
STATUTORY INSTRUMENTS

1996 No. 2125

MEDICAL PROFESSION

The General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1996

<i>Made</i>	- - - -	<i>14th August 1996</i>
<i>Laid before Parliament</i>		<i>14th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

At the Council Chamber, Whitehall, the 14th day of August 1996
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of paragraphs 20, 21, 21A, 21B and 22 of Schedule 1 to the Medical Act 1983⁽¹⁾ the General Medical Council have made the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1996 as set out in the Schedule to this Order:

And whereas by paragraph 24 of the said Schedule, 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 (Constitution of Fitness to Practise Committees) Rules Order of Council 1996, and shall come into force on 1st September 1996.

The following Orders are revoked as from 1st January 1997:

The General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1986⁽²⁾

The General Medical Council (Constitution of Fitness to Practise Committees) (Amendment) Rules Order of Council 1987⁽³⁾

The General Medical Council (Constitution of Fitness to Practise Committees) (Amendment) Rules Order of Council 1994⁽⁴⁾

(1) 1983 c. 54.
(2) S.I. 1986/1390.
(3) S.I. 1987/1120.
(4) S.I. 1994/2022.

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The General Medical Council (Constitution of Fitness to Practise) (Amendment No. 2) Rules Order of Council 1994(5).

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE

THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF FITNESS TO PRACTISE COMMITTEES) RULES 1996

The General Medical Council, in exercise of their powers under paragraphs 20, 21, 21A, 21B and 22 of Schedule 1 to the Medical Act 1983, hereby made the following Rules:—

Citation and Commencement

1. These Rules may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1996 and shall come into force—

- (a) for the purposes of rules 2, 8(1) and (4), 9, 10, 11 and 16(1) on 1st September 1996; and
- (b) for all other purposes on 1st January 1997.

Interpretation

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

“the Council” means the General Medical Council;

“elected member” and “appointed member” have the meanings assigned to them by section 55 of the Medical Act 1983;

“fitness to practise committees” means the Preliminary Proceedings Committee, the Professional Conduct Committee, the Health Committee, the Assessment Referral Committee, and the Committee on Professional Performance;

“general election year” means any year in which there is a general election of elected members of the Council;

“lay member” means a nominated member (within the meaning of section 55 of the Medical Act 1983) who is neither fully registered nor the holder of any qualification registrable under the Medical Act 1983;

“medical member” means an elected member or an appointed member;

“the President” means the President of the Council.

PRELIMINARY PROCEEDINGS COMMITTEE

Composition of the Preliminary Proceedings Committee

3.—(1) Subject to the provisions of rule 13(2) the Preliminary Proceedings Committee shall consist of seven members who shall comprise:

- (a) a Chairman, who shall be the President or, if the President chooses not to act in this capacity, the member appointed by the Council under rule 4(3) of the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988 to undertake the initial consideration of cases under those Rules;
- (b) six other members, who shall be elected by the Council in accordance with rules 8(1) and (4), 9, 10 and 11 of these Rules, so that the total membership comprises four elected members, one appointed member and two lay members.

(2) If at any meeting the Chairman is not able to take the chair, the President may appoint another member of the Committee, present at the commencement of the meeting, to chair the whole or (as the case may be) the remaining part of it.

(3) The quorum shall be five, and shall include at least one lay member.

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PROFESSIONAL CONDUCT COMMITTEE

Composition of the Professional Conduct Committee

4.—(1) Subject to the provisions of rule 13(2) the Professional Conduct Committee shall consist of thirty members who shall comprise:

- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
- (b) two members of the Council appointed by the President;
- (c) twenty seven other members, who shall be elected by the Council in accordance with rules 8(1) and (4), 9, 10 and 11 of these Rules, so that the total membership comprises sixteen elected members, seven appointed members and seven lay members.

