
STATUTORY INSTRUMENTS

2003 No. 1340

**HEALTH CARE AND
ASSOCIATED PROFESSIONS
DOCTORS**

The Medical Act 1983 (Amendment) Order 2002
(Transitory Provisions) Order of Council 2003

<i>Made</i>	- - - -	<i>28th May 2003</i>
<i>Laid before Parliament</i>		<i>10th June 2003</i>
<i>Coming into force</i>	- -	<i>1st July 2003</i>

At the Council Chamber, Whitehall, the 28th day of May 2003
By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon them by article 16(3) of the Medical Act 1983 (Amendment) Order 2002(1), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Medical Act 1983 (Amendment) Order 2002 (Transitory Provisions) Order of Council 2003 and shall come into force on 1st July 2003.

(2) In this Order, “the principal Order” means the Medical Act 1983 (Amendment) Order 2002.

Transitory provisions relating to the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988

2. On and after the coming into force of article 4(2) of the principal Order (which relates to the reduction in the membership of the General Medical Council to no more than 35 members) and until the transitional provisions set out in Schedule 2 to the principal Order that require cases to be dealt with under the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988(2) are spent, those Rules are modified as follows—

(1) S.I.2002/3135.

(2) Appended to S.I. 1988/2255; amended by S.I. 1989/656, 1990/1587, 1994/3298, 1996/1218, 1997/1529, 2000/2034 and 2051, 2002/2572 and 2003/1343.

- (a) in rule 2(1)—
 - (i) for the definition of “lay member of the Council” substitute the following definition—

“lay person” means a person who is neither fully registered nor a holder of any qualification registrable under the Act;”,
 - (ii) omit the definition of “medical member of the Council”, and
 - (iii) in the definition of “medical screener” for the words “medical member of the Council” substitute the words “registered medical practitioner”;
- (b) in rule 4—
 - (i) in paragraph (1)—
 - (aa) in sub-paragraph (b), for the words “medical member of the Council” substitute the word “person”, and
 - (bb) for the words “such member” substitute the words “that screener or person”,
 - (ii) for paragraph (2) substitute—

“(2) The Council shall appoint one or more registered medical practitioners to act as medical screeners for the purposes of these Rules.”, and
 - (iii) for paragraphs (5) and (6) substitute—

“(5) The Council shall also appoint lay persons to advise any medical screener for the purposes of rule 6(3A).”; and
- (c) in rule 6(3A), for the words “lay member”, at each place where they occur, substitute the words “lay person”.

Transitory provisions relating to the General Medical Council Health Committee (Procedure) Rules 1987

3. On and after the coming into force of article 4(2) of the principal Order (which relates to the reduction in the membership of the General Medical Council to no more than 35 members) and until the transitional provisions set out in Schedule 2 to the principal Order that require cases to be dealt with under the General Medical Council Health Committee (Procedure) Rules 1987(3) are spent, those Rules are modified as follows—

- (a) in the definition of “the President” in rule 2(1), for the word “member” substitute the word “person”; and
- (b) in rule 5—
 - (i) in paragraph (2), for the words “member of the Council nominated by him” substitute the words “person being a registered medical practitioner”,
 - (ii) for paragraph (3) substitute—

“(3) The Council may appoint one or more other registered medical practitioners to undertake or assist in the initial consideration of cases under this Part of these Rules on behalf of the President or other person appointed under paragraph (2).”, and
 - (iii) in paragraph (4), for the words “member of the Council” substitute the word “person”.

Transitory provisions relating to the General Medical Council (Professional Performance) Rules 1997

4. On and after the coming into force of article 4(2) of the principal Order (which relates to the reduction in the membership of the General Medical Council to no more than 35 members) and until the transitional provisions set out in Schedule 2 to the principal Order that require cases to be dealt with under the General Medical Council (Professional Performance) Rules 1997(4) are spent, those Rules are modified as follows—

(a) in rule 2(1), for the definitions of “lay advisor”, “lay person” and “lay screener” substitute, respectively, the following definitions—

“lay adviser” means a lay person appointed by the Council in accordance with rule 3(3)(c);”;

“lay person” means a person who is neither fully registered nor a holder of any qualification registrable under the Act;”; and

“lay screener” means a lay person appointed by the Council in accordance with rule 3(3)(b);”;

and

(b) in rule 3—

(i) in paragraph (1), for the words “a member of the Council” substitute the words “a doctor”,

(ii) omit paragraph (2), and

(iii) in paragraph (3), for sub-paragraphs (a) and (b) substitute—

“(a) a list of doctors appointed in accordance with paragraph (1);

(b) a list of lay screeners appointed by the Council for the purposes of rule 5(6), (7) and (8) and rule 6(8); and

(c) a list of lay advisers appointed by the Council for the purposes of rule 17(6), (7) (8) and (9) and rule 26(2).”.

A. K. Galloway
Clerk of the Privy Council

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitory changes arising out of the implementation of the Medical Act 1983 (Amendment) Order 2002 (“the principal Order”).

On the coming into force of article 4(2) of the principal Order, the total number of members of the General Medical Council (“GMC”) is reduced to no more than 35 members. Articles 2 to 4 of this Order remove the requirements in Rules made by the GMC that the initial consideration of fitness to practise cases needs to be done by members of the GMC. They also include provisions allowing for the appointment by the GMC of the screeners and advisers who are now to undertake the initial consideration of fitness to practise cases.