

1970 No. 596

**MEDICAL PROFESSION****The General Medical Council Disciplinary Committee  
(Procedure) Rules Order of Council 1970**

*Made* - - - 20th April 1970

*Laid before Parliament* 24th April 1970

*Coming into Operation* 27th April 1970

At the Council Chamber, Whitehall, the 20th day of April 1970

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

Whereas in pursuance of section 37(1) of the Medical Act 1956<sup>(a)</sup> as amended by section 13 of the Medical Act 1969<sup>(b)</sup> the Disciplinary Committee of the General Medical Council have made the General Medical Council Disciplinary Committee (Procedure) Rules 1970 :

And whereas by subsection (3) of the said section 37 such Rules shall not come into force until approved by Order of the Privy Council :

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to approve the same as set out in the Appendix to this Order.

This Order may be cited as the General Medical Council Disciplinary Committee (Procedure) Rules Order of Council 1970, and shall come into operation on 27th April 1970.

*N. E. Leigh.*

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<sup>(a)</sup> 1956 c. 76.

<sup>(b)</sup> 1969 c. 40.

## APPENDIX

**THE GENERAL MEDICAL COUNCIL DISCIPLINARY COMMITTEE  
(PROCEDURE) RULES 1970**

In pursuance of section 37(1) of the Medical Act 1956, as amended by section 13 of the Medical Act 1969, the Disciplinary Committee of the General Medical Council hereby make the following Rules:—

## PART I

## PRELIMINARY

*Citation and Interpretation*

1. These Rules may be cited as the General Medical Council Disciplinary Committee (Procedure) Rules 1970.

2.—(1) In these Rules, unless the context otherwise requires:

“the Act” means the Medical Act 1956 as amended by the Medical Act 1969;

“the Committee” means the Disciplinary Committee;

“the Council” means the General Medical Council;

“the President” means the President of the Council;

“the Registrar” means the Registrar of the Council;

“the Legal Assessor” means an Assessor appointed by the Council for the purposes of section 38 of the Act;

“the Solicitor” means any Solicitor, or any member of a firm of Solicitors, appointed by the Council;

“the Register”, in relation to fully or provisionally registered persons, means the Register of Medical Practitioners, and in relation to temporarily registered persons, means the Register of Temporarily Registered Medical Practitioners;

“practitioner” means a person registered (in any way) under the Medical Acts, and (subject to the provisions of Rule 33) references to the practitioner, in relation to any complaint, information or proceedings, are references to the practitioner against whom a conviction has been alleged, or whose conduct has been called into question, as the case may be;

“case relating to conviction” means a case where it is alleged that a practitioner has been convicted, whether while so registered or not, in the United Kingdom or the Republic of Ireland or any of the Channel Islands or the Isle of Man of a criminal offence;

“case relating to conduct” means a case where a question arises whether conduct of a practitioner constitutes serious professional misconduct;

“complainant” means a body or person by whom a complaint has been made to the Council;

“party”, in relation to proceedings before the Committee, means any person to whose registration the proceedings relate, or any person on whose complaint the proceedings are brought, or the Solicitor to the Council;

“person acting in a public capacity” means an officer of a Government department or local or public authority or of any of the constituent bodies entitled to choose a member of the Council, acting as such, or any person holding judicial office, or any officer attached to a Court, or the Solicitor.

(2) The Interpretation Act 1889(a) shall apply in relation to these Rules as it applies in relation to an Act of Parliament.

3. The provisions of the First Schedule to these Rules shall have effect as to the constitution and meetings of the Penal Cases Committee, and as to meetings of the Disciplinary Committee.

## PART II

PROCEEDINGS IN CASES RELATING TO CONVICTION AND CASES RELATING TO CONDUCT:  
SECTION 33 OF THE ACT*Submission of Complaints or Information: Formulation of Charges*

4. The functions of the Disciplinary Committee under section 33 of the Act shall be exercised in accordance with the following provisions:—

- (a) No direction shall be given under subsection (1) or (1A) of that section except in consequence of an inquiry held in accordance with the provisions of this Part of these Rules into a charge or charges formulated in a Notice of Inquiry sent in accordance with the said provisions to the person against whom the charge or charges is or are made.
- (b) Before the formulation of any such charge, the matters out of which it arises must have been considered by the Penal Cases Committee and referred by them to the Disciplinary Committee for inquiry.

5.—(1) Where a complaint in writing, or information in writing, is received by the Registrar from any body or person, and it appears to him—

- (a) that a practitioner has been convicted in the United Kingdom or the Republic of Ireland or any of the Channel Islands or the Isle of Man of a criminal offence, and the conviction is not of a description excepted from the operation of this paragraph by or under a direction of the Penal Cases Committee, or
- (b) that a question arises whether conduct of a practitioner constitutes serious professional misconduct,

the Registrar shall submit the matter to the President:

Provided that in a case relating to conduct, unless the complaint or information has been received from a person acting in a public capacity, the matter shall not proceed further unless and until there has been furnished to the satisfaction of the President one or more statutory declarations in support thereof; and every such statutory declaration shall state the address and description of the declarant and the grounds for his belief in the truth of any fact declared which is not within his personal knowledge.

(2) In a case relating to conduct the President, unless it appears to him that the matter need not proceed further, shall direct the Registrar to write to the practitioner—

- (a) notifying him of the receipt of a complaint or information, and stating the matters which appear to raise a question whether the practitioner has committed serious professional misconduct;
- (b) forwarding a copy of any statutory declaration furnished under paragraph (1) of this Rule;
- (c) informing the practitioner of the date of the next meeting of the Penal Cases Committee; and
- (d) inviting the practitioner to submit to the Council any explanation which he may have to offer.

(3) Subject to the foregoing provisions of this Rule, the President may direct the Registrar to refer the case to the Penal Cases Committee, together with any statutory declaration or explanation furnished under paragraphs (1) and (2) of this Rule.

6.—(1) Where a case relating to conviction or a case relating to conduct has been referred to the Penal Cases Committee, that Committee shall, having regard to any statutory declaration or explanation furnished as aforesaid, consider the case and, subject to the provisions of this Rule, determine either—

- (a) that no inquiry shall be held in the case by the Disciplinary Committee, or
- (b) that the matter in question shall, in whole or in part, be referred to the Disciplinary Committee for inquiry either at the next meeting of that Committee or at such future meeting as the Penal Cases Committee or the President may determine.

(2) Where the Penal Cases Committee determine that no inquiry shall be held in a case relating to conduct, the Registrar shall inform the practitioner and the complainant (if any) of the decision of that Committee in such terms respectively as that Committee may direct.

(3) Before coming to a determination the Penal Cases Committee may if they think fit cause to be made such further investigations, or obtain such advice or assistance from the Solicitor or Counsel instructed by him, as they may consider requisite.

(4) Where the Penal Cases Committee are of opinion that such further investigations as aforesaid are desirable, or where at the time when that Committee are considering a case relating to conduct no explanation has yet been received from the practitioner, the Penal Cases Committee may if they think fit make a provisional determination that the matter in question shall in whole or in part be referred to the Disciplinary Committee as mentioned in sub-paragraph (b) of paragraph (1) of this Rule, and where they make such a determination—

- (a) the President may, after causing those members of the Penal Cases Committee who made such determination to be informed of the result of the further investigations or to be supplied with copies of any explanation subsequently furnished by the practitioner, and after consultation with such members of that Committee, and in accordance with the opinions of those members or the majority of their opinions (including his own opinion), direct either that no inquiry shall be held or that the matter shall be referred as aforesaid;
- (b) where the opinions of the members of the Penal Cases Committee are equally divided the question shall be deemed to have been resolved in favour of the practitioner, and the President shall direct that no inquiry shall be held;
- (c) if the President directs that no inquiry shall be held, the Registrar shall notify the members of the Penal Cases Committee, and in a case relating to conduct shall inform the practitioner and the complainant (if any) in such terms respectively as the President may direct.