(2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the members specified in sub-paragraph (1)(b) shall be the Deputy Chairman, either one of whom shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) If, on the hearing of a case, neither the Chairman nor one of the Deputy Chairmen is able to take the chair, the President may appoint another member of the Committee, present at the commencement of the hearing, to chair the whole or (as the case may be) the remaining part of it.

(5) The quorum shall be five, and shall include at least one lay member.

HEALTH COMMITTEE

Composition of the Health Committee

5.—(1) Subject to the provisions of rule 13(2) the Health Committee shall consist of nine members who shall comprise:

- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
- (b) a member of the Council appointed by the President;
- (c) seven other members, who shall be elected by the Council in accordance with rules 8(1) and (4), 9, 10 and 11 of these Rules, so that the total membership comprises five elected members, two appointed members, and two lay members.

(2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the member specified in sub-paragraph (1)(b) shall be the Deputy Chairman, who shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) If, on the hearing of a case, neither the Chairman nor the Deputy Chairman is able to take the chair, the President may appoint another member of the Committee, present at the commencement of the hearing, to chair the whole or (as the case may be) the remaining part of it.

(5) The quorum shall be five, and shall include at least one lay member.

ASSESSMENT REFERRAL COMMITTEE

Composition of the Assessment Referral Committee

6.—(1) Subject to the provisions of rule 13(2) the Assessment Referral Committee shall consist of seventeen members who shall comprise:

- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
- (b) two members of the Council appointed by the President;
- (c) fourteen other members, who shall be elected by the Council in accordance with rules 8(1) and (4), 9, 10 and 11 of these Rules, so that the total membership comprises nine elected members, four appointed members and four lay members.

(2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the members specified in sub-paragraph (1)(b) shall be the Deputy Chairmen, either one of whom shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) If, on the hearing of a case, neither the Chairman nor one of the Deputy Chairmen is able to take the chair, the President may appoint another member of the Committee, present at the commencement of the hearing, to chair the whole or (as the case may be) the remaining part of it.

(5) The quorum shall be five, and shall include at least one lay member.

COMMITTEE ON PROFESSIONAL PERFORMANCE

Composition of the Committee on Professional Performance

7.—(1) Subject to the provisions of rule 13(2) the Committee on Professional Performance shall consist of twenty six members who shall comprise:

- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
- (b) two members of the Council appointed by the President;
- (c) twenty three other members, who shall be elected by the Council in accordance with rules 8(1) and (4), 9, 10 and 11 of these Rules, so that the total membership comprises fourteen elected members, seven appointed members and five lay members.

(2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the members specified in sub-paragraph (1)(b) shall be the Deputy Chairmen, either one of whom shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) If, on the hearing of a case, neither the Chairman nor one of the Deputy Chairmen is able to take the chair, the President may appoint another member of the Committee, present at the commencement of the hearing, to chair the whole or (as the case may be) the remaining part of it.

(5) The quorum shall be five, and shall include at least one lay member.

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GENERAL

Time of election and tenure of office

8.—(1) Unless the Council in special circumstances shall otherwise direct, the elections of persons to the fitness to practice Committees shall be conducted by post during the four months before the first Meeting of the Council held on or after 1st November in each year and the results of those elections shall be announced at that Meeting.

(2) Subject to paragraph (3), members elected to the fitness to practice Committees in accordance with paragraph (1) shall hold office for the next subsequent calendar year.

(3) Persons elected to the fitness to practice Committees in accordance with paragraph (1) to hold office in a general election year shall hold office from 1st January to 31st October in that year; and persons elected to those Committees in a general election year shall hold office from the date of the first meeting of the Council on or after 1st November in that year until the end of the following calendar year.

(4) Members of each Committee shall be eligible for re-election.

Manner of elections

9. The members of each Committee who are to be elected by the Council shall be elected by a single transferable vote and every member of the Council may vote in the election for each category of member to be elected to the fitness to practice Committee in question.

Order in which election results to be determined

10. At the annual elections of the Committees the results of the election of the Committees shall be determined in the following order: first the Preliminary Proceedings Committee, followed by the Health Committee, the Assessment Referral Committee, the Committee on professional performance, and lastly the Professional Conduct Committee.

