

SCHEDULE 2

THE POSTGRADUATE MEDICAL EDUCATION AND TRAINING BOARD AND ITS STATUTORY COMMITTEES

PART 1

THE BOARD

Membership

1.—(1) The Board shall consist of twenty-five members, and those members shall fall into one of the following categories—

- (a) members whose names are included in the register of medical practitioners maintained by the GMC under section 2 of the Medical Act (registration of medical practitioners) and who are referred to in this Schedule as “medical members”; or
- (b) members who—
 - (i) are not and never have been registered medical practitioners, and
 - (ii) do not hold any qualification that is registrable under the Medical Act, and who are referred to in this Schedule as “lay members”.

(2) The number of medical members shall exceed by at least one the number of lay members.

(3) The Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland and the National Assembly for Wales shall each appoint one medical member and one lay member to the Board and the Secretary of State shall appoint the remaining members (together the appointors are referred to as “the appointing authorities”).

(4) The Secretary of State shall ensure that of the members he appoints—

- (a) at least one member is appointed from amongst persons who have been nominated by the GMC; and
- (b) at least six medical members are appointed from amongst registered medical practitioners who have been nominated by a body that appears to him to represent the medical Royal Colleges in the United Kingdom (referred to in this paragraph as “the representative body”).

(5) The Secretary of State shall, prior to appointing a member pursuant to sub-paragraph (4), make a request in writing to the GMC or the representative body (as the case may be) for a list of names of persons that the GMC or the representative body wishes to nominate, specifying in that request—

- (a) the number of nominations required; and
- (b) the date by which those nominations are required.

(6) The requirements in sub-paragraph (4)(a) or (b) (as the case may be) shall not apply if the GMC or the representative body fails to provide the number of nominations specified pursuant to sub-paragraph (5)(a) by the date specified pursuant to sub-paragraph (5)(b).

(7) The requirement in sub-paragraphs (4)(b) and (5) (insofar as it applies to the representative body) shall not apply if in the reasonable opinion of the Secretary of State, there is no one body that represents the medical Royal Colleges in the United Kingdom.

(8) Subject to the requirements of this paragraph, the appointing authorities shall—

- (a) consult such persons as they consider appropriate before appointing any member; and

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- (b) appoint members from among persons who have such qualifications, interests and experience as, in the opinion of that authority, will be of value to the Board in the performance of its functions.
- (9) No person shall be prevented from being appointed merely because he has previously been a member of the Board.
- (10) Where a member ceases to be a member, the appointing authority that appointed him shall appoint a member to replace him.
- (11) Subject to sub-paragraph (12), if the unexpired term is less than twelve months, the vacancy need not be filled if the Board consents.
- (12) The vacancy must be filled if the vacancy would result in the requirement in sub-paragraph (2) not being satisfied.
- (13) In this paragraph “the unexpired term” means the period beginning with the date on which the member ceases to be a member and ending with the date on which his full term of office would have expired.
- (14) On a proposal from the Board or otherwise, the Secretary of State may by order vary the size or composition of the Board provided that—
 - (a) the number of medical members always exceeds by at least one the number of lay members; and
 - (b) the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland and the National Assembly for Wales shall always each appoint at least one medical member and one lay member to the Board.

Tenure of office of members

- 2.—(1) Subject to sub-paragraph (2), each member’s term of office will be for a period of three years.
- (2) For the initial membership of the Board, the appointing authority may determine the duration of the first term of office of each member, save that the term of office shall not be less than three years and it shall not exceed five years.
- (3) A person shall be removed from office as a Board member in such circumstances as may be provided for by the Board in rules.
- (4) A member may resign at any time by giving notice in writing to the Board and to the appointing authority that appointed him.
- (5) Every member shall retire from the Board on reaching the age of 70.

The chair

- 3.—(1) Subject to sub-paragraph (3), the members of the Board shall elect a chair from among themselves.
- (2) Subject to sub-paragraph (3), the term of office of the chair shall be three years.
- (3) The first chair shall be appointed by the Secretary of State and his term of office shall be five years.
- (4) Subject to sub-paragraph (5), the chair shall hold office until whichever of the following first occurs—
 - (a) he resigns as chair by giving notice in writing to the Secretary of State and the Board;
 - (b) he ceases to be a member of the Board; or
 - (c) he is removed as chair by a majority vote of the other members of the Board.

(5) The first chair cannot be removed by a majority vote of other members of the Board under sub-paragraph (4)(c) but he may be removed from office by the Secretary of State if—

- (a) he ceases to live or work wholly or mainly in the United Kingdom;
- (b) there is a change in his qualifications, interests or experience such that it appears to the Secretary of State that he will no longer contribute to the Board's exercise of its functions in such manner as justifies his continued chairmanship; or
- (c) there is, in the opinion of the Secretary of State, a serious and persistent deficiency in his attendance at meetings, or in his conduct or performance at meetings of the Board or otherwise.

