

Status: Point in time view as at 03/08/2015.

Changes to legislation: Medical Act 1983, Cross Heading: Legal assessors is up to date with all changes known to be in force on or before 03 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 4

[^{F1}PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

Textual Amendments

- F1** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)
- F1** Sch. 4 title substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

Legal assessors

- 7 (1) For the purposes of advising—
- the Investigation Committee where it is considering giving a warning to a person;
 - an Interim Orders Panel; or
 - a Fitness to Practise Panel,
- on questions of law arising in proceedings before them, there shall in all such proceedings be an assessor to the Panel who shall be appointed by the General Council and shall be—
- a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,
 - an advocate or solicitor in Scotland of at least 10 years' standing, or
 - a member of the Bar of Northern Ireland or [^{F2}solicitor of the Court of Judicature of Northern Ireland] of at least 10 years' standing.
- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.
- [^{F3}(2A) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as an assessor.]
- (3) [^{F4}The General Council] may make rules as to the functions of assessors appointed under this paragraph, including without prejudice to the generality of the powers to make such rules, the function of advising on the drafting of decisions.

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- (4) Rules made under this paragraph in connection with proceedings before the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel may in particular contain such provisions as appear to ^{F5}the General Council] expedient for—
- (a) securing that where an assessor advises the Committee or a Panel on any question of law as to evidence, procedure or any other matter specified in the rules, he shall either—
 - (i) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
 - (ii) inform every such party or person of the advice that he has tendered, if the advice is tendered after the Committee or the Panel have begun their deliberations;
 - (b) securing that every such party or person shall be informed if in any case the Committee or the Panel do not accept the advice of the assessor on any such question,
- and may also contain such incidental and supplementary provisions as appear to ^{F5}the General Council] expedient.
- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- ^{F6}(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.]]

Textual Amendments

- F2** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)
- F3** [Sch. 4 para. 7\(2A\)](#) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **13(4)**; S.I. 2015/1579, art. 2(j)
- F4** Words in [Sch. 4 para. 7\(3\)](#) substituted (20.7.2006) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(a), **57(3)(a)** (with art. 91)
- F5** Words in [Sch. 4 para. 7\(4\)](#) substituted (20.7.2006) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(a), **57(3)(b)** (with art. 91)
- F6** [Sch. 4 para. 7\(6\)](#) substituted (20.7.2006) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(a), **57(3)(c)** (with art. 91)

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