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STATUTORY INSTRUMENTS

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**2003 No. 1344**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
DOCTORS**

The General Medical Council (Constitution of  
Fitness to Practise Committees) (Transitional  
Arrangements) Rules Order of Council 2003

<i>Made</i>	- - - -	<i>5th June 2003</i>
<i>Laid before Parliament</i>		<i>10th June 2003</i>
<i>Coming into force</i>	- -	<i>1st July 2003</i>

At the Council Chamber, Whitehall, the 5th day of June 2003  
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas, in exercise of their powers under paragraphs 19A, 20, 21, 21A, 21B and 22 of Schedule 1 to the Medical Act 1983<sup>(1)</sup> and of all other powers enabling them in that behalf, the General Medical Council have made the General Medical Council (Constitution of Fitness to Practise Committees) (Transitional Arrangements) Rules 2003 as set out in the Schedule to this Order:

And whereas by paragraph 24 of that Schedule<sup>(2)</sup>, such rules shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken these rules into consideration, are pleased to, and do hereby, approve them.

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(1) 1983 c. 54. Paragraph 19A was inserted by S.I. 2000/1803; paragraphs 20, 21 and 22 were amended by S.I. 2000/1803; and paragraphs 21A and 21B were inserted by paragraph 12 of the Schedule to the Medical (Professional Performance) Act 1995 (c. 51).

(2) Paragraph 24 was amended by paragraph 14 of the Schedule to the Medical (Professional Performance) Act 1995 and by S.I. 2000/1803.

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### **Citation and commencement**

1. This Order may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) (Transitional Arrangements) Rules Order of Council 2003, and shall come into force on 1st July 2003.

### **Revocations**

2. The following Orders are hereby revoked—
- (a) the General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1996<sup>(3)</sup>; and
  - (b) the General Medical Council (Constitution of Interim Orders Committee) Rules Order of Council 2000<sup>(4)</sup>.

*A. K. Galloway*  
Clerk of the Privy Council

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<sup>(3)</sup> S.I. 1996/2125; amended by S.I. 2000/2051 and 2002/2572.

<sup>(4)</sup> S.I. 2000/2052; amended by S.I. 2002/2572.

## SCHEDULE

### THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF FITNESS TO PRACTISE COMMITTEES) (TRANSITIONAL ARRANGEMENTS) RULES 2003

The General Medical Council in exercise of their powers under paragraphs 19A, 20, 21, 21A, 21B and 22 of Schedule 1 to the Medical Act 1983 and of all other powers enabling them in that behalf, hereby make the following Rules:—

#### **Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) (Transitional Arrangements) Rules 2003 and shall come into force on 1st July 2003.

(2) In these Rules—

“the Council” means the General Medical Council;

“fitness to practise committees” means the Preliminary Proceedings Committee, the Professional Conduct Committee, the Health Committee, the Assessment Referral Committee, the Committee on Professional Performance and the Interim Orders Committee;

“lay person” means a person who is neither a doctor nor a holder of any qualification registrable under the Medical Act 1983;

“doctor” means a registered medical practitioner;

“the President” means the President of the Council.

#### **Chairmen and members**

2.—(1) Subject to rules 3, 4 and 6, the membership of each of the fitness to practise committees shall comprise of doctors and lay persons appointed to each of those committees by the Council and included on lists of persons for each of those committees maintained by the Council.

(2) The fitness to practise committees may include members of the Council.

(3) In respect of each fitness to practise committee the Council shall appoint a Chairman and one or more Deputy Chairmen from the members of the committee.

(4) If, for the hearing of a case by a fitness to practise committee other than the Preliminary Proceedings Committee, neither the Chairman nor any of the Deputy Chairmen of that Committee is, or will be able to take the chair, the Chairman or a Deputy Chairman or the President may appoint another member of the Committee, who is, will be or was present at the commencement of the hearing, to chair the whole or (as the case may be) the remaining part of it.

#### **Restrictions on membership of the Preliminary Proceedings Committee**

3. A person may not be a member of the Preliminary Proceedings Committee if—

(a) he is a medical screener appointed under rule 4(2) of the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988(5) or a lay person appointed under paragraph (5) of that rule; or

(b) he is appointed under rule 5(2) or (3) of the General Medical Council Health Committee (Procedure) Rules 1987(6) to undertake or assist in the initial consideration of cases under Part II of those Rules.

(5) Appended to S.I. 1988/2255; amended by S.I. 1989/656, 1990/1587, 1994/3298, 1996/1218, 1997/1529, 2000/2034 and 2051, 2002/2572, 2003/1340 and 1343.

