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

1980 No. 861

MEDICAL PROFESSION

**The General Medical Council (Constitution of Fitness to Practise
Committees) Rules Order of Council 1980**

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| <i>Made - - - -</i> | 23rd June 1980 |
| <i>Laid before Parliament</i> | 1st July 1980 |
| <i>Coming into Operation</i> | 1st August 1980 |

At the Council Chamber, Whitehall, the 23rd day of June 1980

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

Whereas in pursuance of section 6(1) of the Medical Act 1978(a), the General Medical Council have made the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1980:

And whereas by sub-section (2)(b) of the said section 6 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 (Constitution of Fitness to Practise Committees) Rules Order of Council 1980, and shall come into operation on 1st August 1980.

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

APPENDIX

**THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF FITNESS TO
PRACTISE COMMITTEES) RULES 1980**

The General Medical Council in exercise of their powers under section 6(1) of the Medical Act 1978 hereby make the following rules:—

Citation and Commencement

1. These rules may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1980 and shall come into operation on 1st August 1980.

Interpretation

2. In these rules unless the context otherwise requires:
- “the Council” means the General Medical Council;
 - “the President” means the President of the Council;
 - “elected member” and “appointed member” have the meanings assigned to them by section 1(16) of the Medical Act 1978;
 - “lay member” means a nominated member (within the meaning of section 1(16) of the Medical Act 1978) who is neither fully registered nor the holder of any qualification registrable under the Medical Acts 1956 to 1978.

PRELIMINARY PROCEEDINGS COMMITTEE

Composition of the Preliminary Proceedings Committee

3. The Preliminary Proceedings Committee shall consist of a Chairman, six elected members of the Council, two appointed members of the Council, and two lay members of the Council.

Appointment of Chairman

4. The Chairman of the Preliminary Proceedings Committee shall be either the President or, if the President chooses not to act in this capacity, the member appointed by the Council under rule 4 of the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1980 to undertake the initial consideration of cases under those rules.

Quorum

5. The quorum of the Preliminary Proceedings Committee shall be five.

PROFESSIONAL CONDUCT COMMITTEE

Composition of the Professional Conduct Committee

6. The Professional Conduct Committee shall consist of a Chairman, a Deputy Chairman, twelve elected members of the Council, four appointed members of the Council, and two lay members.

Appointment of Chairman and Deputy Chairman

7.—(a) The President shall choose whether or not he wishes to sit as a member of the Professional Conduct Committee during any year. If he chooses to sit he shall be Chairman of the Committee. If he chooses not to sit he shall appoint a member of the Council as Chairman.

(b) The President shall also appoint a member of the Council as Deputy Chairman of the Professional Conduct Committee.

(c) Appointments by the President under this rule shall be subject to the approval of the Council.

Quorum

8. The quorum of the Professional Conduct Committee shall be five and not more than ten members of the Committee shall be invited to attend for the hearing of any case. The members invited to attend shall be selected so as to include either the Chairman or the Deputy Chairman or both, six of the members who are elected members of the Council, two who are appointed members of the Council and one who is a lay member. Subject to the foregoing provision the members invited to sit at any meeting shall so far as practicable be chosen in rotation from all the members of the Committee.

HEALTH COMMITTEE

Composition of the Health Committee

9. The Health Committee shall consist of a Chairman, a Deputy Chairman, six elected members of the Council, three appointed members of the Council, and one lay member.

10.—(a) The President shall choose whether or not he wishes to sit as a member of the Health Committee during any year. If he chooses to sit he shall be Chairman of the Committee. If he chooses not to sit he shall appoint a member of the Council as Chairman.

(b) The President shall also appoint a member of the Council as Deputy Chairman of the Health Committee.

(c) Appointments by the President under this rule shall be subject to the approval of the Council.

Quorum

11. The quorum of the Health Committee shall be five.

GENERAL

Time of election and tenure of office

12. The Professional Conduct Committee, the Health Committee, and the Preliminary Proceedings Committee shall (unless the Council in special circumstances shall otherwise direct) be elected by the Council at the first meeting of the Council in every year held after 1st November and shall hold office until the next annual election of the Committees and, subject to any directions which the Council may give and to the provisions of these rules, members of each Committee shall be eligible for re-election.

Manner of elections

13. Subject to the provisions of these rules in regard to the election of the Chairmen and Deputy Chairmen of the Committees, the members of each Committee shall be elected by the Council by single transferable vote and every member of the Council may vote in the election for each category of member to be elected.

Order in which election results to be determined

14. Unless the Council shall otherwise direct, at the annual elections of the Committees the result of the election of the Preliminary Proceedings Committee shall first be determined, the result of the election of the Professional Conduct Committee shall then be determined, and the result of the election of the Health Committee shall be determined last.

Eligibility for membership

15.—(1) No member may be elected to more than one of the three Committees except that the President, if he so chooses, may sit concurrently on the Professional Conduct Committee and on the Health Committee.

(2) No person shall be eligible for election to the Professional Conduct Committee if during the preceding year he has served on the Preliminary Proceedings Committee.

Disqualification for adjudication

16. Without prejudice to the generality of the foregoing rule no member elected to the Professional Conduct Committee or to the Health Committee may adjudicate as a member of either of those Committees on any case if he had previously adjudicated on that case either as a member of the Preliminary Proceedings Committee or otherwise.

Filling of vacancies

17.—(a) If any member of any of the Committees vacates office otherwise than by the expiry of his term of office, the vacancy shall be filled by election by the Council in the same manner as the original election and the member so elected shall hold office until the end of the term of office of the member in whose place he was appointed or elected.

(b) Subject to the provisions of rule 16, if at any time none of the lay members elected to one of the Committees is available to sit on that Committee, the President may temporarily appoint to that Committee any lay member who under these rules would have been eligible to be elected to it.

Cessation of membership

18. Notwithstanding anything in these rules a member of any of the Committees shall, upon vacating office as a member of the Council, also cease to be a member of the Committee except that for the purposes of this rule a member of the Council shall not be deemed to have vacated office as a member of the Council if he has again been elected, appointed or nominated to be a member thereof not later than the date of his vacating office.

Validity of proceedings

19. The validity of any proceedings of any of the Committees shall not be affected by any vacancy among the members of the Committees or by any defect in the election of a member thereof.

Transitional provisions

20. For the purposes of rules 16 and 17 references to the Preliminary Proceedings Committee shall include references to the former Penal Cases Committee.

Given under the official Seal of the General Medical Council this twenty-second day of May nineteen hundred and eighty.

(L.S.)

Richardson,
President.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Rules approved by this Order regulate the constitution of the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee which the General Medical Council is required by section 6 of the Medical Act 1978 to establish, and provide for the election and tenure of office of their members.