7. Notwithstanding anything in the foregoing provisions of these Rules, where in a case relating to conviction the President or the Penal Cases Committee has or have determined that no inquiry shall be held, and the Council subsequently receives information or a complaint as to another conviction or as to the conduct of the same practitioner, the President may direct that the former information or complaint shall be dealt with under the foregoing provisions of this Part of these Rules, together with the subsequent information or complaint as if no such determination had been made in respect thereof.

#### *Notice of Inquiry*

8.—(1) As soon as may be after a case has been referred to the Committee for inquiry, the Solicitor shall send to the practitioner a “Notice of Inquiry” which shall—

- (a) specify, in the form of a charge or charges, the matters into which the inquiry is to be held, and
- (b) state the day, time and place at which the inquiry is proposed to be held.

(2) Except with the agreement of the practitioner, the inquiry shall not be fixed for any date earlier than twenty-eight days after the date of posting the Notice of Inquiry.

(3) A Notice of Inquiry shall be in the form set out in the Second Schedule to these Rules, with such variations as circumstances may require.

(4) A Notice of Inquiry shall be delivered to the practitioner or sent by registered post or by the recorded delivery service to him at his address on the Register, and/or his last known or any other address, if it appears to the Solicitor that a letter so addressed is more likely to reach him.

(5) There shall be sent with any Notice of Inquiry a copy of these Rules.

(6) In any case where there is a complainant, a copy of the Notice of Inquiry shall be sent to him.

#### *Postponement or Cancellation of Inquiry*

9.—(1) The President may if he thinks fit postpone the holding of an inquiry to such later date or such later meeting of the Committee as he may determine.

(2) The Solicitor shall, as soon as may be, give to all parties to whom a Notice of Inquiry has been sent notification of any decision to postpone an inquiry, and shall inform them at that time or subsequently of the date fixed for the hearing of the postponed inquiry.

10.—(1) Where, after a complaint or information has been referred to the Disciplinary Committee for inquiry, it appears to the President that the inquiry should not be held, he may after consultation with the members of the Penal Cases Committee who made the determination to hold the inquiry and in accordance with the opinion of those members or the majority of their opinions (including his own opinion) direct that the inquiry shall not be held; and where the President so directs and at the time of the direction no Notice of Inquiry has been sent Rule 8 of these Rules shall not have effect:

Provided that in any case where there is a complainant the President shall, before he consults with members of the Penal Cases Committee as aforesaid, communicate or endeavour to communicate with the complainant with a view to obtaining the observations of the complainant as to whether the inquiry should be held.

(2) Where the opinions of the members of the Committee are equally divided the question shall be deemed to have been resolved in favour of the practitioner, and the President shall direct that the inquiry shall not be held.

(3) As soon as may be after the giving of any such direction the Solicitor shall give notice thereof to the practitioner and to the complainant (if any).

#### *Access to Documents*

11. Without prejudice to the provisions of paragraph (2) of Rule 5 of these Rules, the Solicitor shall on the request of any party to an inquiry and on payment of the proper charges send to him copies of any statutory declaration, explanation, answer, admission or other statement or communication sent to the Council by a party to the inquiry:

Provided that nothing in this Rule shall compel the Solicitor to produce copies of any written advice or other document or communication sent by himself to the Council.

12. Any party to any inquiry may at any time give to any other party notice to produce any document alleged to be in the possession of that party.

#### *Amendment of Notice of Inquiry or Charge*

13.—(1) Where before the hearing it appears to the President, or at any stage of the hearing it appears to the Disciplinary Committee, that a Notice of Inquiry or charge should be amended, the President or the Committee, as the case may be, shall give such directions for the amendment of the Notice or charge as he or they may think necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where in the opinion of the President or the Disciplinary Committee it is expedient, in consequence of the exercise by him or them of the powers conferred by the last foregoing paragraph, that the inquiry should be postponed or adjourned, the President or Committee shall give such directions in that behalf as appear necessary.

(3) The Solicitor shall as soon as may be give notice in writing to the practitioner and to the complainant (if any) of any exercise by the President or the Committee of his or their powers under either of the two last foregoing paragraphs.

