

2015 No. 1952 (C. 120)

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

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 (Commencement No. 2 and Transitional Provisions) Order of Council 2015

Made - - - - *1st December 2015*

At the Council Chamber, Whitehall, the 1st day of December 2015

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

Their Lordships make the following Order of Council in exercise of the powers conferred by article 1(3) and (5) of 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(a).

Citation and interpretation

1.—(1) This Order may be cited as 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 (Commencement No. 2 and Transitional Provisions) Order of Council 2015.

(2) In this Order, “the 2015 Order” means 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.

Appointed day

2. 31st December 2015 is the day appointed for the coming into force of the following articles of the 2015 Order—

- (a) 2(1) to (3), (5) and (6);
- (b) 3(1) to (2);
- (c) 4(1), (2) and (6) to (11);
- (d) 5 and 6;

- (e) 8(1), (3), (4) and (7) to (14);
- (f) 9(2);
- (g) 10(1)(a), (3) (in so far as it is not already in force) and (5) to (12);
- (h) 11(5)(a), (8)(b) and (c) and (9) to (13);
- (i) 12(3) to (8) and (10) to (17);
- (j) 13(1) to (3), (5) and (6);
- (k) 14 (in so far as it is not already in force);
- (l) 15 to 20;
- (m) 21(10);
- (n) 22(2); and
- (o) 23 to 26.

Schedule

3. The Schedule to this Order, which makes transitional provisions, shall have effect on 31st December 2015.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

TRANSITIONAL PROVISIONS

article 3

Fitness to Practise Panel and Interim Orders Panel

1. Where a practitioner is subject to proceedings that were commenced prior to 31st December 2015 before a Fitness to Practise Panel or Interim Orders Panel, anything done by or in relation to that panel so far as relating to that practitioner and those proceedings, is to be treated as done by or in relation to a Medical Practitioners Tribunal or, as appropriate, an Interim Orders Tribunal and the appropriate tribunal is to make such arrangements as it considers necessary for the continuation and determination of those proceedings.

Appeals and References

2. Article 17 (appeals by the General Medical Council) of the 2015 Order (which inserts new sections 40A and 40B into the Medical Act 1983(a)) shall only apply to relevant decisions as referred to in section 40A(2) of that Act made on or after 31st December 2015.

3. Article 18 (references to court by the Professional Standards Authority for Health and Social Care) of the 2015 Order shall only apply to—

- (a) (in so far as it amends section 29 of the National Health Service Reform and Health Care Professions Act 2002(b)) relevant decisions as referred to in section 29(3) of that Act made on or after 31st December 2015;
- (b) (in so far as it inserts new section 29A of the National Health Service Reform and Health Care Professions Act 2002) relevant decisions as referred to in section 29(8) of that Act made on or after 31st December 2015.

(a) 1983 c. 54.
(b) 2002 c. 17.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31st December 2015, the remaining articles of 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 (“the 2015 Order”) which include powers to amend the General Medical Council (Fitness to Practise) Rules 2004(a) in order to give effect to the establishment of a new Medical Practitioners Tribunal Service and its new role to arrange hearings before Medical Practitioner Tribunals (which replace Fitness to Practise Panels) and Interim Orders Tribunals (which replace Interim Orders Panels).

In particular, articles 17 and 18 of the 2015 Order insert sections 40A (appeals by the General Council) and 40B (appeals under section 40A: role of the Professional Standards Authority for Health and Social Care (“PSA”)) into the Medical Act 1983 (“the 1983 Act”). Article 18 also amends section 29 of, and inserts a new section 29A into, the National Health Service Reform and Health Care Professions Act 2002 (“the 2002 Act”). Section 29(4) and (4A) revises the grounds for reference by the PSA to the relevant court. Section 40A of the 1983 Act allows the General Council to appeal against relevant decisions made by the Medical Practitioners Tribunal to the relevant court (as defined in section 40(5) of the 1983 Act). Sections 40B of the 1983 Act and section 29A of the 2002 Act make provision for the role of the PSA and the General Council in each other’s appeal or reference to the court proceedings.

This Order, in article 3 and the Schedule, makes transitional provisions on the coming into force of the remaining provisions of the 2015 Order, so that changes made by—

- (a) article 17 of the 2015 Order shall only apply to relevant decisions (as referred to in section 40A(2) of the 1983 Act) made on or after 31st December 2015;
- (b) article 18 of the 2015 Order shall only apply to—
 - (i) (in so far as it amends section 29 of the 2002 Act) relevant decisions as referred to in section 29(3) of that Act, made on or after 31st December 2015,
 - (ii) (in so far as it inserts a new section 29A of the 2002 Act) relevant decisions as referred to in section 29(8)(d) of that Act, made on or after 31st December 2015.

Transitional provision is also made in respect of fitness to practise proceedings that were instituted before or in relation to a Fitness to Practise Panel or an Interim Orders Panel before the 31st December 2015 so that such proceedings will be treated as done by or in relation to a Medical Practitioners Tribunal or, as appropriate, an Interim Orders Tribunal.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of 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 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Article 2(4)	3rd August 2015	S.I. 2015/1579
Article 3(3)	3rd August 2015	S.I. 2015/1579
Article 4(3) to (5) and (12)	3rd August 2015	S.I. 2015/1579
Article 7	3rd August 2015	S.I. 2015/1579
Article 8(2),(5) and (6)	3rd August 2015	S.I. 2015/1579
Article 9(1)	3rd August 2015	S.I. 2015/1579

(a) Scheduled to S.I. 2004/2608.

Article 10(1)(b), (2), (3)(partially) and (4)	3rd August 2015	S.I. 2015/1579
Article 11(1) to (4), (5)(b), (6), (7) and (8)(a)	3rd August 2015	S.I. 2015/1579
Article 12(1), (2) and (9)	3rd August 2015	S.I. 2015/1579
Article 13 (4)	3rd August 2015	S.I. 2015/1579
Article 14 (partially)	3rd August 2015	S.I. 2015/1579
Article 21 (1) to (9), (11) and (12)	3rd August 2015	S.I. 2015/1579
Article 22(1)	3rd August 2015	S.I. 2015/1579

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