
DRAFT STATUTORY INSTRUMENTS

2015 No.

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 2

The Medical Practitioners Tribunal Service

Establishment of the MPTS as a committee of the General Medical Council

2.—(1) In section 1 of the Medical Act (the GMC: constitution etc.), in subsection (3)(1), before “constituted in accordance with” insert—

“(g) the Medical Practitioners Tribunal Service (“the MPTS”),”.

(2) In subsection (3A) of that section, omit “paragraphs (c), (d) and (e) of”.

(3) In section 55(1) of that Act (interpretation), at the appropriate place insert—

““the MPTS” means the Medical Practitioners Tribunal Service”;

(4) In Part 3 of Schedule 1 to that Act (committees of the GMC)(2), before paragraph 23 (and the preceding cross-heading) insert—

“Medical Practitioners Tribunal Service

(1) The MPTS are to be constituted as provided by rules made under this paragraph by the General Council.

(2) Rules under this paragraph must secure that only persons who are not members of the General Council are to be members of the MPTS.

(3) Rules under this paragraph must include provision with regard to—

- (a) the numbers of registrant members and lay members of the MPTS;
- (b) (subject to sub-paragraph (6)) the appointment of members of the MPTS and the terms of office for which members are appointed, and the rules may provide that these are to be determined by whoever makes the appointment as member, on appointment;
- (c) the grounds (in addition to that mentioned in sub-paragraph (2)) on which a person is to be disqualified from appointment as a registrant or lay member of the MPTS;
- (d) (subject to sub-paragraph (6)) the appointment of a chair of the MPTS and the chair’s term of office, and the rules may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
- (e) deputising arrangements in respect of the chair;
- (f) the quorum at meetings of the MPTS;

(1) Section 1(3) and (3A) as substituted by S.I. 2002/3135 was amended by S.I. 2006/1914 and S.I. 2008/3131.
(2) Part 3 of Schedule 1 was amended by S.I. 2002/3135 and S.I. 2006/1914.

- (g) the circumstances in which a member of the MPTS ceases to hold office or may be removed or suspended from office.
- (4) Provision by virtue of sub-paragraph (3)(a) must secure that the registrant members of the MPTS do not form a majority of the members.
- (5) The chair of the MPTS is, by virtue of being appointed as such, an officer of the General Council.
- (6) Where, immediately before the commencement of this paragraph, a committee of the General Council constituted under paragraph 25 have been carrying out functions relating to fitness to practise proceedings, the General Council—
- (a) may appoint as the chair of the MPTS, for such period as the Council may determine, the person who, immediately before the commencement of this paragraph, was the chair of that committee, and
 - (b) may appoint as a member of the MPTS other than the chair, for such period as the Council may determine, a person who, immediately before the commencement of this paragraph, was a member of that committee.
- (7) Rules under this paragraph may include provision for enabling the General Council to direct the MPTS to delegate to the chair of the MPTS, or to such other officer of the Council as the Council determine, such of the functions of the MPTS as the Council determine (and for enabling the MPTS so to delegate).
- (8) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment as chair or as another member of the MPTS; and the rules may, in particular, require the General Council to set and publish those criteria.
- (9) Rules under this paragraph may include provision with regard to—
- (a) the maximum period for which a member of the MPTS may hold office during a specified period;
 - (b) the maximum period for which a member of the MPTS may serve as chair of the MPTS during a specified period;
 - (c) the education and training of members of the MPTS, and the rules may provide for the General Council to include the requirements with regard to education and training of members of the MPTS in standing orders, and for those standing orders to provide for—
 - (i) the education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the MPTS at meetings of the MPTS;
 - (e) the effect (if any) of any vacancy in the membership of the MPTS or any defect in the appointment of a member.
- (10) The MPTS must maintain a system for the declaration and registration of private interests of their members.
- (11) The MPTS must publish in such manner as they see fit entries recorded in the register of members' private interests.
- (12) In this paragraph, “registrant member” and “lay member” each have the same meaning as in paragraph 1A.
- (13) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient.”

(5) In paragraph 15 of that Schedule (standing orders of the GMC)(**3**), in sub-paragraph (3), at the end insert “, except in so far as is necessary for enabling standing orders to make provision with regard to the financial affairs of the MPTS or to make provision by virtue of paragraph 19F(9)(c).”

(6) In paragraph 16 of that Schedule (officers of the GMC)(**4**), after sub-paragraph (3) insert—

“(3A) A deputy or assistant registrar who is authorised in accordance with provision made by virtue of paragraph 19F(7) to act on behalf of the MPTS may not, while so authorised, act for the Registrar in any matter.”

(3) Paragraph 15 of Schedule 1 was amended by S.I. 2006/1914, 2008/1774 and S.I. 2008/3131.

(4) Paragraph 16 of Schedule 1 was amended by S.I. 2002/3135 and 2008/1774.