

2004 No. 2611

**HEALTH CARE AND ASSOCIATED PROFESSIONS
DOCTORS**

**The General Medical Council (Constitution of Panels and
Investigation Committee) Rules Order of Council 2004**

Made - - - - - 4th October 2004

Laid before Parliament 7th October 2004

Coming into force - - 1st November 2004

At the Council Chamber, Whitehall, the 4th day of October 2004

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

Whereas, in exercise of their powers under paragraphs 19A to 19E, 23 and 23B of Schedule 1 to the Medical Act 1983^(a) and of all other powers enabling it in that behalf, the General Medical Council has made the General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 as set out in the Schedule to this Order:

And whereas by paragraph 24 of that Schedule^(b), such rules shall not come into force until approved by Order of the Privy Council:

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 (Constitution of Panels and Investigation Committee) Rules Order of Council 2004, and shall come into force on 1st November 2004.

A. K. Galloway
Clerk of the Privy Council

^(a) 1983 c. 54; paragraphs 19A to 19E, 23 and 23B were inserted into the Act by S.I. 2002/3135.

^(b) Paragraph 24 was inserted into the Act by S.I. 2002/3135.

SCHEDULE

THE GENERAL MEDICAL COUNCIL (CONSTITUTION OF PANELS AND INVESTIGATION COMMITTEE) RULES 2004

The General Medical Council, in exercise of its powers under paragraphs 19A, 19B, 19C, 19D, 19E, 23 and 23B of Schedule 1 to the Medical Act 1983^(a) and of all other powers enabling it in that behalf, hereby makes the following rules:

Arrangement of rules

1. Citation and Commencement
2. Interpretation
3. Lists of panellists
4. Constitution of Panels
5. Chairman
6. Quorum
7. Validity of proceedings

Citation and Commencement

1. These Rules may be cited as the General Medical Council (Constitution of Panels and Investigation Committee) Rules 2004 and shall come into force on 1st November 2004.

Interpretation

2. In these Rules—
 - “appropriate person” means a person of good character who is fit to sit as a panellist;
 - “the Committee” means the Investigation Committee;
 - “lay” in relation to any person, means a person who is neither a registered medical practitioner nor a holder of any qualification registerable under the Medical Act 1983;
 - “medical” in relation to any person, means a registered medical practitioner;
 - “Panel” means an Interim Orders Panel, a Registration Appeals Panel or a Fitness to Practise Panel; and
 - “panellist” means a person sitting on a Panel or the Investigation Committee.

Lists of panellists

- 3.—(1) The General Council shall—
 - (a) appoint and maintain in accordance with paragraphs (2) and (3)—
 - (i) a list of medical and lay appropriate persons eligible to act as panellists on a Panel, and
 - (ii) a list of medical and lay appropriate persons eligible to act as panellists on the Committee or a Registration Decisions Panel; and
 - (b) remove from those lists the name of any person—
 - (i) whose term of appointment has come to an end, unless his appointment to the relevant list has been renewed,
 - (ii) who resigns from the relevant list by giving notice in writing to that effect to the General Council, or
 - (iii) who in the opinion of the General Council has ceased to be an appropriate person.
- (2) A member of the General Council may act as a panellist on the Committee or a Registration Decisions Panel but shall not act as a panellist on a Panel and, accordingly, may not be appointed to the list at paragraph (1)(a)(i).
- (3) A person shall not at any one time be included in both the lists maintained by the General Council under paragraph (1)(a).

Constitution of Panels

- 4.—(1) Subject to rules 5(3) and 6, membership of a Panel shall comprise medical and lay panellists, whose names are included on the list maintained under rule 3(1)(a)(i), selected by the Registrar in accordance with paragraphs (3) and (4) and shall include at least one person whose name is included in the list maintained by the General Council under rule 5(1)(a)(i).

(a) 1983 c. 54; as amended by S.I. 2002/3135.

(2) Subject to rules 5(3) and 6, membership of the Committee or a Registration Decisions Panel shall comprise medical and lay panellists, whose names are included on the list maintained under rule 3(1)(a)(ii), selected by the Registrar in accordance with paragraphs (3) and (4) and shall include at least one person whose name is included in the list maintained by the General Council under rule 5(1)(a)(ii).

(3) No panellist shall act as a panellist on a Panel or the Committee or a Registration Decisions Panel for the substantive hearing of a case that he has previously considered or adjudicated upon in any other capacity.

(4) Nothing in paragraph (3) shall prevent a panellist sitting on proceedings before a FTP Panel from sitting on subsequent proceedings before a FTP Panel for the purposes of considering the same case at a review hearing or in relation to a restoration application.

Chairman

5.—(1) The General Council shall—

(a) appoint and maintain—

- (i) from the list at rule 3(1)(a)(i), a list of panellists eligible to act as Chairman of a Panel, and
- (ii) from the list at rule 3(1)(a)(ii), a list of panellists eligible to act as Chairman of the Committee or a Registration Decisions Panel; and

(b) remove from the lists at sub-paragraph (a)(i) and (a)(ii) the names of any person removed from the lists at rules 3(1)(a)(i) and 3(1)(a)(ii) respectively.

(2) The Registrar shall select a person to act as Chairman in respect of proceedings before—

(a) a Panel; or

(b) the Committee or Registration Decisions Panel,

from the list at paragraph (1)(a)(i) or (1)(a)(ii) respectively.

(3) If the Chairman selected under paragraph (2) is unavailable for the whole or part of any proceedings, then the Chairman or the Registrar may appoint another panellist, present at the commencement of the proceedings, to act as Chairman for the whole or part of the hearing, as appropriate.

Quorum

6. The quorum of a Panel or the Committee shall be three panellists, which shall include—

(a) a Chairman selected under rule 5;

(b) a medical panellist; and

(c) a lay panellist.

Validity of proceedings

7. The validity of any proceedings of a Panel or the Committee shall not be affected by any defect in the appointment of a panellist.

Given under the official seal of the General Medical Council this 15th day of September 2004

Professor Sir Graeme Catto
President

EXPLANATORY NOTE

(This note is not part of the Order)

The Rules approved by this Order make provision for the constitution of Interim Order Panels, Registration Decisions Panels, Registration Appeals Panels, the Investigation Committee and Fitness to Practise Panels of the General Medical Council. The Rules also make provision regarding the Chairman of those committees, quorum and validity of proceedings.

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