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STATUTORY INSTRUMENTS

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**1996 No. 1219**

**MEDICAL PROFESSION**

The General Medical Council Health 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 paragraph 1 of Schedule 4 to the Medical Act 1983<sup>(1)</sup> 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 Health 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 Health 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 HEALTH COMMITTEE (PROCEDURE) (AMENDMENT) RULES 1996

The General Medical Council, in exercise of their powers under paragraph 1 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 that paragraph, hereby make the following rules: —

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

1.—(1) These rules may be cited as the General Medical Council Health 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 Health Committee (Procedure) Rules 1987(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) For Rule 28 (Revocation of order for interim suspension or interim conditional registration) there shall be substituted the following—

#### **“Interim suspension or interim conditional registration**

28.—(1) Where, in any case referred either by the Preliminary Proceedings Committee or by the Professional Conduct 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 Health Committee is in force), the Health 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. 1987/2174.

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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.

(2) When considering whether to make an interim order 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 Health 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 17(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 37 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 by the Committee under paragraph (1)(c) and (d) shall specify a period not exceeding three months;

(5) Any order made by the Committee under paragraph (1) shall be notified to the practitioner by the Registrar forthwith and in accordance with the requirements of rule 37.

(6) In Rule 30 (Direction for resumed hearing) after paragraph (4) there shall be added—

“(5) If in any case where, under rule 33A, the registration of the practitioner has been suspended indefinitely by direction of the Committee, the practitioner requests that the suspension be reviewed by the Committee, the President shall direct the Registrar to notify the practitioner that the Committee will resume consideration of his case at such date as the President shall determine:

Provided that the review shall not take place until at least two years have elapsed since the date on which the direction for indefinite suspension took effect, or since the Committee last reviewed the indefinite suspension of the practitioner’s registration.””

(4) In Rule 31 (Notice of resumed hearing) in paragraph (1) for the words “under rule 30” there shall be substituted the words “rule 30(1) or (4).”

(5) In Rule 33 (Procedure at resumed hearing) there shall be substituted for the opening word “At” the words “Subject to the provisions of rules 33A and 33B, at”.

(6) After Rule 33 (Procedure at resumed hearing) there shall be inserted—

**“Direction for indefinite suspension of registration**

**33A.** In any case where—

(a) the period of suspension of the practitioner’s registration under rule 25 or by virtue of rule 33 will, on the date on which a further direction would take effect, have lasted for at least two years, and

(b) the Committee have determined that it is not sufficient to direct that the current period of suspension be extended, from the time when it would otherwise expire, for such further period, not exceeding twelve months, as they may specify,

the Committee shall direct that the current period of suspension of the practitioner’s registration shall be extended indefinitely:

Provided that the direction is given not more than two months before the date on which the period of suspension would otherwise expire.

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**Procedure where registration has been suspended indefinitely**

**33B.**—(1) Where in any case the Committee have, following a direction by the President under Rule 30(5), reviewed the suspension directed under rule 33A, the Committee may, if they think fit, direct that the suspension be terminated.

(2) Having so directed, the Committee may exercise any of their powers under rules 24, 26 and 27 of these rules as the circumstances of the case may so require.”

(7) In Rule 37 (Service of documents) in paragraph 1(1)(a) there shall be added after “19”the following: “, 28(4) and (5)”.

(8) After Rule 36 (Voting) the following rule shall be inserted —

**“Notification of decisions of the Committee**

**36A.**—(1) In any case in which the Health Committee have given a direction under these rules 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 37.”.

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 Health Committee (Procedure) Rules 1987 (appended to S.I.1987/2174). 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—

- (a) 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; and
- (b) to make an order for indefinite suspension in circumstances where the doctor’s fitness to practise is judged by the General Medical Council’s Health Committee to be seriously impaired by reason of his physical or mental condition and where the doctor concerned has already been suspended for at least two years.

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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.