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STATUTORY INSTRUMENTS

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**2009 No. 2752**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**DOCTORS**

**The General Medical Council (Registration Appeal Panels Procedure) (Amendment) Rules Order of Council 2009**

*Made - - - - 12th October 2009*

*Laid before Parliament 16th October 2009*

*Coming into force - - 16th November 2009*

At the Council Chamber, Whitehall, the 12th day of October 2009

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

Whereas, in exercise of its powers under paragraph 3(1) of Schedule 3B to the Medical Act 1983<sup>(a)</sup> the General Medical Council has made the General Medical Council (Registration Appeal Panels Procedure) (Amendment) Rules 2009 as set out in the Schedule to this Order;

And whereas by paragraph 3(5) of that Schedule, such Rules shall not come into force until approved by order of the Privy Council, who may by paragraph 3(6)(a) of that Schedule approve such Rules as submitted to them;

Now, therefore, Their Lordships, having taken these Rules into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Medical Council (Registration Appeal Panels Procedure) (Amendment) Rules Order of Council 2009, and shall come into force on 16th November 2009.

*Judith Simpson*  
Clerk of the Privy Council

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<sup>(a)</sup> 1983 c. 54. Schedule 3B was inserted by SI 2002/3135, article 11, and subsequently amended by SI 2006/1914, article 67.

## SCHEDULE

### THE GENERAL MEDICAL COUNCIL (REGISTRATION APPEAL PANELS PROCEDURE) (AMENDMENT) RULES 2009

The General Medical Council, in exercise of its powers under paragraph 3(1) of Schedule 3B to the Medical Act 1983, and having consulted such bodies of persons representing medical practitioners and such medical practitioners as appeared to it requisite to be consulted pursuant to paragraph 3(8) of Schedule 3B to that Act, hereby makes the following Rules:

#### Citation and commencement

1. These Rules may be cited as the General Medical Council (Registration Appeal Panels Procedure) (Amendment) Rules 2009 and shall come into force on 16 November 2009.

#### Consequential amendments

2. In the General Medical Council (Registration Appeal Panels Procedure) Rules 2005(a)—

(1) In rule 2—

(a) for the definition of “appealable decision”, substitute the following: “means an appealable registration decision under paragraph 2 of Schedule 3A to the Act(b) (registration appeals), or a decision of a licensing authority described in sections 29F(1) and 29F(1A)(c)”;

(b) for the words “registration number”, substitute “GMC Reference Number” and in the definition of that term, omit “relevant”.

(2) In rule 4(c), for “Registration Decisions Panel”, substitute “Registration Panel”.

(3) In rule 5(b)(i) and (ii), for “registration number”, substitute “GMC Reference Number”.

(4) For rule 11, substitute the following—

“11.—(1) Subject to paragraphs (2), (3) and (4) below, the Panel shall sit in public.

(2) The Panel shall deliberate in the absence of the parties.

(3) The Panel may of its own volition or upon the application of any witness or any of the parties exclude the public from any part of the proceedings provided it is satisfied that—

(a) a decision to exclude the public causes no prejudice to the appellant;

(b) the particular circumstances of the case outweigh the public interest in holding a public hearing; and

(c) the decision is made after hearing representations from the parties.

(4) The Panel may exclude from the whole or part of any hearing, any person whose conduct, in its opinion, has disrupted or is likely to disrupt proceedings.”.

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(a) Scheduled to SI 2005/400.

(b) Schedule 3A was inserted by SI 2002/3135, article 8. Paragraph 1 was amended by SI 2006/1914, article 63, and SI 2007/3101, regulation 34.

(c) Section 29F was inserted by SI 2002/3135, article 10. Sub-section (1A) was inserted by SI 2006/1914, articles 2 and 68.

Given under the official seal of the General Medical Council this 10th day of September 2009.



*Peter Rubin*  
Chair

*Finlay Scott*  
Chief Executive and Registrar

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Rules approved by this Order make changes to rules 2, 4(c), 5(b)(i) and (ii) and substitute rule 11 of the General Medical Council (Registration Appeal Panels Procedure) Rules 2005 in accordance with the Medical Act 1983 as amended by SI 2002/3135 and 2006/1914. The substituted rule 11 makes provision for hearings of the Registration Appeals Panel to take place in public, subject to certain exceptions, as required by paragraph 3(2)(d) of Schedule 3B to the 1983 Act.

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