

*These notes refer to the Health and Social Care Act 2008  
(c.14) which received Royal Assent on 21 July 2008*

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### TERRITORIAL EXTENT

#### *Amendments of Part 3 of Health Act 1999*

#### *Section 112: Standard of proof in fitness to practise proceedings*

355. Currently, the application of the standard of proof in fitness to practise proceedings by regulatory bodies is not consistent. At present, all except two of the health regulatory bodies (the GOC and the NMC) use the civil standard of proof rather than the criminal standard of proof in fitness to practise proceedings.
356. [Section 112](#) inserts a new section 60A into the Health Act 1999. This new section imposes a requirement for all the regulatory bodies and the new OHPA to use the civil standard of proof in fitness to practise proceedings. A restriction is included in *subsection (4)*, the effect of which is that an Order under section 60 of the Health Act 1999 may not amend this new section or make any provision which is inconsistent with the imposition of the civil standard of proof.