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STATUTORY INSTRUMENTS

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**1996 No. 1218**

**MEDICAL PROFESSION**

The General Medical Council Preliminary Proceedings  
Committee and Professional Conduct Committee  
(Procedure) (Amendment) Rules Order of Council 1996

<i>Made</i>	- - - -	<i>8th May 1996</i>
<i>Laid before Parliament</i>		<i>9th May 1996</i>
<i>Coming into force</i>	- -	<i>30th May 1996</i>

At the Council Chamber, Whitehall, the 8th day of May 1996  
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of paragraphs 1 and 5 of Schedule 4 to the Medical Act 1983(1) the General Medical Council, having consulted with such bodies of persons representing medical practitioners as appeared to the said Council to be requisite, have made the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) (Amendment) Rules 1996 as set out in the Schedule to this Order:

And whereas by sub-paragraph (5) of the said paragraph 1 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 hereby pleased to approve the same.

This Order may be cited as the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) (Amendment) Rules Order of Council 1996, and shall come into force on 30th May 1996.

*N. H. Nicholls*  
Clerk of the Privy Council

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## SCHEDULE

### THE GENERAL MEDICAL COUNCIL PRELIMINARY PROCEEDINGS COMMITTEE AND PROFESSIONAL CONDUCT COMMITTEE (PROCEDURE) (AMENDMENT) RULES 1996

The General Medical Council, in exercise of their powers under paragraphs 1 and 5 of Schedule 4 to the Medical Act 1983, and after consulting with such bodies of persons representing medical practitioners as appeared to the Council to be requisite, as required by those paragraphs, hereby make the following Rules: —

#### **Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) (Amendment) Rules 1996, and shall come into force on 30th May 1996.

(2) In these Rules—

“the principal rules” means the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988(2).

#### **Amendment of the principal rules**

2.—(1) The principal rules shall be amended in accordance with the following provisions.

(2) In Rule 2 (Interpretation) for the definition of “person acting in a public capacity” there shall be substituted““person acting in a public capacity” means an officer of a Health Authority, a special Health Authority, a Health Board, the Common Services Agency of the NHS in Scotland, the Health Common Services Authority, the Central Services Agency, a Health and Social Services Trust, a Health and Social Services Board, an NHS Trust, a hospital or board of governors of a hospital, or of a Hospital Medical Staff Committee or body exercising similar functions, or of a Local or Area Medical Committee, or of a medical Royal College, or of a Licensing Body (that is, a university or other body granting primary United Kingdom medical qualifications), or of a Government Department or Agency, or any other local or public authority, or any person holding judicial office, or any officer attached to a Court, or the Solicitor to the Council, where the person concerned is acting in that official capacity;”.

(3) Rule 12 (Order for interim suspension or interim conditional registration) shall be amended in accordance with the following provisions—

- (a) in paragraph (1) for “(6)” there shall be substituted“(6C)”;
- (b) in paragraphs (2)(a) and (b) for “two” there shall be substituted “six”;
- (c) for paragraphs (3) and (4) there shall be substituted the following—

“(3) Where in any case an order, made under paragraph (2) or under this paragraph is in force, the Committee may—

- (a) revoke the order;
- (b) revoke or vary any condition imposed by the order;
- (c) if satisfied that to do so is necessary for the protection of members of the public or is in the interests of the practitioner, make an order that the practitioner’s registration shall be conditional on his compliance, during such period as the Committee may specify in the order, with such requirements as the Committee may think fit to impose for the protection of members of the public or in his interests; or

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(2) Appended to S.I. 1988/2255, amended by Rules appended to S.I. 1989/656, 1990/1587, and 1994/3298.

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(d) if satisfied that to do so is necessary for the protection of members of the public, make an order that the practitioner’s registration shall be suspended for such period as they may specify in the order.

(4) When considering whether to make an order under this rule the Committee may invite the Solicitor to address them.

(5) No order may be made under this rule unless the practitioner has been afforded an opportunity of appearing before the Committee and being heard on the question whether such an order should be made in his case; and for this purpose the practitioner may be represented before the Committee as provided in rule 53(2) and may also be accompanied by his medical adviser:

Provided that, if the practitioner does not appear, and is not represented, and the Registrar satisfies the Committee that the requirements of rule 54 have been met, the Committee may make an order under this rule if they think fit, notwithstanding the practitioner’s failure to appear.

(6) Any order made under paragraph (3)(c) or (d) shall specify a period not exceeding three months.

(7) Any decision by the Committee that a case should be referred for inquiry by the Professional Conduct Committee or by the Health Committee, and any order by the Committee under paragraph (2) or (3) of this rule, shall be notified to the practitioner by the Registrar forthwith and in accordance with the requirements of rule 54.”

