the reasons for the decision given by the Registrar to the applicant under section 28(1) of the Act of 1978;
- (ii) copies of the documents relating to the conduct or performance of the applicant on which reliance was placed in reaching the decision which is the subject of the application; and
- (iii) in cases where the decision was reached as a result of an oral hearing by a Committee of the Council a copy of the transcript of any shorthand note taken of those proceedings, other than any part of those proceedings when the Committee were deliberating as to their decision in the absence of the applicant.

13. If an oral hearing is held:—

- (a) the applicant may be present and represented or assisted by counsel, advocate, or solicitor, or by a registered medical practitioner with full or limited registration;

- (b) the Council may be represented by the Registrar or other officer or by their solicitor;
- (c) the Board shall permit the applicant or his representative and the Council's representative to address them;
- (d) no evidence shall be admitted of matters which took place after the decision under appeal was taken, and evidence of earlier matters which was not tendered to the Council before that decision was taken shall be admitted only with the leave of the Board;
- (e) before coming to a determination the Board may adjourn consideration of an application to a future date and may request the applicant or the Registrar to provide them with further information orally or in writing but shall not request or receive evidence of matters which took place after the decision under review was taken;
- (f) subject to the foregoing paragraphs, the Board shall meet in private, and may, for the purpose of deliberation, at any time exclude the applicant and his representative and any representative of the Council.

14.—(a) The Board shall, when notifying their opinion to the President under section 28(4) of the Act of 1978, state their reasons in writing.

(b) The Registrar shall subsequently notify the applicant of the opinion expressed by the Board with their reasons and of the decision thereon taken by the President under that section.

Given under the official seal of the General Medical Council this ninth day of November, nineteen hundred and seventy-eight.

(L.S.)

John Richardson,
President.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Rules approved by this Order prescribe the constitution, quorum and procedure of the Review Board established to hear applications by medical practitioners with qualifications obtained overseas for a review of certain decisions made by the General Medical Council under section 28 of the Medical Act 1978 relating to their registration.

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