

*Status: Point in time view as at 31/12/2015.*

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## SCHEDULES

### SCHEDULE 1

#### THE GENERAL MEDICAL COUNCIL AND ITS COMMITTEES, AND THE BRANCH COUNCILS

#### PART II

#### INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

#### *[<sup>F1</sup>Incidental powers and duties]*

##### Textual Amendments

- F1** Italic heading immediately preceding Sch. 1 para. 9 substituted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in Sch. 2)

- 9 It shall be within the capacity of the General Council as a corporation to do such things and enter into such transactions as are in their opinion incidental or conducive to the performance of their functions under this Act, including the borrowing of money.
- <sup>F2</sup>9A (1) In exercising their functions, the General Council shall—
- (a) have proper regard for—
    - (i) the interests of persons using or needing the services of provisionally or fully registered medical practitioners in the United Kingdom, and
    - (ii) any differing interests of different categories of provisionally or fully registered medical practitioners;
  - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
    - (i) the employment (whether or not under a contract of service) of provisionally or fully registered medical practitioners,
    - (ii) the education or training of medical practitioners or other health care professionals,
    - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
    - (iv) the regulation of health services, and
    - (v) the provision, supervision or management of health services.
- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a medical practitioner which apply in England, Scotland, Wales or Northern Ireland.

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- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the General Council.]

**Textual Amendments**

- F2** Sch. 1 para. 9A substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(3)**; S.I. 2008/2556, art. 2(2)(a)(i)
- 9B (1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or
  - (b) would constitute or be punishable as a contempt of court.
- (3) In sub-paragraph (2) above “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
  - (b) any provision of, or any instrument made under, Northern Ireland legislation.
- 10 For the purpose of enabling the General Council to compile or assist in the compilation of statistics relating to medical practice and practitioners the Council may from time to time issue to persons registered under this Act (otherwise than under [<sup>F3</sup>Schedule 2A]) requests for information on matters which in the opinion of the Council are relevant for that purpose.

**Textual Amendments**

- F3** Words in Sch. 1 para. 10 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **30**
- 11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under [<sup>F4</sup>section [<sup>F5</sup>21B or 21C]] of this Act.

**Textual Amendments**

- F4** Words in Sch. 1 para. 11 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(3)** (with transitional provisions in Sch. 2)
- F5** Words in Sch. 1 para. 11 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **42**

*Proceedings of the General Council*

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#### Textual Amendments

- F6** Sch. 1 para. 12 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

<sup>F7</sup>13 . . . . .

#### Textual Amendments

- F7** Sch. 1 para. 13 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

14 All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the person who [<sup>F8</sup>chairs] the meeting shall, in addition to his vote as a member of the Council, have a casting vote.

#### Textual Amendments

- F8** Word in Sch. 1 para. 14 substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(5)**; S.I. 2008/2556, art. 2(2)(a)(i)

15 (1) The General Council may by standing order make provision with respect to the meetings and proceedings of and the discharge of their functions by the Council and any committees of the Council, with respect to the composition of committees of the Council and with respect to the functions of the officers of the Council.

[<sup>F9</sup>(1A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2).]

(2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.

(3) [<sup>F10</sup>Sub-paragraph (1)] does not apply in relation to the statutory committees<sup>F11</sup>...<sup>F12</sup>...[<sup>F13</sup>, except in so far as is necessary for enabling standing orders to make provision with regard to the financial affairs of the MPTS or to make provision by virtue of paragraph 19F(9)(c).]

#### Textual Amendments

- F9** Sch. 1 para. 15(1A) inserted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(a)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F10** Words in Sch. 1 para. 15(3) substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(b)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F11** Words in Sch. 1 para. 15(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(2)**

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- F12** Words in Sch. 1 para. 15(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(a)**
- F13** Words in Sch. 1 para. 15(3) inserted (31.12.2015) by [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 \(S.I. 2015/794\)](#), arts. 1(3), **2(5)**; S.I. 2015/1952, art. 2(a)

### *Officers of the General Council*

**16<sup>F14</sup>(1A)** Standing orders of the General Council may make provision with regard to the appointment of a treasurer of the General Council.]

(3) The General Council shall appoint a person to be registrar of the Council and may appoint such deputy and assistant registrars of the Council as the Council think fit and where a deputy or assistant registrar is authorised by the Registrar to act for him in any matter, any reference in this Act to the Registrar [<sup>F15</sup>or in a direction or delegation to him under sub-paragraph (4) below,] shall include a reference to that deputy or assistant where the reference relates to that matter.

**16<sup>F16</sup>(3A)** A deputy or assistant registrar who is authorised in accordance with provision made by virtue of paragraph 19F(7) to act on behalf of the MPTS may not, while so authorised, act for the Registrar in any matter.]

**16<sup>F17</sup>(4)** Subject to paragraph 6 of Schedule 4 to this Act, the Registrar shall, in addition to the functions specifically mentioned in this Act, have such other functions as the General Council may think fit to direct him to perform or delegate to him (whether or not in rules or standing orders).]

#### **Textual Amendments**

- F14** Sch. 1 para. 16(1A) substituted for Sch. 1 para. 16(1)(2) (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(7)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F15** Words in Sch. 1 para. 16(3) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(ii)** (with transitional provisions in Sch. 2)
- F16** Sch. 1 para. 16(3A) inserted (31.12.2015) by [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 \(S.I. 2015/794\)](#), arts. 1(3), **2(6)**; S.I. 2015/1952, art. 2(a)
- F17** Sch. 1 para. 16(4) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(iii)** (with transitional provisions in Sch. 2)

### *Financial provisions*

**17<sup>F18</sup>** There shall be paid to the members of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow, including payments for duties undertaken as trustees of the Council.]

#### **Textual Amendments**

- F18** Sch. 1 para. 17 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(c)** (with transitional provisions in Sch. 2)

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- 18 (1) Any fees or other sums payable by virtue of this Act in connection with registration under this Act shall be paid to the General Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees and sums, or from the sale of registers, or otherwise.
- (2) The General Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts (including records of the evidence furnished by branch councils under paragraph 28 below), and their accounts for each financial year of the Council shall be audited by auditors appointed by the Council.
- (3) No person shall be appointed auditor under this paragraph unless he is eligible for appointment as a <sup>F19</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) As soon as may be after the accounts of the General Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors on them, and the Privy Council shall lay a copy of the accounts and of any report of the auditors on the accounts before each House of Parliament.

#### Textual Amendments

**F19** Words in Sch. 1 para. 18(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 1\(dd\)](#) (with arts. 6, 11, 12)

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