
STATUTORY INSTRUMENTS

2015 No. 794

The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015

PART 4

Other matters relating to fitness to practise

Investigation Committee: vexatious allegations, facts more than 5 years old, reviews

22.—(1) In section 35CC of the Medical Act (provisions supplementary to section 35C)(1), after subsection (3) insert—

“(4) Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8) not to apply in relation to an allegation if the Investigation Committee consider the allegation to be vexatious.

(5) Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8) not to apply in relation to an allegation if—

- (a) at the time when the allegation is made, more than five years have elapsed since the most recent events giving rise to the allegation, and
- (b) the Investigation Committee consider that it would not be in the public interest to investigate the allegation.

(6) Rules including provision by virtue of subsection (4) or (5) must provide that, where section 35C(4) to (8) does not apply in relation to an allegation, the Investigation Committee must serve notification of the decision on the person making the allegation (if any).

(7) Rules under paragraph 1 of Schedule 4 may make provision as to circumstances in which the Investigation Committee may review a decision made by them of a description specified in the rules that relates to a person’s fitness to practise.

(8) Where the rules include provision by virtue of any of subsections (4) to (7), the reference in subsection (1) to the functions of the Investigation Committee under section 35C is to be read as including a reference to the functions conferred by such provision.”

(2) In paragraph 8 of Schedule 4 to the Medical Act (service of notifications of decisions)(2), in sub-paragraph (1), at the end insert “or by virtue of section 35CC(6)”.

(1) Section 35CC was inserted by [S.I. 2002/3135](#).

(2) Paragraph 8 of Schedule 4 was amended by [S.I. 2007/3101](#) and [S.I. 2014/1011](#).