#### *Opening of Inquiry*

14. Where the practitioner does not appear the Chairman of the Committee shall call upon the Solicitor to satisfy the Committee that the Notice of Inquiry has been received by the practitioner. If it does not appear to have been so received, the Committee may nevertheless proceed with the inquiry, if they think fit, on being satisfied that all reasonable efforts have been made to serve the Notice of Inquiry on the practitioner.

15.—(1) If the practitioner appears or, in a case where he does not appear, the Disciplinary Committee proceed with the inquiry, the charge or charges shall first be read to the Committee.

(2) After the reading of the charge or charges the practitioner may, if he so desires, object to the Notice of Inquiry, or to any part of it, in point of law, and upon any such objection any other party may reply thereto.

(3) If any such objection is upheld, no further proceedings shall be taken by the Committee in relation to the Notice of Inquiry, or that part of the Notice of Inquiry, to which the objection relates.

#### *Cases relating to Conviction: Proof of Conviction*

16.—(1) In cases relating to conviction, where the practitioner appears the following order of proceedings shall be observed as respects proof of convictions alleged in the charge or charges:—

- (a) The complainant, or, if a complainant does not appear or there is no complainant, the Solicitor, shall adduce evidence of the convictions or such of them as he is prepared to prove.
- (b) If as respects any conviction no evidence is so adduced, the Chairman of the Committee shall thereupon announce that that conviction has not been proved.
- (c) The Chairman shall ask the practitioner whether he admits each conviction of which evidence is so adduced; and if he admits it the Chairman shall thereupon announce that the conviction has been proved.
- (d) If the practitioner does not admit all the convictions, he may, if he intends to adduce oral evidence in addition to his own oral evidence as respects any conviction which he does not admit, open his case.
- (e) The practitioner may adduce evidence in respect of any conviction which he does not admit.
- (f) At the close of the evidence for the practitioner, the complainant or the Solicitor, as the case may be, may, with the leave of the Committee, adduce evidence to rebut any evidence adduced by the practitioner.
- (g) The complainant or the Solicitor, as the case may be, may then address the Committee.
- (h) The practitioner may then address the Committee.

(2) Where the practitioner does not appear but the Committee have decided to proceed with the inquiry, sub-paragraphs (a) and (b) of paragraph (1) of this Rule shall apply but the remainder of that paragraph shall not apply.

(3) On the conclusion of the proceedings under either of the last two foregoing paragraphs, the Committee shall consider every conviction alleged in the charge or charges, other than any conviction which has been admitted by the practitioner or as to which it has been announced that the conviction has not been proved, and shall determine whether it has been proved; and the Chairman of the Committee shall announce their determination in such terms as they may approve.

*Further Proceedings on Proof of Conviction*

17. Where the Committee have found that a conviction has been proved, the following shall be the procedure:—

- (a) The Chairman shall invite the complainant or the Solicitor, as the case may be, to address the Committee, and to adduce evidence, as to the circumstances leading up to the conviction and as to the character and previous history of the practitioner.
- (b) The Chairman shall then invite the practitioner, if he appears, to address the Committee by way of mitigation and to adduce evidence as aforesaid.
- (c) The Committee shall next consider and determine whether it shall be sufficient to admonish the practitioner and conclude the case.
- (d) If the Committee do not determine as aforesaid, they shall next consider and determine whether they should postpone judgment and, if so, whether *sine die* or to such future date or meeting of the Committee as they may determine.
- (e) If the Committee determine not to postpone judgment, they shall next consider and determine whether they should direct that the name of the practitioner shall be erased from the Register, or that his registration therein shall be suspended for a specified period not exceeding twelve months.
- (f) If the Committee determine to erase the name of the practitioner from the Register, or to suspend his registration therein, the Committee may then consider and determine whether it is necessary for the protection of members of the public or would be in the best interests of the practitioner to order that his registration in the Register be suspended forthwith.
- (g) The Chairman shall announce the determination or determinations of the Committee under the foregoing paragraphs of this Rule in such terms as the Committee may approve.

