
STATUTORY INSTRUMENTS

2007 No. 616

**HEALTH CARE AND
ASSOCIATED PROFESSIONS**

DOCTORS

**The General Medical Council
(Constitution) (Amendment) Order 2007**

<i>Made</i>	- - - -	<i>6th March 2007</i>
<i>Laid before Parliament</i>		<i>7th March 2007</i>
<i>Coming into force</i>	- -	<i>10th April 2007</i>

At the Court at Buckingham Palace, the 6th day of March 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council in exercise of the powers conferred by section 1(2) of, and paragraphs 5, 7 and 13 of Schedule 1 to, the Medical Act 1983(1).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the General Medical Council (Constitution) (Amendment) Order 2007 and shall come into force on 10th April 2007.

(2) In this Order, “the principal Order” means the General Medical Council (Constitution) Order 2002(2).

Amendment of article 2 of the principal Order

2. In article 2 of the principal Order (constitution of the General Council), for paragraph (a) substitute—

(1) 1983 c.54; paragraph 13 of Schedule 1 to the Act was substituted by S.I. 2002/3135, and there have been other amendments to section 1 and Schedule 1, but none are relevant.
(2) S.I. 2002/3136.

- “(a) 19 elected members, or such fewer number of elected members as results from a vacancy not needing to be filled by virtue of article 3(5);”.

Amendment of article 3 of the principal Order

- 3.—(1) In article 3 of the principal Order (terms of office of elected members)—
- (a) in paragraph (1), after “this article” insert “, article 3A”;
 - (b) in paragraph (3)—
 - (i) for “eight years” substitute “nine and a half years”, and
 - (ii) for “eleven years” substitute “twelve and a half years”;
 - (c) for paragraph (5), substitute the following paragraph—

“(5) Where an elected member dies, resigns or otherwise ceases to be a member before completing his term of office, the vacancy need only be filled if as a consequence—

 - (a) there will be a vacancy among the elected members for twelve months or longer; and
 - (b) unless that vacancy is filled, the number of elected members will not exceed the number of appointed and nominated members,

in which case there is a casual vacancy, and subject to paragraph (6), an election shall be held to fill the casual vacancy.”;
 - (d) in paragraph (6), omit “subject to paragraph (7)”; and
 - (e) omit paragraph (7).

New article 3A of the principal Order

4. After article 3 of the principal Order insert the following article—

“Extension of terms of office of certain elected members

3A. The term of office of an elected member whose term of office, in the absence of this article, would expire at the end of 30th June 2007 shall expire at the end of 31st December 2008.”

Amendment of article 4 of the principal Order

5. In article 4 of the principal Order (terms of office of appointed and nominated members), in paragraph (3)—
- (a) for “eight years” substitute “nine and a half years”;
 - (b) for “eleven years” substitute “twelve and a half years”; and
 - (c) for “elected” substitute “appointed or nominated”.

Amendment of article 7 of the principal Order

6. In article 7 of the principal Order (provisions relating to the term of office of the president), in paragraph (3), after “six years” add “, excluding in calculating that aggregate any time prior to the relevant day”.

Substitution of article 8 of the principal Order

7. For article 8 of the principal Order substitute the following—

“Quorum

8.—(1) Subject to paragraphs (2) and (3), the quorum of the General Council shall be 25.

(2) Where, as a consequence of a vacancy not needing to be filled, the full membership of the General Council is less than 35, the quorum of the General Council shall, subject to paragraph (3), be 70% of the full membership of the General Council.

(3) If a calculation of 70% of the full membership of the General Council produces a number which is—

- (a) not a whole number, the number produced shall be rounded up to the nearest whole number, and that whole number shall, subject to sub-paragraph (b), be the quorum of the General Council; or
- (b) less than 10, the quorum of the General Council shall be 10.”

Christine Cook
Deputy 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 amends the General Medical Council (Constitution) Order 2002 (“the 2002 Order”) so as to extend the terms of office of the elected members of the General Medical Council (“GMC”) whose terms of office were due to expire at the end of 30th June 2007. The terms of office of these members will now expire at the end of 31st December 2008.

Consequential changes are made to the limitations on the lengths of the terms of office of all members (including nominated and appointed members, in respect of whom a drafting error in the 2002 Order is corrected). In addition, if an elected member dies, resigns or otherwise ceases to be an elected member, a by-election need only be held if the vacancy is for twelve months or longer and failure to fill it would mean that the number of elected members will no longer exceed the number of nominated and appointed members on the GMC.

The limitation on the period for which a person may serve as President is changed so that only time served after 1st July 2003 is taken into account in the six year aggregate total, and the quorum of the GMC is amended so that if a vacancy on it is not filled and its full membership is consequently reduced, the quorum becomes 70% of the new full membership of the GMC (whole numbers rounded up), subject to a minimum quorum of 10.