

**EXPLANATORY MEMORANDUM TO**  
**THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF PANELS AND**  
**INVESTIGATION COMMITTEE) (AMENDMENT) RULES ORDER OF**  
**COUNCIL 2010**

**2010 No. 474**

1. This Explanatory Memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The Rules scheduled to this Order amend Rules made by the General Medical Council (GMC) which make provision for the constitution of certain GMC Panels and Committees.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1. None
4. **Legislative Context**
  - 4.1 The Rules scheduled to this Order amend the General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 (scheduled to S.I.2004/2611) ('the principal Rules'), both to make changes to the provision governing validity of proceedings and to change, consequentially, references to "chairman" in those rules to "chair" which are needed in order to reflect the general trend to make legislation as gender neutral as possible.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to all of the United Kingdom.
6. **European Convention on Human Rights**
  - 6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required
7. **Policy Background**
  - **What is being done and why**
    - 7.1 The General Medical Council (GMC) is the independent regulator for doctors in the UK. Its statutory purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine.

- 7.2 In order to practise medicine in the UK, a doctor must be both registered and licensed with the GMC.
- 7.3 The GMC uses panels and committees to consider a range of issues relating to the regulation of doctors. The current arrangements for constituting and operating these panels and committees are prescribed in the principal Rules
- 7.4. Details of the proposed amendments to the Rules

#### Amendments relating to non availability and eligibility to act

- 7.5 Rule 7 of the principal Rules maintains the validity of proceedings where there is a defect in the appointment of a member of a panel. The amendment to that rule by rule 2 ensures that this also applies where a panellist becomes ineligible or unavailable to act in the course of any proceedings unless it is considered to be in the interests of justice to convene a new panel.

#### Amendments substituting the word “Chairman”

- 7.6 The amendments to the principal rules made by rule 3 substitute the word ‘Chair’ for ‘Chairman’ wherever the latter appears in the principal Rules. This reflects the general trend to make legislation as gender neutral as possible.

### **8. Consultation outcome**

8.1 Between 27 October 2009 and 5 January 2010, the GMC consulted on a package of draft Rules and Regulations necessary as a result of the transfer of functions from Postgraduate Medical Education and Training Board to the GMC. This package included a draft of these Rules (although this package is not directly related to that transfer).

8.2 Details of the consultation were sent to 90 organisations. They included organisations representing doctors, the NHS and other healthcare providers, medical schools, deaneries and medical Royal Colleges and Faculties. Details of the consultation were also published on the GMC’s website. One month before the consultation closed, reminder letters were sent to those organisations that had not submitted comments.

8.3 The GMC received 27 responses to the consultation. These were strongly supportive of the consultation proposals overall, although no comments were received specifically on these Rules

8.4 The GMC has concluded that no changes are required to the draft Rules. A detailed report of the consultation and the GMC’s response to the issues raised will be published on the GMC’s website from 16 February 2010.

## **9. Guidance**

- 9.1 The Department of Health has not issued any guidance in relation to this Order.

## **10 Impact**

- 10.1 There is minimal impact to business, charities or voluntary bodies.
- 10.2 There is no negative impact on equality issues. Under section 52A(1)(a) of the Medical Act 1983, the GMC is required, in any event, when reporting on the exercise of their functions, to include a description of the arrangements they have put in place to ensure they adhere to good practise in relation to equality and diversity.
- 10.3 There is no impact on the public sector.

## **11. Regulating small business**

- 11.1 The legislation does not relate to small businesses.

## **12. Monitoring & review**

- 12.1 The principal Rules are periodically subject to monitoring and review to assess whether changes are required in the light of operational experience.

## **13. Contact**

- 13.1 Matthew Fagg at the Department of Health (Tel: 0113 254 6365 or email: [Matthew.Fagg@dh.gsi.gov.uk](mailto:Matthew.Fagg@dh.gsi.gov.uk)) can answer queries regarding the instrument