(6) Appended to S.I. 1987/2174; amended by S.I. 1996/1219, 1997/1529, 2000/2034 and 2051, 2002/2572, 2003/1340 and 1343.

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### **Restrictions on membership of the Assessment Referral Committee**

4. A person may not be a member of the Assessment Referral Committee if he is a medical screener appointed under rule 3(1) of the General Medical Council (Professional Performance) Rules 1997(7) or if he is a lay screener appointed for the purposes of rule 5(6), (7) and (8) and rule 6(8) of those Rules.

### **Quorum**

5. The quorum of each fitness to practise committee shall be three, which shall include—
- (a) the Chairman, a Deputy Chairman or a person appointed under rule 2(4);
  - (b) a doctor; and
  - (c) a lay person.

### **Disqualification from adjudication**

6. No person may sit as a member of a fitness to practise committee for the hearing of any case if he has previously sat as a member of any other fitness to practise committee that has considered that case, or has adjudicated on it elsewhere in any other capacity.

### **Revocation**

7. The rules specified in Schedule 1 are hereby revoked to the extent specified in the third column of that Schedule.

### **Transitional**

8. Where, on the date these Rules come into force, a fitness to practise committee other than the Preliminary Proceedings Committee has begun, but not completed, its hearing of a case, for the remainder of that hearing—

- (a) rules 2 to 7 shall not apply to the constitution of the relevant Committee;
- (b) the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1996(8) shall continue to apply in the case of a hearing by the Professional Conduct Committee, the Health Committee, the Assessment Referral Committee or the Committee on Professional Performance as if they were still in force; and
- (c) the General Medical Council (Constitution of Interim Orders Committee) Rules 2000(9) shall continue to apply in the case of a hearing by the Interim Orders Committee as if they were still in force.

### **Validity of the Proceedings**

9. The validity of any proceedings of any of the fitness to practise committees shall not be affected by any vacancy among the members of the Committees or by any defect in the appointment of a member thereof.

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(7) Scheduled to S.I. 1997/1529; amended by S.I. 2000/2034 and 2051, 2001/3730, 2002/2572, 2003/1340 and 1343.

(8) S.I. 1996/2125; amended by S.I. 2000/2051 and 2002/2572.

(9) S.I. 2000/2052; amended by S.I. 2002/2572.

## SCHEDULE 1

### RULES REVOKED AS FROM 1ST JULY 2003

(1) Title of Rules	(2) Serial Number	(3) Extent of Revocation
The General Medical Council (Constitution of Fitness to Practise Committees) Rules 1996	S.I.1996/2125	All
The General Medical Council (Constitution of Interim Orders Committee) Rules 2000	S.I. 2000/2052	All
The General Medical Council (Fitness to Practise Committees) Rules 2000	S.I. 2000/2051	Rule 2
The General Medical Council (Fitness to Practise Committees) (Amendment) Rules 2002	S.I. 2002/2572	Rules 7 and 8

Given under the official seal of the General Medical Council this 30th day of May 2003.

L.S.

*Graeme Catto*  
President

### EXPLANATORY NOTE

*(This note is not part of the Order)*

The Rules approved by this Order make provision in respect of the constitution of the Preliminary Proceedings Committee, the Professional Conduct Committee, the Health Committee, the Assessment Referral Committee, the Committee on Professional Performance and the Interim Orders Committee (“the Committees”) of the General Medical Council (“the GMC”). The Committees are to be abolished when the new paragraph 5(1) of Schedule 1 to the Medical Act 1983 comes into force, but no date has as yet been specified for the coming into force of that provision<sup>(10)</sup>.

The Rules reconstitute the Committees so that they need not include any GMC members, a change arising from the coming into force on 1st July 2003 of the new paragraph 1(3) of Schedule 1 to the Medical Act 1983(b), which limits the membership of the GMC to 35.

<sup>(10)</sup> Appended to S.I. 1988/2255; amended by S.I. 1989/656, 1990/1587, 1994/3298, 1996/1218, 1997/1529, 2000/2034 and 2051, 2002/2572, 2003/1340 and 1343.

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Rule 2 sets out how membership of the Committees is to be determined, including how the Chairman and Deputy Chairman are to be appointed. Rule 3 provides for restrictions on membership of the Preliminary Proceedings Committee, and rule 4 provides for restrictions on membership of the Assessment Referral Committee.

Rule 5 sets out the quorum for each of the Committees, and rule 6 sets out the circumstances in which a person would be disqualified from sitting on any of the Committees.

Rule 7 revokes the rules specified in the Schedule to the Rules, and rule 8 makes transitional provisions in respect of all the Committees other than the Preliminary Proceedings Committee.

Rule 9 makes provision about the validity of the proceedings of any of the Committees.