



National Health Service Reform and Health Care Professions Act 2002

2002 CHAPTER 17

PART 2

[^{F1}HEALTH AND SOCIAL CARE PROFESSIONS ETC.]

[^{F1}*The Professional Standards Authority for Health and Social Care*]

[^{F1}29A. References under section 29: role of the General Medical Council

- (1) If the Authority makes a reference under section 29 of a case involving a relevant decision such as is mentioned in subsection (8)(d) of that section—
 - (a) the Authority must without delay give the General Medical Council notice of the reference; and
 - (b) the General Medical Council may not bring an appeal under section 40A of the Medical Act 1983 against the decision.
- (2) Where the General Medical Council is the respondent in the case of a reference under section 29, the matters which it may raise on the reference include any matter that it could have raised on an appeal against the relevant decision under section 40A of the Medical Act 1983.
- (3) If the General Medical Council is the respondent in the case of a reference under section 29, and the Authority either wishes to withdraw the reference or, having agreed the terms of a settlement of the case with the person to whom the relevant decision relates, wishes the case to be disposed of on those terms, the Authority must give notice of its wish to the Council.
- (4) The General Medical Council, having received a notice under subsection (3), must by notice inform the relevant court, the Authority and the person concerned whether it wishes the proceedings on the reference to continue.

Changes to legislation: National Health Service Reform and Health Care Professions Act 2002, Section 29A is up to date with all changes known to be in force on or before 10 June 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) View outstanding changes

- (5) Where the General Medical Council gives notice under subsection (4) that it wishes the proceedings to continue, they are to continue but, from the time when the Council gives its notice to the relevant court under subsection (4), are to be treated as proceedings on an appeal made by the Council under section 40A of the Medical Act 1983.
- (6) In a case within subsection (5), the General Medical Council must give notice to the relevant court, the Authority and the person concerned specifying the grounds of its case; and—
- (a) the person concerned has the opportunity to respond accordingly, and
 - (b) the Authority has the opportunity to become a party to the appeal by virtue of section 40B(2) of the Medical Act 1983.
- (7) A requirement in this section to give a notice to a specified person is in addition to such requirements as are imposed by rules of court in relation to the persons to whom notice is to be given; and the giving of notice under this section is subject to such other requirements relating to the giving of notices as are imposed by rules of court.
- (8) In this section, “relevant court” and “relevant decision” each have the same meaning as in section 29.]

Textual Amendments

- F1** S. 29A inserted (31.12.2015) 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), **18(9)**; [S.I. 2015/1952](#), art. 2(l) (with Sch. para. 3)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(1)(fb) substituted for s. 17(1)(fa) by [2006 c. 28 Sch. 8 para. 50\(a\)](#) (Effect not applied. The amending provision was repealed 1.3.2007 by [2006 \(c. 43\), s. 8\(2\), Sch. 4](#))
- s. 26(4)(d) and word inserted by [S.I. 2024/374 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 29(1)(ha)-(hc) inserted by [S.I. 2024/374 Sch. 5 para. 4\(3\)\(a\)](#)
- s. 29(7B) inserted by [S.I. 2024/374 Sch. 5 para. 4\(3\)\(c\)](#)