
STATUTORY INSTRUMENTS

2015 No. 794

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

PART 2

The Medical Practitioners Tribunal Service

Medical Practitioners Tribunals and Interim Orders Tribunals: establishment etc.

- 3.—(1) In section 1 of the Medical Act (GMC: constitution etc.), in subsection (3)—
- (a) omit paragraphs (b) and (f), and
 - (b) after paragraph (g) (inserted by article 2(1)) insert—
 - “(h) one or more Medical Practitioners Tribunals,
 - (i) one or more Interim Orders Tribunals,”.
- (2) In Part 3 of Schedule 1 to that Act (committees of the GMC), omit paragraphs 19A and 19E(1) and the preceding cross-heading in each case.
- (3) After paragraph 19F of that Schedule (inserted by article 2(4)) insert—

“Medical Practitioners Tribunals and Interim Orders Tribunals

19G.—(1) Medical Practitioners Tribunals and Interim Orders Tribunals are to be constituted as provided by rules made under this paragraph by the General Council.

- (2) Rules under this paragraph must include provision with regard to—
- (a) the appointment by the MPTS of persons to—
 - (i) a list of persons eligible to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal;
 - (ii) a list of persons eligible to serve as a registrant member of either such Tribunal;
 - (iii) a list of persons eligible to serve as a lay member of either such Tribunal;
 - (b) the determination by the MPTS of the terms on which a person holds a position on a list referred to in paragraph (a) (a “panel list”) and of the grounds on which the MPTS may suspend or remove a person from holding a position on a panel list;
 - (c) the selection by the MPTS of persons who are on a panel list to serve as the chair and the other members of a Medical Practitioners Tribunal or Interim Orders Tribunal;
 - (d) the quorum for a Medical Practitioners Tribunal or Interim Orders Tribunal.

(3) A person appointed to a panel list within sub-paragraph (2)(a)(ii) or (iii) may also be appointed to a panel list within sub-paragraph (2)(a)(i).

(4) Rules under this paragraph must secure that—

(a) only a person who is not a member of the General Council, the Investigation Committee, a Registration Panel or a Registration Appeals Panel, or who is not an officer of the General Council, may be appointed to a panel list;

(b) a person who serves as a member of an Interim Orders Tribunal, or as a member of a Medical Practitioners Tribunal in arrangements made under section 41A(A1), may not serve as a member of a Medical Practitioners Tribunal in any subsequent proceedings in the case concerned.

(5) Rules under this paragraph may provide for a person to be appointed to a panel list either generally or only for particular proceedings or a particular class of proceedings.

(6) Rules under this paragraph must provide that a person appointed to a panel list holds and ceases to hold a position on the list in accordance with the terms of that person's appointment.

(7) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment to a panel list or for selection to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal; and the rules may, in particular, require the MPTS to set and publish those criteria.

(8) Rules under this paragraph may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of functions conferred on the MPTS by virtue of sub-paragraph (2) (a) or (b).

(9) The MPTS must provide or arrange for the provision of—

(a) such training as they may determine for persons appointed to a panel list;

(b) such training as they may determine for persons whom they propose to appoint to a panel list.

(10) Rules under this paragraph may include provision with regard to the effect (if any) of any defect in the appointment of a person to a panel list or in the selection of a person to serve as the chair or another member of a Medical Practitioners Tribunal or an Interim Orders Tribunal.

(11) The MPTS must maintain a system for the declaration and registration of private interests of persons appointed to a panel list.

(12) The MPTS must publish in such manner as they see fit entries recorded in the register of appointees' private interests.

(13) There are to be paid to persons appointed to a panel list such remuneration and such travelling, subsistence or other expenses as the General Council may allow.

(14) In this paragraph, "registrant member" and "lay member" each have the same meaning as in paragraph 1A.

(15) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient."