

**2010 No. 474**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**DOCTORS**

**The General Medical Council (Constitution of Panels and  
Investigation Committee) (Amendment) Rules Order of Council  
2010**

*Made* - - - - - *24th February 2010*

*Laid before Parliament ...* *1st March 2010*

*Coming into force* - - - *1st April 2010*

At the Council Chamber, Whitehall, the 24th day of February 2010

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

The General Medical Council have made the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules 2010 as set out in the Schedule to this Order in exercise of the powers conferred by paragraphs 19A to 19E of Schedule 1 to the Medical Act 1983<sup>(a)</sup>.

By virtue of paragraph 24 of that Schedule to that Act<sup>(b)</sup>, such rules shall not come into force until approved by order of the Privy Council.

Their Lordships, having taken these rules into consideration, are pleased to, and do, approve them.

This Order may be cited as the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules Order of Council 2010 and comes into force on 1st April 2010.

*Judith Simpson*  
Clerk of the Privy Council

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<sup>(a)</sup> 1983 c.54. Paragraphs 19A to 19E are inserted by S.I.2002/3135.

<sup>(b)</sup> Paragraph 24 of Schedule 1 is inserted by S.I. 2002/3135.

## SCHEDULE

### The General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules 2010

The General Medical Council make the following Rules in exercise of the powers conferred by paragraphs 19A to 19E of Schedule 1 to the Medical Act 1983.

#### **Citation, commencement and purpose**

1.—(1) These Rules may be cited as the General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules 2010 and comes into force on 1st April 2010.

(2) The General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004(a) are amended as follows.

#### **Amendments in relation to non-availability and ineligibility to act**

2.—(1) In rule 5(3), after “unavailable for the whole or part of any proceedings” insert “or becomes ineligible to act as Chair during the course of any proceedings”.

(2) For rule 7, substitute the following—

#### **“Validity of proceedings**

7.—(1) The validity of any proceedings of a Panel, a Registration Panel or the Committee shall not be affected by any defect in the appointment of a panellist.

(2) Where a panellist is unavailable for the whole or part of any proceedings or becomes ineligible to act during the course of any proceedings and the proceedings are adjourned as a result, then the appeal may proceed notwithstanding that any panellists present at the original hearing are not present at the subsequent hearing or that any panellists present at the subsequent hearing were not present at the original hearing, unless the Registrar considers that it is in the interests of justice to convene a freshly constituted panel.”.

#### **Amendments substituting the word “Chairman”**

3. Both in rule 5 and in the heading to that rule, and in rule 6(a), for “Chairman”, wherever that word occurs, substitute “Chair”.

Given under the official seal of the General Medical Council this 11th day of February 2010



*Peter Rubin*  
Chair

*Niall Dickson*  
Chief Executive and Registrar

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(a) Scheduled to S.I. 2004/2611, as amended by S.I. 2005/402 and 2009/2751.

## **EXPLANATORY NOTE**

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

The Rules approved by this Order amend the General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 (scheduled to S.I.2004/2611) (“the principal Rules”).

Rule 2 amends the principal Rules relating to validity of proceedings where there is a defect in the appointment of a member of a panellist or becomes ineligible to act in the course of any proceedings and allows those proceedings to continue in the latter circumstances.

Rule 3 changes references to “Chairman” in the principal rules to “Chair”.

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STATUTORY INSTRUMENTS

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