*Cases relating to Conduct*

18. Subject to the provisions of Rule 23 of these Rules, in cases relating to conduct where the practitioner appears the following order of proceedings shall be observed as respects proof of the charge or charges:—

- (a) If a complainant appears, he shall open the case against the practitioner. Subject to any directions given by the President or the Committee, if a complainant does not appear or there is no complainant the Solicitor shall present the facts on which the complaint or information is based.
- (b) The complainant or the Solicitor, as the case may be, may address the Committee and adduce evidence of the facts alleged in the charge or charges.
- (c) If as respects any charge no evidence is so adduced, the Committee shall record and the Chairman shall announce a finding that the practitioner is not guilty of serious professional misconduct in respect of the matter to which that charge relates.
- (d) At the close of the case against him the practitioner may make either or both of the following submissions as respects any charge which remains outstanding, namely—
  - (i) that no sufficient evidence has been adduced upon which the Committee could find that the facts alleged in the charge have been proved;

(ii) that the facts of which evidence has been adduced are insufficient to support a finding of serious professional misconduct;

and where any such submission is made, the complainant or the Solicitor, as the case may be, may answer the submission and the practitioner may reply thereon.

- (e) If a submission is made under the last foregoing paragraph, the Committee shall consider and determine whether the submission should be upheld; and if the Committee determine to uphold such a submission as respects any charge, they shall record, and the Chairman shall announce, a finding that the practitioner is not guilty of serious professional misconduct in respect of the matters to which that charge relates.
- (f) The practitioner may then, if he intends to adduce oral evidence in addition to his own oral evidence, open his case upon any charge which remains outstanding.
- (g) The practitioner may adduce evidence in answer to any such charge.
- (h) At the close of the evidence for the practitioner, the complainant or the Solicitor, as the case may be, may, with the leave of the Committee, adduce evidence to rebut any evidence adduced by the practitioner.
- (i) The complainant, or the Solicitor, as the case may be, may then address the Committee.
- (j) The practitioner may then address the Committee.

19. Where in a case relating to conduct the practitioner does not appear, but the Committee have decided to proceed with the inquiry, paragraphs (a) to (c) of the last foregoing Rule shall apply but the rest of that Rule shall not apply.

20.—(1) On the conclusion of the proceedings under either of the two last foregoing Rules, the Committee shall consider and determine as respects each charge which remains outstanding which, if any, of the facts alleged in the charge have been proved to their satisfaction.

(2) If under paragraph (1) of this Rule the Committee determine, as respects any charge, either that none of the facts alleged in the charge has been proved to their satisfaction, or that such facts as have been so proved would be insufficient to support a finding of serious professional misconduct, the Committee shall record a finding that the practitioner is not guilty of such misconduct in respect of the matters to which that charge relates.

(3) The Chairman shall announce the determination or the finding of the Committee.

21. If under the last foregoing Rule the Committee have determined, as respects any charge, that the facts, or some of the facts, alleged in the charge have been proved to their satisfaction, and the Committee have not on those facts recorded a finding of not guilty, the Chairman shall invite the complainant or the Solicitor, as the case may be, to address the Committee and to adduce evidence as to the circumstances leading up to the facts in question, and as to the character and previous history of the practitioner.

22. The Chairman shall then invite the practitioner, if he appears, to address the Committee by way of mitigation and to adduce evidence as aforesaid.

23.—(1) Where in a case relating to conduct the practitioner admits at the opening of the inquiry all the facts alleged in any charge or charges against him, the Chairman shall thereupon announce that the facts alleged in such charge or charges have been proved; and the foregoing Rules 18 to 22 shall not apply.



(2) The complainant or the Solicitor, as the case may be, shall address the Committee and may adduce evidence as to the circumstances leading up to the relevant facts, the extent to which such facts are indicative of serious professional misconduct on the part of the practitioner, and the character and previous history of the practitioner. Only one address may be made under this paragraph, and, where evidence is adduced, shall be made either before that evidence is begun or after it is concluded.

