

APPENDIX

THE GENERAL MEDICAL COUNCIL PRELIMINARY PROCEEDINGS COMMITTEE AND PROFESSIONAL CONDUCT COMMITTEE (PROCEDURE) RULES 1988

PART III

PROCEDURE OF THE PRELIMINARY PROCEEDINGS COMMITTEE

Determination by Preliminary Proceedings Committee

11.—(1) The Committee shall consider any case referred to them under rule 10 or under the provisions of the Health Committee (Procedure) Rules and, subject to those rules, determine:

- (a) that the case shall be referred to the Professional Conduct Committee for inquiry, or
- (b) that the case shall be referred to the Health Committee for inquiry, or
- (c) that the case shall not be referred to either Committee.

(2) When referring a case to the Professional Conduct Committee the Preliminary Proceedings Committee shall indicate the convictions, or the matters which in their opinion appear to raise a question whether the practitioner has committed serious professional misconduct, to be so referred and to form the basis of the charge or charges:

Provided that where the Committee refer any case relating to conduct to the Professional Conduct Committee and the Solicitor (or the complainant) later adduces grounds for further allegations of serious professional misconduct of a similar kind, such further allegations may be included in the charge or charges in the case, or the evidence of such grounds for further allegations may be introduced at the inquiry in support of that charge or those charges, notwithstanding that such allegations have not been referred to the Committee or formed part of the subject of a determination by the Committee.

(3) Before referring a case to the Health Committee the Committee may direct the Registrar to invite the practitioner to submit to examination by one or more medical examiners, to be chosen by the President from among those nominated under Schedule 2 to the Health Committee (Procedure) Rules, and, if the practitioner so elects, by another medical practitioner nominated by him, and to agree that such examiners should furnish to the Council reports on the practitioner's fitness to practise, either generally or on a limited basis, with recommendations for the management of his case. If the Committee consider that the information before them is sufficient to justify reference to the Health Committee, but that the Health Committee would be assisted by such reports, they may refer the case forthwith but invite the practitioner to submit to examination as aforesaid before the case is considered by the Health Committee.

(4) When referring a case to the Health Committee the Committee shall indicate the nature of the alleged condition by reason of which it appears to them that the fitness to practise of the practitioner may be seriously impaired.

(5) If the Committee decide not to refer a case to the Professional Conduct Committee or to the Health Committee, the Registrar shall inform the practitioner and the complainant (if any) of the decision in such terms as the Committee may direct.

Order for interim suspension or interim conditional registration

12.—(1) If the Committee decide that a case ought to be referred for inquiry either to the Professional Conduct Committee or to the Health Committee they may, in accordance with section 42(3) to (6) of the Act, proceed as provided in the following paragraphs of this rule.

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

- (a) (2) (a) If the Committee are satisfied that to do so is necessary for the protection of members of the public, they may make an order that the practitioner's registration be suspended for such period not exceeding two months as they may specify in the order.
- (b) If the Committee are satisfied that to do so is necessary for the protection of members of the public or is in the interests of the practitioner, they may order that the registration of the practitioner shall be conditional on his compliance with such requirements and during such period, not exceeding two months, as they may specify in the order.

(3) No order may be made under this rule unless the practitioner has been afforded an opportunity of appearing before the Preliminary Proceedings Committee and being heard on the question whether such an order should be made in his case; and for this purpose the practitioner may be represented before the Committee as provided in rule 53(2) and may also be accompanied by his medical adviser: Provided that, if the practitioner does not appear and the Registrar satisfies the Committee that the requirements of rule 54 have been met, the Committee may make an order under this rule if they think fit, notwithstanding the practitioner's failure to appear.

(4) Any decision by the Committee that a case should be referred for inquiry by the Professional Conduct Committee or by the Health Committee and any order by the Committee for a suspension or for conditional registration shall be notified to the practitioner by the Registrar in accordance with the requirements of rule 54.

Further investigations and provisional determination

13.—(1) Before coming to a determination under rule 11(1) the Committee may if they think fit cause to be made such further investigations, or obtain such advice or assistance from the Solicitor, as they may consider requisite.

(2) Where the Committee are of opinion that further investigations are desirable, or where at the time when the Committee are considering a case no explanation or observations have yet been received from the practitioner, they may if they think fit make a provisional determination that the case shall be referred to the Professional Conduct Committee or to the Health Committee and where they make such a determination—

- (a) the President may, after consulting the Committee, and if the Committee so agree, direct either that no reference shall be made or that the Committee's determination shall become absolute;
- (b) if the President directs that no reference shall be made, the Registrar shall notify the members of the Preliminary Proceedings Committee, and shall inform the practitioner and the complainant (if any) in such terms respectively as the President may direct.

Fresh allegation as to conviction or conduct

14. Notwithstanding anything in the foregoing rules, where

- (a) in any case relating to conviction the Committee determine that no inquiry shall be held; or
- (b) in any case relating to conduct
 - (i) the President decides that no reference to the Committee need be made; or
 - (ii) the Committee determine that no reference for inquiry shall be made,

and the Registrar, in a case falling under (a) above, at any time subsequently receives information that the practitioner has again been convicted or, in a case falling under (b) above, within two years of the decision or determination receives information or a complaint as to the conduct of the practitioner, the President may direct that the original conviction, information or complaint be referred, or referred again, to the Committee,

together with the subsequent conviction, information or complaint, as the case may be, and the original decision or determination referred to in (a) or (b) above shall be disregarded.

Preliminary Proceedings Committee to meet in private

15. The Committee shall meet in private.

Non-disclosure of documents or reasons in cases not referred for inquiry

16. Where the Committee have decided not to refer a case for inquiry no complainant, informant or practitioner shall have any right of access to any documents relating to the case submitted to the Council by any other person, nor shall the Committee be required by a complainant, informant, or practitioner to state reasons for their decision.