(4) For Rule 33 (Revocation of order for interim suspension or interim conditional registration) there shall be substituted the following—

**“Failure to comply with interim conditional registration**

**33.**—(1) Where, in any case referred by the Preliminary Proceedings Committee, that Committee has made an order for interim conditional registration or, if at a previous hearing the Professional Conduct Committee had made such an order, the Professional Conduct Committee shall first determine whether the practitioner has failed to comply with any of the requirements imposed on him as conditions of his registration.

(2) If the Committee determine that the practitioner has not so failed to comply, they shall proceed in accordance with rule 33A.

(3) If the Committee determine that the practitioner has so failed to comply they may, if they think fit—

- (a) exercise their powers under rule 33A; or, if not,
- (b) direct that the registration of the practitioner shall be suspended for such period not exceeding 12 months as they may specify; or, if not,
- (c) direct that the name of the practitioner shall be erased from the Register.

**Orders for interim suspension or interim conditional registration**

**33A.**—(1) Where, in any case referred by the Preliminary Proceedings Committee, an order made by that Committee for interim suspension or for interim conditional registration is in force, (or where an order made under this paragraph by the Professional Conduct Committee is in force), the Professional Conduct Committee may —

- (a) revoke the order;
- (b) revoke or vary any condition imposed by the order;

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- (c) if satisfied that to do so is necessary for the protection of members of the public or is in the interests of the practitioner, make an order that the practitioner’s registration shall be conditional on his compliance, during such period as the Committee may specify, with such requirements as the Committee may think fit to impose for the protection of members of the public or in his interests; or
- (d) if satisfied that to do so is necessary for the protection of members of the public, make an order that the practitioner’s registration shall be suspended for such period as they may specify in the order.

(2) When considering whether to make an order under this rule the Committee may invite the Solicitor to address them.

(3) No order may be made under this rule unless the practitioner has been afforded an opportunity of appearing before the Professional Conduct Committee and being heard on the question whether such an order should be made in his case; and for this purpose the practitioner may be represented before the Committee as provided in rule 53(2) and may also be accompanied by his medical adviser:

Provided that, if the practitioner does not appear and is not represented, and the Solicitor satisfies the Committee that the requirements of rule 54 have been met, the Committee may make an order under this rule if they think fit, notwithstanding the practitioner’s failure to appear.

(4) Any order made under paragraph (1)(c) or (d) shall specify a period not exceeding three months.

(5) Any order made under paragraph (1) shall be notified to the practitioner by the Registrar forthwith and in accordance with the requirements of rule 54.”

(5) In Rule 54 (postal service of documents) in paragraph (1)(a) for “12(3) and (4),” there shall be substituted “12(7),” and after “19(3)” there shall be inserted “, 33(3) and (4)”.

(6) In Schedule 2 (Form of notice of an inquiry), before the words “Yours faithfully,” there shall be inserted—

“AND

(If the Notice is addressed to a practitioner whose registration is subject to an interim order made by the Preliminary Proceedings Committee under rule 12 of these Rules and currently in force) The Committee may revoke the interim order made in relation to your registration on [specify date] by the Preliminary Proceedings Committee under rule 12 of these Rules, or may exercise such other powers with respect to that order as are set out in rule 33 of these Rules.”.

(7) After Rule 53 (Representation) the following rule shall be inserted—

**“Notification of directions of the Professional Conduct Committee**

**53A.**—(1) In any case in which the Professional Conduct Committee have given a direction under these Rules for erasure, for suspension or for conditional registration or have varied the conditions imposed by a direction for conditional registration, the Registrar shall forthwith serve on the practitioner a notification of the direction and of the practitioner’s right to appeal against the decision.

(2) In this Rule references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(3) Service of the notification shall be effected in accordance with rule 54.”.

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Given under the official seal of the General Medical Council this

L.S.  
fourteenth day of February, nineteen hundred and  
ninety-six.

*Donald Irvine*  
President

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

The rules approved by this Order amend the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988 (appended to S.I.1988/2255). They give effect to the provisions brought into force by the Medical (Professional Performance) Act 1995 (Commencement No. 1) Order 1996 (S.I. 1996/271(c.5)) relating to the powers of the General Medical Council, through its appropriate Committees, to permit interim orders for suspension or conditional registration to be made for an initial period of six months rather than the original two months, and to make further interim orders for periods of up to three months at a time.

The amended rules also update the definition of “persons in a public capacity” who may refer cases to the General Medical Council, reflecting changes to the structure of the National Health Service.