Eligibility for membership

11.—(1) No member may be elected to more than one of the Committees at any one time.

(2) The President, if he so chooses, may sit concurrently on the Professional Conduct Committee and on the Committee on Professional Performance and on the Health Committee.

Disqualification from adjudication

12. Without prejudice to the generality of the foregoing rule, no member of the Professional Conduct Committee or of the Committee on Professional Performance or of the Health Committee may sit as such on the hearing of any case if he has previously sat as a member of any of the other fitness to practice Committees in relation to that case, or has adjudicated on it elsewhere in any other capacity.

Filling of vacancies

13.—(1) If any member who has been elected to 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 elected.

(2) If at any time there are insufficient elected, appointed or lay members available to sit on the fitness to practice committees then the President may temporarily appoint to any of them any

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member who would not be disqualified from adjudication under rule 12 of these Rules, but so that a vacancy on a committee for a medical member may only be filled by another medical member, and a vacancy for a lay member may only be filled by another lay member.

Cessation of Membership

14. 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

15. 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 or appointment of a member thereof.

Revocation

16.—(1) The rules specified in Schedule 1 are revoked to the extent specified in the third column of that Schedule as from 1st September 1996; and

(2) The rules specified in Schedule 2 are revoked to the extent specified in the third column of that Schedule as from 1st January 1997.

Given under the official seal of the General Medical Council this 25th day of July, nineteen hundred and ninety-six.

SCHEDULE 1

RULES REVOKED BY THESE RULES AS FROM 1st SEPTEMBER 1996

<i>(1)</i> <i>Title of Rules</i>	<i>(2)</i> <i>Serial Number</i>	<i>(3)</i> <i>Extent of Revocation</i>
The General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1986.	S.I. 1986/1390	Rules 2, 6(1) and (4), 7, 8, 9
The General Medical Council (Constitution of Fitness to Practise Committees) Rules (Amendment) Rules Order of Council 1994.	S.I. 1994/2022	Rule 1(3) insofar as it defines “general election year”
a Rule 2 of S.I. 1986/1390 was amended by S.I. 1994/2022 . Rule 6 of S.I. 1986/1390 was substituted by S.I. 1994/2022 .		

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SCHEDULE 2

RULES REVOKED BY THESE RULES AS FROM 1st JANUARY 1997

<i>(1)</i> <i>Title of Rules</i>	<i>(2)</i> <i>Serial Number</i>	<i>(3)</i> <i>Extent of Revocation</i>
The General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1986	S.I. 1986/1390	The remainder of the rules
The General Medical Council (Constitution of Fitness to Practise Committees) (Amendment) Rules Order of Council 1987	S.I. 1987/1120	The whole of the rules
The General Medical Council (Constitution of Fitness to Practise Committees) (Amendment) Rules Order of Council 1994	S.I. 1994/2022	The remainder of the rules
The General Medical Council (Constitution of Fitness to Practise Committees) (Amendment No. 2) Rules Order of Council 1994	S.I. 1994/3171	The whole of the rules

President

EXPLANATORY NOTE

(This note is not part of the Order)

The rules approved by this Order revoke and replace earlier rules governing the constitution of the General Medical Council's Fitness to Practise Committees. They regulate the constitutions of the Preliminary Proceedings Committee, the Professional Conduct Committee, the Health Committee, the Assessment Referral Committee and the Committee on Professional Performance, the last two of which Committees were provided for in the Medical (Professional Performance) Act 1995 which amends the Medical Act 1983.

Certain rules are brought into force on 1st September 1996 for the limited purpose of enabling the General Medical Council (GMC) to determine who will be the members of its statutory committees from 1st January 1997.

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The rules brought into force on 1st January 1997 provide for the establishment of the two new committees of the GMC, namely the Assessment Referral Committee and the Committee on Professional Performance.