(6) If the first chair ceases to hold office under sub-paragraphs (4)(a) or (b) or (5), the Secretary of State shall appoint a successor for the unexpired term.

(7) In sub-paragraph (6), “unexpired term” means the period beginning with the date on which the chair ceases to be the chair and ending with the date on which his full term of office as chair under sub-paragraph (3) would have expired.

(8) Subject to sub-paragraph (9), a person shall not be prevented from being elected chair merely because he has previously been chair.

(9) If a period of eight years has elapsed, beginning with his assuming office as chair, and no other person has been appointed or elected (and served) as chair during that time, that person may not be elected as chair until some other person has served as chair.

Delegation of appointment of members and the first chair

4.—(1) The Secretary of State may direct a Special Health Authority to exercise his functions of appointing—

- (a) members of the Board under paragraph 1(3), including members appointed pursuant to paragraph 1(4); or
- (b) the first chair under paragraph 3(3) or (6),

or to assist him in the exercise of such parts of those functions to the extent specified in his direction.

(2) If the Secretary of State does direct a Special Health Authority pursuant to sub-paragraph (1), the 1977 Act has effect as if—

- (a) the directions were directions of the Secretary of State under section 16D of that Act; and accordingly
- (b) the function were exercisable by the Special Health Authority under section 16D.

Observers

5.—(1) The Secretary of State, the Scottish Ministers, the Department for Health, Social Services and Public Safety in Northern Ireland and the National Assembly for Wales may each nominate a representative to attend meetings of the Board.

(2) A representative nominated under paragraph (1) shall not address the Board unless he is invited or requested to do so by the chair of the Board or otherwise has the permission of the Board to address it.

Grants and loans to the Board

6.—(1) The Secretary of State or an appropriate authority may make grants or loans to the Board towards expenses incurred, or to be incurred by it—

- (a) in connection with the process of the implementation of this Order; or

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- (b) for such other purposes in connection with the functions of the Board under this Order as may be approved by the Secretary of State or the appropriate authority and agreed with the Board.

(2) In this paragraph, an “appropriate authority” means the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland or the National Assembly for Wales.

Procedure of the Board and its committees

7. Subject to any provision made by or under this Order, the Board may regulate its own procedures.

Members' interests

8. The Board shall—

- (a) establish and maintain a system for the declaration and registration of private interests of its members and other members of its committees and sub-committees; and
- (b) publish entries recorded in the resulting register.

Complaints

9. The Board shall establish and maintain a system for resolving complaints made to the Board about the performance of any of its functions under this Order and the Board shall make rules as to how such a system will operate.

Powers of the Board

10.—(1) Subject to any provision made by or under this Order, the Board may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The Board shall, in particular, have power—

- (a) to borrow;
- (b) to appoint such staff as it may determine;
- (c) to pay its staff such salaries, allowances and expenses as it may determine;
- (d) to arrange for the discharge of any of its functions, other than a power to make rules, by its staff or members of the Board;
- (e) to make such provision for the payment of such pensions, allowances or gratuities, or of such contributions or payments towards provision for such pensions, allowances or gratuities, to or in respect of its staff as it may determine;
- (f) to make such provision in respect of its members and members of its committees and sub-committees as it may determine—
 - (i) for the payment of allowances or remuneration, including the payment of allowances to employers of such members for the purposes of enabling the members to perform functions under this Order,
 - (ii) for the reimbursement of such expenses as the members may reasonably have incurred in the course of carrying out their functions under this Order;
- (g) to establish such committees, and sub-committees of its committees, as it considers appropriate in connection with the discharge of its functions and to delegate any of its functions to them other than any power to make rules;

- (h) to appoint persons who are not members of the Board to any committee or sub-committee it establishes;
 - (i) subject to any provision made by or under this Order, to regulate the procedure of any of its committees or their sub-committees; and
 - (j) to abolish any of its committees (except a statutory committee), or any sub-committee of its committees.
- (3) The Board shall ensure that persons appointed to any committee or sub-committee who are not Board members shall have such qualifications, interests or experience as, in the opinion of the Board, are relevant to the field with which the committee or sub-committee is mainly concerned.
- (4) If it appears to the Board that any committee or sub-committee is failing to perform its functions adequately, the Board may give a direction as to the proper performance of those functions.
- (5) The powers of the Board may be exercised even though there is a vacancy among its members.
- (6) No proceedings of the Board shall be invalidated by any defect in the appointment of a member.
- (7) No person who is a member of the Board or any of its committees or sub-committees who is also a registered medical practitioner may take part in any proceedings of the Board in any period during which he is the subject of any investigation, proceedings or a determination concerning his fitness to practise his profession.