(3) The practitioner shall then be invited to address the Committee by way of mitigation and may adduce evidence as to the circumstances leading up to the relevant facts, the extent to which such facts are indicative of serious professional misconduct on his part, and his character and previous history. Only one address may be made under this paragraph, and, where the practitioner adduces evidence, shall be made either before that evidence is begun or after it is concluded.

24.—(1) The Committee shall then consider and determine whether in relation to the facts proved as aforesaid they find the practitioner to have been guilty of serious professional misconduct.

(2) If they determine that he has not been guilty of such misconduct, they shall record a finding to that effect.

(3) If the Committee determine that he has been guilty of such misconduct in relation to the facts proved as aforesaid, they shall next consider and determine whether it shall be sufficient to admonish the practitioner and conclude the case.

(4) If the Committee do not determine as aforesaid, they shall next consider and determine whether they should postpone judgment and, if so, whether *sine die* or to such future date or meeting of the Committee as they may determine.

(5) If the Committee determine not to postpone judgment, they shall next consider and determine whether they should direct that the name of the practitioner shall be erased from the Register, or that his registration therein shall be suspended for a specified period not exceeding twelve months.

(6) If the Committee determine to erase the name of the practitioner from the Register, or to suspend his registration therein, the Committee may then consider and determine whether it is necessary for the protection of members of the public or would be in the best interests of the practitioner to order that his registration in the Register be suspended forthwith.

(7) The Chairman shall announce the determination or determinations of the Committee under the foregoing paragraphs of this Rule in such terms as the Committee may approve.

25. Notwithstanding anything in the provisions of the foregoing Rule 24, if the Committee think fit in any case the following provisions shall have effect in place of the provisions set out in that Rule:—

(a) The Committee shall first consider and determine whether to postpone their finding upon the facts which have been proved and, if so, whether to such future date or meeting of the Committee as they shall determine or *sine die*.

(b) If the Committee determine not to postpone their finding, they shall consider and determine whether in relation to the facts proved as aforesaid they find the practitioner to have been guilty of serious professional misconduct; and if they determine that he has not been so guilty they shall record a finding to that effect, and the Chairman shall announce the finding in such terms as they may approve.

(c) If the Committee determine that he has been guilty of such misconduct in relation to the facts proved as aforesaid, they shall next consider and determine whether it shall be sufficient to admonish the practitioner and conclude the case.

- (d) If the Committee do not determine as aforesaid, they shall next consider and determine whether they should direct that the practitioner's name shall be erased from the Register, or that his registration therein shall be suspended for a specified period not exceeding twelve months.
- (e) If the Committee determine to erase the name of the practitioner from the Register, or to suspend his registration therein, the Committee may consider and determine whether it is necessary for the protection of members of the public or would be in the best interests of the practitioner to order that his registration in the Register be suspended forthwith.
- (f) The Chairman shall announce the determination or determinations of the Committee under the foregoing paragraphs of this Rule in such terms as the Committee may approve.

26.—(1) In any case where the Committee have determined that the registration of any person shall be suspended for a specified period they may, when announcing such determination, intimate that they will, at a meeting to be held before the end of such period, resume consideration of the case with a view to determining whether or not they should then direct that the period of suspension should be extended or that the name of that person should be erased from the Register.

(2) If, in any case where the Committee have given no intimation in accordance with the foregoing paragraph of this Rule, it appears to the President during the specified period of suspension, in consequence of the receipt of information as to the habits and conduct since the original hearing of any person whose registration has been so suspended, that the Committee should consider whether or not the period of suspension should be extended or whether the name of such person should be erased from the Register, he shall instruct the Solicitor to notify the practitioner that the Committee will resume consideration of the case at a specified meeting.

