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## SCHEDULES

### SCHEDULE 1 **U.K.**

Section 1.

#### THE GENERAL MEDICAL COUNCIL AND ITS COMMITTEES, AND THE BRANCH COUNCILS

#### PART I **U.K.**

##### CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

###### *General*

- 1 (1) The General Council shall consist of—
- (a) elected members;
  - (b) appointed members; and
  - (c) nominated members.
- (2) The numbers of elected members, appointed members and nominated members shall be such that the number of the elected members exceeds the number of the appointed and nominated members.

###### *Elected members*

- 2 (1) Elections of elected members shall be conducted in accordance with an electoral scheme under this paragraph providing for the election of members for the following four constituencies, that is to say—
- (a) England, the Channel Islands and the Isle of Man;
  - (b) Wales;
  - (c) Scotland; and
  - (d) Northern Ireland.
- (2) An electoral scheme shall be made, with the approval of the Privy Council, by the General Council after consultation with such bodies as appear to the General Council to be representative of medical practitioners.
- (3) An electoral scheme under sub-paragraph (2) above may be amended by the General Council with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.
- (4) The persons qualified to elect the elected members for any constituency shall be those who, when the election is held—
- (a) are resident in the constituency for which the election is held; and
  - (b) are fully registered, provisionally registered or registered with limited registration;

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except that a person registered with limited registration shall not be qualified to vote at an election unless, during the four years preceding the election, he has been so registered for a period, or for periods which amount in the aggregate to a period, of not less than three years.

- (5) A person shall not be qualified to be elected as an elected member unless he is fully registered, provisionally registered or registered with limited registration and, if registered with limited registration, has, during the four years preceding the election, been so registered for a period, or for periods which amount in the aggregate to a period, of not less than three years nor shall he be qualified to hold office as an elected member unless he is fully registered, provisionally registered or registered with limited registration.
- (6) For the purposes of this paragraph, a person shall be taken to be resident at his address in the register.

#### *Appointed members*

- 3 (1) Appointed members shall be chosen by the universities and other bodies designated for the time being as appointing bodies by an Order in Council under section 1 of this Act, being universities or bodies of the following description, that is to say, universities or bodies in England, Wales, Scotland or Northern Ireland which have power to grant a qualification which is or has been registrable under this Act or Part II of the <sup>M1</sup>Medical Act 1956.
- (2) A person shall not be qualified to be chosen as an appointed member unless he is fully registered, provisionally registered or registered with limited registration and, if registered with limited registration has, during the four years preceding his appointment, been so registered for a period, or for periods which amount in the aggregate to a period, of not less than three years.
- (3) An Order in Council under section 1 of this Act may give an appointing body the power to choose more than one appointed member or to choose an appointed member in combination with another appointing body or bodies.

#### **Marginal Citations**

**M1** 1956 c. 76.

#### *Nominated members*

- 4 (1) Nominated members shall be nominated by Her Majesty on the advice of Her Privy Council.
- (2) One member at least shall be nominated for England, for Wales, for Scotland and for Northern Ireland.
- (3) Of the nominated members, a majority shall be persons who are neither fully registered nor holders of any qualification registrable under this Act.

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VALID FROM 17/12/2002

*f<sup>1</sup>Suspension or removal from office of members*

**Textual Amendments**

**F1** Sch. 1 paras. 4A, 4B and cross-headings inserted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(6)** (with transitional provisions in [Sch. 2](#))

- 4A (1) The General Council shall by rules make provision for the suspension or removal from office of a member by the General Council in such circumstances as may be specified in the rules.
- (2) Rules under sub-paragraph (1) above shall provide for an elected member or an appointed member to be removed from office if he ceases—
- (a) to be registered; or
  - (b) to hold a licence to practise.
- (3) Standing orders of the General Council shall make provision for the procedure by which a member may be suspended or removed from office.
- (4) No rules under sub-paragraph (1) above shall come into force until approved by order of the Privy Council.

VALID FROM 17/12/2002

*Registration of members' private interests*

- 4B (1) The General Council must establish and maintain a system for the declaration and registration of private interests of members of the Council.
- (2) The General Council must publish entries recorded in the register of members' private interests.]

*Supplementary*

- 5 An Order in Council under section 1 of this Act may contain such incidental, consequential, transitional or supplementary provisions as appear to Her Majesty to be necessary or expedient.
- 6 (1) Subject to sub-paragraph (2) below, a person shall not be qualified to be a member of the General Council if he has attained the age of seventy years.
- (2) The General Council may by rules provide that sub-paragraph (1) above shall have effect with the substitution of such age less than seventy years as is specified in the rules.
- (3) No rules under sub-paragraph (2) above shall come into force until approved by order of the Privy Council.

