

**EXPLANATORY MEMORANDUM TO
THE GENERAL MEDICAL COUNCIL (REGISTRATION APPEALS
PANELS PROCEDURE) RULES ORDER OF COUNCIL 2005**

2005 No.400

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The General Medical Council (Registration Appeals Panels Procedure) Rules 2005 approves Rules that provide for the procedure to be followed by a Registration Appeals Panel when determining an appeal by a person against the decisions specified in Schedule 3A to the Medical Act 1983: these decisions relate to the registration of a medical practitioner. The Rules make provision in respect of matters such as serving notice of appeal hearings on the appellant, the documents to be provided to the Panel prior to a hearing, the procedure to be followed at a hearing before the Panel, costs orders, adjournment, and representation before the Panel.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

4. **Legislative Background**

4.1 The General Medical Council (“GMC”) is required by paragraph 3(1) of Schedule 3B to the Medical Act 1983 (as inserted by article 11 of SI 2002/3135) to make rules with regard to the procedure to be followed and the rules of evidence which are to apply in proceedings before a Registration Appeals Panel. The provisions inserting paragraph 3(1) of Schedule 3B to the Medical Act 1983 were commenced from 24 January 2005 following notices in the London, Edinburgh and Belfast Gazettes on 14 January 2005.

5. **Extent**

5.1 This instrument applies to the United Kingdom.

6. **European Convention on Human Rights**

6.1 Not applicable

7. Policy background

7.1 The General Medical Council (Registration Appeals Panels Procedure) Rules Order of Council 2005 form part of a package of changes to the GMC's structure and functions. The Medical Act 1983 was substantially amended by the Medical Act 1983 (Amendment) Order 2002 (SI 2002/ 3135), the provisions of which have been brought in over a period of time.

7.2 This Order is one of a series of instruments relating to the latest Rules made by the GMC and approved by Orders of Council to implement revised registration appeals procedures. The related instruments are:

- The General Medical Council (Fraud or Error in relation to Registration) Rules Order of Council 2005; and
- The General Medical Council (Constitution of Panels and Investigation Committee)(Amendment) Order of Council 2005.

8. Impact

8.1 Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this instrument. The cost of regulation is met from registrants' fees, which the GMC is authorised to charge for this purpose.

9. Contact

Bob Travers or Paul Atkinson at the Department of Health. Telephone: 0113 254 6918/ 254 5311 or e-mail: Bob.Travers@dh.gsi.gov.uk / Paul.Atkinson@dh.gsi.gov.uk can answer any queries regarding the instrument.