

SCHEDULE

Article 2

The General Medical Council (Fitness to Practise) (Amendment) Rules 2014

These Rules are made by the General Medical Council in exercise of the powers conferred by section 35CC(1) of, and paragraphs 1(1), (2) and (2A), 5A(1), (2), (3), (3A) and 5C(1) of Schedule 4 to, the Medical Act 1983.

The General Medical Council has consulted with such bodies of persons representing medical practitioners, and medical practitioners of any description, as appeared to the General Medical Council requisite to be consulted in accordance with paragraph 1(6), 5A(9) and 5C(9) of Schedule 4 to that Act.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the General Medical Council (Fitness to Practise) (Amendment) Rules 2014 and come into force on 25th June 2014.

(2) In these Rules, “the Fitness to Practise Rules” means the General Medical Council (Fitness to Practise) Rules 2004(1).

Amendments to the Fitness to Practise Rules

2.—(1) The Fitness to Practise Rules are amended as follows.

(2) In rule 2 (interpretation), after the definition of “application”, insert—

““assessment of knowledge of English” means an assessment which is designed to evaluate whether the practitioner has the necessary knowledge of English;”.

(3) In rule 7 (investigation of allegations)—

(a) after paragraph (3), insert—

“(3A) The Registrar may direct that the practitioner undertake an assessment of knowledge of English in accordance with Schedule 3.”;

(b) for paragraph (6), substitute—

“(6) Where the Registrar receives information that—

(a) the practitioner has failed to submit to, or comply with, an assessment under Schedule 1 or 2;

(b) having submitted to an assessment under Schedule 1, the practitioner has failed to comply with reasonable requirements imposed by the Assessment Team; or

(c) the practitioner has failed to undertake an assessment of knowledge of English in accordance with Schedule 3 or has undertaken such an assessment but has failed to provide the information requested in accordance with that Schedule,

the Registrar may—

(i) refer the allegation for determination by a FTP Panel,

(ii) in a case falling within sub-paragraph (b), refer the practitioner to a FTP Panel for the purposes of making a direction under paragraph 5A(3) of Schedule 4 to the Act, or

(iii) in a case falling within sub-paragraph (c), refer the practitioner to a FTP Panel for the purposes of making a direction, if they think fit, under paragraph 5C(4) of Schedule 4 to the Act.”.

(1) Scheduled to [S.I. 2004/2608](#), which has been amended by [S.I. 2007/3101](#), [S.I. 2007/3168](#), [S.I. 2008/1256](#), [S.I. 2009/1182](#), [S.I. 2009/1913](#) and [S.I. 2013/815](#).

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(4) In rule 10 (undertakings), in paragraph (6) after “Schedule 1 or 2” insert “or directing that the practitioner undertake an assessment of knowledge of English in accordance with Schedule 3”.

(5) In rule 11 (warnings), in paragraph (7), in sub-paragraph (d), after “Schedule 1 or 2” insert “or an assessment of knowledge of English in accordance with Schedule 3”.

(6) In rule 13A (investigation following referral), after “Schedule 1 or 2” insert “or directing that the practitioner undertake an assessment of knowledge of English in accordance with Schedule 3”.

(7) In rule 17 (procedure before a FTP Panel)—

(a) in paragraph (4)—

(i) in sub-paragraph (a), omit “or”;

(ii) in sub-paragraph (b), at the end, insert “or”, and

(iii) after sub-paragraph (b) insert—

“(c) that the practitioner undertakes an assessment of knowledge of English in accordance with Schedule 3.”;

(b) in paragraph (5), after “paragraph 4(b)” insert “or (c)”;

(c) after paragraph (7) insert—

“(7A) Where a practitioner has been referred under rule 7(6)(iii) for failure to undertake an assessment of knowledge of English, or for failure to provide the information requested in respect of that assessment the FTP Panel may dispose of the case, where it considers it appropriate to do so, by suspending the practitioner’s name from the register or imposing conditions on his registration in accordance with paragraph 5C(4) of Schedule 4 to the Act.”; and