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- 7 An Order in Council under section 1 of this Act may, notwithstanding paragraph 1(2) above, make provision permitting elections to fill casual vacancies among the elected members to be held together at such times as may be specified in the Order subject to the restriction that the intervals between successive elections shall not exceed half the period for which elected members of the General Council currently hold office.
- 8 No recommendation shall be made to Her Majesty to amend or revoke an Order in Council under section 1 of this Act so far as it relates to the appointing bodies except in pursuance of a representation made to the Privy Council by the General Council.

## PART II U.K.

### INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

#### *Incidental powers*

- 9 It shall be within the capacity of the General Council as a corporation to do such things and enter into such transactions as are in their opinion incidental or conducive to the performance of their functions under this Act, including the borrowing of money.

VALID FROM 17/12/2002

- [<sup>F2</sup>9A In exercising their functions, the General Council shall co-operate wherever appropriate and reasonably practicable with public authorities or other bodies or persons concerned with—
- (a) the employment (whether or not under a contract of service) of registered medical practitioners;
  - (b) the education of medical practitioners, prospective medical practitioners or other health care professionals;
  - (c) the regulation of other health or social care professions; or
  - (d) the regulation of health services.

#### **Textual Amendments**

**F2** Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in [Sch. 2](#))

VALID FROM 17/12/2002

- 9B (1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or

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(b) would constitute or be punishable as a contempt of court.

(3) In sub-paragraph (2) above “enactment” includes—

- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (b) any provision of, or any instrument made under, Northern Ireland legislation.]

#### Textual Amendments

**F2** Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), 15(7)(a) (with transitional provisions in [Sch. 2](#))

10 For the purpose of enabling the General Council to compile or assist in the compilation of statistics relating to medical practice and practitioners the Council may from time to time issue to persons registered under this Act (otherwise than under section 18) requests for information on matters which in the opinion of the Council are relevant for that purpose.

11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under section 19, 21 or 22 of this Act.

#### *Proceedings of the General Council*

12 The validity of any proceedings of the General Council shall not be affected by any vacancy among the members of the Council or by any defect in the election, appointment or nomination of a member of the Council.

13 (1) The quorum of the General Council shall be prescribed by the General Council by rules under this sub-paragraph.

(2) No rules under sub-paragraph (1) above shall come into force until approved by order of the Privy Council.

14 All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the person who presides at the meeting shall, in addition to his vote as a member of the Council, have a casting vote.

15 (1) The General Council may by standing order make provision with respect to the meetings and proceedings of and the discharge of their functions by the Council and any committees of the Council, with respect to the composition of committees of the Council and with respect to the functions of the officers of the Council.

(2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.

(3) This paragraph does not apply in relation to the statutory committees other than the Education Committee nor shall standing orders be made under it in relation to the discharge of the Council’s functions under section 39 of this Act or in relation to any committee to which those functions may be delegated.

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### *Officers of the General Council*

- 16 (1) The General Council shall elect from among their number a president of the General Council and may so elect a chairman and a treasurer or treasurers of the General Council.
- (2) The president and any chairman or treasurer elected in pursuance of subparagraph (1) above shall be elected for a term not extending beyond the expiration of the term for which he has been elected, chosen or nominated to be a member of the General Council.
- (3) The General Council shall appoint a person to be registrar of the Council and may appoint such deputy and assistant registrars of the Council as the Council think fit and where a deputy or assistant registrar is authorised by the Registrar to act for him in any matter, any reference in this Act to the Registrar shall include a reference to that deputy or assistant where the reference relates to that matter.

### *Financial provisions*

- 17 There shall be paid to the members of the General Council such fees and such travelling, subsistence or other allowances as the General Council may allow.
- 18 (1) Any fees or other sums payable by virtue of this Act in connection with registration under this Act shall be paid to the General Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees and sums, or from the sale of registers, or otherwise.
- (2) The General Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts (including records of the evidence furnished by branch councils under paragraph 28 below), and their accounts for each financial year of the Council shall be audited by auditors appointed by the Council.
- (3) No person shall be qualified to be appointed auditor under this paragraph unless he is a member of one or more of the following bodies—  
 the Institute of Chartered Accountants in England and Wales;  
 the Institute of Chartered Accountants of Scotland;  
 the Association of Certified Accountants;  
 the Institute of Chartered Accountants in Ireland;  
 any other body of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of [F3section 389(1)(a) of the Companies Act 1985];  
 but a Scottish firm may be so appointed if each of its partners is qualified to be so appointed.
- (4) As soon as may be after the accounts of the General Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors on them, and the Privy Council shall lay a copy of the accounts and of any report of the auditors on the accounts before each House of Parliament.

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#### Textual Amendments

- F3** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

### PART III U.K.

#### COMMITTEES OF THE GENERAL MEDICAL COUNCIL

##### *The Education Committee*

- <sup>F4</sup>19 (1) Subject to sub-paragraph (2) below and the power of the Committee under paragraph 25 below to co-opt members the composition of the Education Committee shall be such as the General Council think fit.
- (2) The members of the Committee chosen by the General Council shall be so chosen as to ensure that the number of appointed members exceeds the number of elected and nominated members or, if there are no nominated members chosen to be members of the Committee, the number of elected members.

