
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](#).

Registration Appeals Panels

23.—(1) In paragraph 4 of Schedule 3A to the Medical Act (registration and training: appeals from appealable registration decisions)(3), in sub-paragraph (7), for “a Fitness to Practise Panel” substitute “the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)”.

(2) In Schedule 3B to that Act (licence to practise and revalidation: appeals)(4), in paragraph 3(4), for “a Fitness to Practise Panel” substitute “the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)”.

Service of notification of decisions by email

24.—(1) In paragraph 8 of Schedule 4 to the Medical Act (service of notifications of decisions), in sub-paragraph (2)—

(a) omit the “or” preceding paragraph (d), and

(b) after that paragraph insert

“; or

(e) by sending it to an email address which the person provides for the purpose of fitness to practise proceedings”.

(2) At the end of that paragraph insert—

“(6) For the purposes of this paragraph, service of a notice sent by email is effected only if there is an electronic receipt showing that the email has been opened (or if the recipient acknowledges receipt in some other way).”

Appeal of review orders

25. In paragraph 11 of Schedule 4 to the Medical Act (proceedings before Investigation Committee etc: appeal of review orders)(5), in sub-paragraphs (1) and (3), for the words from “the direction takes effect” to the end substitute

“—

(a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,

(b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or

(c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).”

Minor corrections etc.

26.—(1) In paragraph 3(3)(b) of Schedule 3B to the Medical Act (licence to practise and revalidation: appeals), omit “the Solicitor to”.

(2) In paragraph 13 of Schedule 4 to that Act (proceedings before the Investigation Committee etc: meaning of “party”), omit “the Solicitor to”.

(3) Schedule 3A was inserted by [S.I. 2002/3135](#); paragraph 4 was amended by [S.I. 2010/234](#).

(4) Schedule 3B was inserted by [S.I. 2002/3135](#); paragraph 3 was amended by [S.I. 2006/1914](#).

(5) Paragraph 11 of Schedule 4 was amended by [S.I. 2014/1101](#).

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