

1986 No. 1390

MEDICAL PROFESSION

The General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1986

<i>Made - - - -</i>	<i>8th August 1986</i>
<i>Laid before Parliament</i>	<i>11th August 1986</i>
<i>Coming into Operation</i>	<i>1st September 1986</i>

At the Council Chamber, Whitehall, the 8th day of August 1986

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas, in pursuance of paragraphs 20, 21 and 22 of Schedule 1 to the Medical Act 1983 (a), the General Medical Council have made the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1986:

And whereas, by paragraph 24 of the said Schedule, such Rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to approve the same as set out in the Appendix to this Order.

This Order may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1986, and shall come into operation on 1st September 1986.

G. I. de Deney,
Clerk of the Privy Council.

APPENDIX

THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF FITNESS TO PRACTISE COMMITTEES) RULES 1986

The General Medical Council, in exercise of their powers under paragraphs 20, 21 and 22 of Schedule 1 to the Medical Act 1983, hereby make the following rules:—

Citation and Commencement

1. These rules may be cited as the General Medical Council (Constitution of Fitness to Practise Committees) Rules 1986 and shall come into operation on 1st September 1986.

(a) 1983 c.54.

Interpretation

2. In these rules, unless the context otherwise requires:
- “the Council” means the General Medical Council;
 - “the President” means the President of the Council;
 - “elected member” and “appointed member” have the meanings assigned to them by section 55 of the Medical Act 1983;
 - “lay member” means a nominated member (within the meaning of section 55 of the Medical Act 1983) who is neither fully registered nor the holder of any qualification registrable under the Medical Act 1983.

PRELIMINARY PROCEEDINGS COMMITTEE

Composition of the Preliminary Proceedings Committee

- 3.—(1) The Preliminary Proceedings Committee shall consist of the following members:
- (a) the President or, if he chooses not to act in this capacity, the member appointed by the Council under rule 4(3) of the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1980 to undertake the initial consideration of cases under those rules, who shall be Chairman;
 - (b) six elected members, two appointed members and two lay members, who shall be elected by the Council in accordance with rules 6 to 9 of these rules;
 - (c) the member of the Council appointed under rule 5(2) of the General Medical Council Health Committee (Procedure) Rules 1980, if he is not otherwise a member of the Committee.
- (2) If at any meeting the Chairman is not available to sit as a member of the Committee, the President may temporarily appoint as Chairman one of the other members of the Committee.
- (3) The quorum shall be five.

PROFESSIONAL CONDUCT COMMITTEE

Composition of the Professional Conduct Committee

- 4.—(1) The Professional Conduct Committee shall consist of twenty-nine members who shall comprise:
- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
 - (b) a member of the Council appointed by the President;
 - (c) eighteen elected members, six appointed members and three lay members, who shall be elected by the Council in accordance with rules 6 to 9 of these rules.
- (2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the member specified in sub-paragraph (1)(b) shall be the Deputy Chairman, who shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) Ten members of the Committee shall be invited to attend for the hearing of any case, who shall be selected so as to include the Chairman or the Deputy Chairman or both, and such other members so that the ten members invited include not less than six elected members, not less than two appointed members and one lay member.

Subject to the foregoing provision the members invited to sit at any meeting shall so far as practicable be chosen in rotation from all the members of the Committee.

(5) The quorum shall be five.

HEALTH COMMITTEE

Composition of the Health Committee

5.—(1) The Health Committee shall consist of twelve members who shall comprise:

- (a) the President or, if he chooses not to sit as a member of the Committee during any year, some other member of the Council appointed by him;
- (b) a member of the Council appointed by the President;
- (c) six elected members, three appointed members and one lay member who shall be elected by the Council in accordance with rules 6 to 9 of these rules.

(2) The member specified in sub-paragraph (1)(a) of this rule shall be the Chairman of the Committee and the member specified in sub-paragraph (1)(b) shall be the Deputy Chairman, who shall take the chair at the hearing of any case in the absence of the Chairman.

(3) Appointments by the President under sub-paragraphs (1)(a) and (1)(b) of this rule shall be subject to the approval of the Council.

(4) The quorum shall be five.

GENERAL

Time of election and tenure of office

6.—(1) Subject to the provisions of paragraph (2) of this rule, and unless the Council in special circumstances shall otherwise direct, the persons to be elected to the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee shall be elected by the Council at the first meeting of the Council on or after 1st November in every year, and shall hold office for the next subsequent calendar year.

(2) In each year when there is a general election of elected members of the Council, members elected to the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee in November of the preceding year shall hold office from January to 31st October, and members elected to those Committees in November of that year shall hold office from the date of their election until the end of the following calendar year.

(3) Subject to any directions which the Council may give and to the provisions of these rules, members of each Committee shall be eligible for re-election.

Manner of elections

7. The members of each Committee who are to be elected by the Council shall be elected by single transferable vote and every member of the Council may vote in the election for each category of member to be elected.

Order in which election results to be determined

8. Unless the Council shall otherwise direct, at the annual elections of the Committees the result of the election of the Preliminary Proceedings Committee shall first be determined, the result of the election of the Professional Conduct Committee shall then be determined, and the result of the election of the Health Committee shall be determined last.

Eligibility for membership

9.—(1) No member may be elected to more than one of the three Committees.

(2) The President, if he so chooses, may sit concurrently on the Professional Conduct Committee and on the Health Committee.

(3) No person shall be eligible for election or appointment to the Professional Conduct Committee if during the preceding year he has served on the Preliminary Proceedings Committee.

Disqualification for adjudication

10. Without prejudice to the generality of the foregoing rule no member of the Professional Conduct Committee or of the Health Committee may adjudicate as a member of either of those Committees on any case if he had previously adjudicated on that case elsewhere or as a member of one of the other Fitness to Practise Committees.

Filling of vacancies

11.—(1) If any member who has been elected to any of the Committees vacates office otherwise than by the expiry of his term of office, the vacancy shall be filled by election by the Council in the same manner as the original election and the member so elected shall hold office until the end of the term of office of the member in whose place he was elected.

(2) Subject to the provisions of rule 10, if at any time none of the lay members elected to one of the Committees is available to sit on that Committee, the President may temporarily appoint to that Committee any lay member who under these rules would have been eligible to be elected to it.

Cessation of membership

12. Notwithstanding anything in these rules a member of any of the Committees shall, upon vacating office as a member of the Council, also cease to be a member of the Committee except that for the purposes of this rule a member of the Council shall not be deemed to have vacated office as a member of the Council if he has again been elected, appointed or nominated to be a member thereof not later than the date of his vacating office.

Validity of proceedings

13. The validity of any proceedings of any of the Committees shall not be affected by any vacancy among the members of the Committees or by any defect in the election or appointment of a member thereof.

Revocation

14. The General Medical Council (Constitution of Fitness to Practise Committees) Rules 1980 (a) are hereby revoked.

Given under the official Seal of the General Medical Council this twenty-second day of May, nineteen hundred and eighty-six.

John N. Walton,
President.



EXPLANATORY NOTE

(This Note is not part of the Order.)

The Rules approved by this Order revoke and replace earlier Rules. They regulate the constitutions of the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee of the General Medical Council and provide for the election and tenure of office of members of the Committees.

(a) Approved by, and contained in the Appendix to, the General Medical Council (Constitution of Fitness to Practise Committees) Rules Order of Council 1980 (S.I. 1980/861).

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