(d) for paragraph (8), substitute—

“(8) Subject to paragraph (7) and (7A), where a practitioner has failed to submit to, or comply with, an assessment under Schedule 1 or 2, or has failed to undertake an assessment under Schedule 3 or has failed to provide the information requested in respect of that assessment, and—

(a) there is credible evidence before the FTP Panel that the practitioner’s fitness to practise is impaired,

(b) a reasonable request has been made by the Registrar to the practitioner that he undertake, submit to, or comply with the assessment, or provide information in accordance with Schedule 3 (as the case may be), and

(c) no reasonable excuse for such failure has been provided by the practitioner,

the FTP Panel may take such failure into account in determining the question of whether the practitioner’s fitness to practise is impaired.”.

(8) In rule 19 (functions of registrar)—

(a) in paragraph (a), omit “and”;

(b) in paragraph (b), at the end, insert “or”; and

(c) after sub-paragraph (b) insert—

“(c) direct that the applicant undertake an assessment of knowledge of English in accordance with Schedule 3.”.

(9) In rule 23 (action on receipt of a restoration application), in paragraph (1)—

(a) in sub-paragraph (a), omit “and”;

(b) in sub-paragraph (b), at the end, insert “or”; and

(c) after sub-paragraph (b) insert—

“(c) direct that the applicant undertake an assessment of knowledge of English in accordance with Schedule 3.”.

(10) In rule 24 (procedure at a restoration hearing), in paragraph (2), in sub-paragraph (g) after “Schedule 1 or 2” insert “or undertake an assessment of knowledge of English in accordance with Schedule 3”.

(11) In rule 37A (panel undertakings), in paragraph (1), after “Schedule 1 or 2” insert “or directing that the practitioner undertake an assessment of knowledge of English in accordance with Schedule 3”.

(12) In Schedule 1 (performance assessments)—

(a) after paragraph 1 insert—

“**1A.** In this Schedule a reference to the standard of the practitioner’s professional performance includes the standard of the practitioner’s knowledge of English, in particular, whether the practitioner has the necessary knowledge of English.”;

(b) after sub-paragraph (2) of paragraph 3 insert—

“(2A) For the purposes of assessing the standard of a practitioner’s professional performance, the Assessment Team may direct, in accordance with the provisions set out in Schedule 3, a practitioner to undertake an assessment of knowledge of English.”;

(c) after sub-paragraph (4) insert—

“(5) Where the practitioner has undertaken an assessment of knowledge of English following a direction under these Rules the results of the assessment must be included in the report referred to under sub-paragraph (4).”.

(13) After Schedule 2 (health assessments) insert—

“SCHEDULE 3

KNOWLEDGE OF ENGLISH ASSESSMENTS

1. The Registrar, Assessment Team or FTP Panel (as the case may be) may direct the practitioner to—

- (a) undertake an assessment of knowledge of English and;
- (b) to provide information in respect of that assessment as specified in the direction.

2. Where a direction is made under paragraph 1, the Registrar, Assessment Team or FTP Panel (as the case may be), must without delay serve a notice on the practitioner—

- (a) requiring the practitioner to undertake an assessment of knowledge of English within such period as shall be specified in the notice, which period shall be no shorter than 30 days, and no longer than 90 days, beginning with the date of the notice, and
- (b) specifying any information which the practitioner is required to provide in respect of that assessment.

3. Where a practitioner has undertaken an assessment under this Schedule and informed the relevant person of the information requested under paragraph 2(b), the Registrar, Assessment Team or FTP Panel (as the case may be) may make a request to the relevant person for disclosure of that information.

4. Where a request is made under paragraph 3 the relevant person shall disclose the information requested to the person making the request.

5. In this Schedule “relevant person” means the Registrar, Assessment Team or FTP Panel (as the case may be).”

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