#### Textual Amendments

- F4** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

VALID FROM 03/08/2000

##### <sup>F5</sup> *The Interim Orders Committee*

#### Textual Amendments

- F5** Sch. 1 para. 19A and cross-heading inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 15\(a\)](#)

- <sup>F6F7</sup>19A Subject to the power of the Committee under paragraph 25 to co-opt members, the Interim Orders Committee shall be constituted as provided by the General Council by rules under this paragraph.]

#### Textual Amendments

- F6** Sch. 1 para. 19A inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 15\(a\)](#)
- F7** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

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### *The Preliminary Proceedings Committee*

- <sup>F8</sup>20 The Preliminary Proceedings Committee shall be constituted as provided by the General Council by rules under this paragraph.

#### **Textual Amendments**

- F8** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

### *The Professional Conduct Committee*

- 21 The Professional Conduct Committee shall be constituted as provided by the General Council by rules under this paragraph.

VALID FROM 01/07/1997

### *[<sup>F9</sup> The Assessment Referral Committee]*

#### **Textual Amendments**

- F9** Sch. 1 Pt. III paras. 21A, 21B inserted (1.7.1997) by [1995 c. 51, s. 4](#), **Sch. para. 12**; [S.I. 1997/1315](#), **art. 2**

- 21A The Assessment Referral Committee shall be constituted as provided by the General Council by rules under this paragraph.

VALID FROM 01/07/1997

### *The Committee on Professional Performance*

- 21B The Committee on Professional Performance shall be constituted as provided by the General Council by rules under this paragraph.

### *The Health Committee*

- 22 The Health Committee shall be constituted as provided by the General Council by rules under this paragraph.



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### Supplementary

- 23 Rules under paragraphs 21 and 22 above shall secure that a person who sits as a member of the Preliminary Proceedings Committee in the preliminary proceedings on any case shall not sit as a member of the Professional Conduct Committee or the Health Committee in any subsequent proceedings on that case.

VALID FROM 03/08/2000

[<sup>F10F11</sup>23A Rules under paragraph 19A above shall secure that a person who sits as a member of the Preliminary Proceedings Committee, the Assessment Referral Committee, the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee shall not sit as a member of the Interim Orders Committee in any subsequent proceedings on that case.]

#### Textual Amendments

- F10** Sch. 1 para. 23A inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 15\(d\)](#)
- F11** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. [1\(2\)\(3\)](#), [5\(3\)](#), (with transitional provisions in Sch. 2)

- 24 Rules under paragraph 20, 21 or 22 above shall not come into force until approved by order of the Privy Council.
- 25 (1) Without prejudice to the preceding provisions of this Part of this Schedule the General Council may constitute out of their membership one or more committees.
- (2) A committee of the General Council may, if authorised to do so by the General Council, co-opt such persons (whether or not members of the Council) as the committee think fit subject to the approval of the General Council to the number of persons who may be co-opted and, in the case of persons who are not members of the General Council, to the approval of the General Council to their being co-opted.
- This sub-paragraph does not apply in relation to any statutory committee except the Education Committee.
- (3) The General Council may delegate to any committee of the Council such of the Council's functions as they think fit but the determination of the remuneration payable to visitors appointed by the Education Committee under section 7(1) or 13(1) of this Act or to inspectors appointed by that Committee under section 6(2) of this Act shall be subject to the approval of the General Council.
- (4) The quorum of a committee of the General Council shall be such as the General Council determine from time to time.

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## PART IV U.K.

### THE BRANCH COUNCILS

- 26 (1) There shall continue to be a branch council for England, for Wales, for Scotland and for Northern Ireland.
- (2) The branch council for each area shall consist of—
- (a) the members of the General Council elected for the constituency constituted by its area;
  - (b) the member or members of the General Council chosen by the appointing body or bodies in its area; and
  - (c) the member or members of the General Council nominated for its area.
- (3) The General Council may delegate to a branch council such of the functions of the General Council (other than those conferred by section 39 of this Act) as the General Council think fit.
- 27 Each branch council shall appoint a registrar of the council but the person appointed to be registrar of the General Council—
- (a) shall also be registrar of the branch council for England; and
  - (b) may also be registrar of all or any of the other branch councils.
- 28 The General Council shall furnish each branch council with such sums as the branch council may require for defraying any expenses incurred by the branch council with the approval of the General Council; and each branch council shall furnish the General Council with such evidence as the General Council may reasonably require of all payments made by the branch council out of sums furnished by the General Council.
- 29 There shall be paid to the members of the branch councils such fees and such travelling, subsistence or other allowances as the General Council may allow.

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