

Changes to legislation: Medical Act 1983, Paragraph 7 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 4

[^{F1}PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

Textual Amendments

- F1** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)
- F1** Sch. 4 title substituted (3.8.2015) by [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 \(S.I. 2015/794\)](#), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

Legal assessors

- 7 (1) For the purposes of advising—
- (a) the Investigation Committee where it is considering giving a warning to a person;
 - ^{F2}(b)
 - ^{F3}(c)
- on questions of law arising in proceedings before [^{F4}the Committee], there shall in all such proceedings be an assessor to [^{F5}the Committee] who shall be appointed by the General Council^{F6}
- [^{F7}(1A) The General Council must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1).]
- [^{F8}(1B) The MPTS must appoint a person as an assessor to a Medical Practitioners Tribunal or an Interim Orders Tribunal for the purpose of advising the Tribunal on questions of law arising in proceedings before them—
- (a) if the chair of the Tribunal is not a legally qualified person, or
 - (b) in any other case where they consider it appropriate to do so.
- (1C) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1B).
- (1D) In sub-paragraph (1B), “legally qualified person” means a person who satisfies such criteria as are set under sub-paragraph (1C) in relation to legal qualifications and legal experience.]

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- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.
- [^{F9}(2A) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as an assessor.]
- (3) [^{F10}The General Council] may make rules as to the functions of assessors appointed under this paragraph, including without prejudice to the generality of the powers to make such rules, the function of advising on the drafting of decisions.
- (4) Rules made under this paragraph in connection with proceedings before the Investigation Committee, [^{F11}a Medical Practitioners Tribunal or an Interim Orders Tribunal] may in particular contain such provisions as appear to [^{F12}the General Council] expedient for—
- (a) securing that where an assessor advises the Committee or [^{F13}a Tribunal] on any question of law as to evidence, procedure or any other matter specified in the rules, he shall either—
- (i) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
- (ii) inform every such party or person of the advice that he has tendered, if the advice is tendered after the Committee or [^{F13}the Tribunal] have begun their deliberations;
- (b) securing that every such party or person shall be informed if in any case the Committee or [^{F13}the Tribunal] do not accept the advice of the assessor on any such question,
- and may also contain such incidental and supplementary provisions as appear to [^{F12}the General Council] expedient.
- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- [^{F14}(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.]]

Textual Amendments

- F2** Sch. 4 para. 7(1)(b) omitted (31.12.2015) by virtue of 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 (S.I. 2015/794), arts. 1(3), **13(1)(a)**; S.I. 2015/1952, art. 2(j)
- F3** Sch. 4 para. 7(1)(c) and preceding word omitted (31.12.2015) by virtue of 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 (S.I. 2015/794), arts. 1(3), **13(1)(b)**; S.I. 2015/1952, art. 2(j)
- F4** Words in Sch. 4 para. 7(1) substituted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(1)(c)**; S.I. 2015/1952, art. 2(j)
- F5** Word in Sch. 4 para. 7(1) substituted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(1)(d)**; S.I. 2015/1952, art. 2(j)

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- F6** Words in Sch. 4 para. 7(1) omitted (31.12.2015) by virtue of 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 (S.I. 2015/794), arts. 1(3), **13(1)(e)**; S.I. 2015/1952, art. 2(j)
- F7** Sch. 4 para. 7(1A) inserted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(2)**; S.I. 2015/1952, art. 2(j)
- F8** Sch. 4 para. 7(1B)-(1D) inserted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(3)**; S.I. 2015/1952, art. 2(j)
- F9** Sch. 4 para. 7(2A) inserted (3.8.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(4)**; S.I. 2015/1579, art. 2(j)
- F10** Words in Sch. 4 para. 7(3) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(a)** (with art. 91)
- F11** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(5)(a)**; S.I. 2015/1952, art. 2(j)
- F12** Words in Sch. 4 para. 7(4) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(b)** (with art. 91)
- F13** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by 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 (S.I. 2015/794), arts. 1(3), **13(5)(b)**; S.I. 2015/1952, art. 2(j)
- F14** Sch. 4 para. 7(6) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(c)** (with art. 91)

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Changes and effects yet to be applied to :

- Sch. 4 para. 7(1)(b) repealed by 2008 c. 14 Sch. 7 para. 23(10)(a)(i) Sch. 15 Pt. 2
- Sch. 4 para. 7(1)(c) repealed by 2008 c. 14 Sch. 7 para. 23(10)(a)(i) Sch. 15 Pt. 2
- Sch. 4 para. 7(4) words repealed by 2008 c. 14 Sch. 7 para. 23(10)(b)(i) Sch. 15 Pt. 2
- Sch. 4 para. 7(4)(a) words repealed by 2008 c. 14 Sch. 7 para. 23(10)(b)(ii) Sch. 15 Pt. 2
- Sch. 4 para. 7(4)(a)(ii) words repealed by 2008 c. 14 Sch. 7 para. 23(10)(b)(iii) Sch. 15 Pt. 2
- Sch. 4 para. 7(4)(b) words repealed by 2008 c. 14 Sch. 7 para. 23(10)(b)(iv) Sch. 15 Pt. 2
- Sch. 4 para. 7(1) words substituted by 2008 c. 14 Sch. 7 para. 23(10)(a)(ii)
- Sch. 4 para. 7(1) words substituted by 2008 c. 14 Sch. 7 para. 23(10)(a)(iii)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by 2005 c. 4 Sch. 11 para. 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by S.I. 2008/3131 Sch. 1 para. 9(2)
- s. 29B(2A)(a) word substituted by S.I. 2010/234 Sch. 1 para. 2
- s. 29B(3A) inserted by S.I. 2008/3131 Sch. 1 para. 9(3)
- s. 29E(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 12(2)(b)
- s. 29E(2)(e)(f) inserted by S.I. 2008/3131 Sch. 1 para. 12(3)(b)
- s. 29F(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 14(3)
- s. 35C(2)(f)(g) inserted by S.I. 2008/1774 Sch. 1 para. 15 (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 35ZA inserted by 2008 c. 14 Sch. 7 para. 4
- Sch. 1 para. 1A(1)(b)(iv)(v) inserted by S.I. 2024/374 Sch. 5 para. 1(2)(b)(iii)
- Sch. 3B para. 5(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(2)(b)
- Sch. 3B para. 6(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(a)(ii)
- Sch. 3B para. 6(2)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(b)(ii)
- Sch. 3B para. 7(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(a)(ii)
- Sch. 3B para. 7(2)(c) and word inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(b)(ii)