*Cases Relating both to Conviction and to Conduct*

27. Where in the case of any inquiry it is alleged against the practitioner both that he has been convicted, and that he has been guilty of serious professional misconduct, the following shall be the procedure:—

- (a) The Committee shall first proceed with every charge that the practitioner has been convicted until they have completed the proceedings required by Rule 16 of these Rules.
- (b) The Committee shall then proceed with every charge that the practitioner has been guilty of such conduct as aforesaid until they have completed the proceedings required by Rules 18 to 20 of these Rules.
- (c) The Committee shall then take any proceedings required by any of the following Rules, namely Rule 17 and Rules 21 to 25.

28. Where in any case the Committee have postponed their finding or judgment *sine die*, the President may, when he thinks it desirable to do so, direct the Solicitor to notify the practitioner in accordance with the provisions of Rule 29 that consideration of the case will be resumed at a specified meeting of the Committee.

*Procedure after Postponement of Judgment or Finding, or Suspension of Registration*

29. Where under any of the foregoing provisions of these Rules the judgment or finding of the Committee in any case stands postponed, or where the Committee have directed that the registration of a practitioner shall be suspended and have intimated that before the end of the period of suspension they will resume consideration of the case, or where the President has so instructed under Rule 26(2), the following shall be the procedure:—

- (1) (a) The Solicitor shall, not later than six weeks before the day fixed for the resumption of the proceedings, send to the practitioner a Notice which shall
  - (i) specify the day, time and place at which the proceedings are to be resumed and invite him to appear thereat;
  - (ii) in any case where the President has exercised his powers under Rule 26(2), state the nature of the information in consequence of which he had exercised his powers;
  - (iii) unless the Committee have otherwise directed or the President otherwise directs, invite the practitioner to furnish the Registrar with the names and addresses of professional colleagues and other persons of standing to whom the Council will be able to apply for confidential information as to their knowledge of his habits and conduct since the time of the original inquiry.(b) The said Notice shall be sent to the practitioner by registered post or by the recorded delivery service at his address on the Register, and/or at his last known or any other address, if it appears to the Solicitor that a letter so addressed is more likely to reach him.  
(c) In any case where there is a complainant a copy of the Notice shall be sent to him.
- (2) Subject to the provisions of paragraph 8 of this Rule, at the meeting at which the proceedings are resumed the Chairman of the Committee shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands, and the Committee may—
  - (a) hear any other party to the proceedings,
  - (b) receive such further oral or documentary evidence in relation to the case, or as to the habits and conduct of the practitioner since the hearing, as they think fit; and nothing herein contained shall be construed as preventing the receipt by the Committee of evidence as to any conviction, not being a conviction which is the subject of a charge before the Committee.
- (3) In any case relating to conviction, the Committee shall next consider and determine whether it shall be sufficient now to conclude the case. If the Committee do not so determine, they shall next consider and determine whether they should further postpone their judgment, and thereafter the relevant provisions of Rule 17 shall apply.
- (4) In a case relating to conduct, where judgment stands postponed under Rule 24, the Committee shall next consider and determine whether it shall be sufficient now to conclude the case. If the Committee do not so determine, they shall next consider and determine whether they shall further postpone their judgment and shall thereafter proceed in accordance with the relevant provisions of Rule 24.
- (5) In a case relating to conduct where a finding has been postponed under Rule 25, the Committee shall next consider and determine whether further to postpone their finding. If they do not so determine, they shall thereafter proceed in accordance with the relevant provisions of Rule 25.
- (6) In any case relating to a person whose registration is at the time of the resumed proceedings suspended, the Committee shall consider and determine whether or not to order that the period of suspension shall be extended or that the name of that person shall be erased from the Register. If they determine that the period of suspension shall be extended, the provisions of Rule 26 shall apply in respect of such determination.
- (7) In a case relating both to conviction and to conduct the Committee shall take concurrently any proceedings required under the foregoing paragraphs (3) to (6).

- (8) If, since the original hearing, a new charge against the practitioner has been duly referred to the Committee, the following order of proceedings shall be observed:—
- (a) The Committee shall first proceed with the new charge so far as is provided by Rule 16 or Rules 18 to 20 as the case may be.
  - (b) The Committee shall take concurrently any proceedings required under paragraph (2) of this Rule and any proceedings required by Rule 17(a) and (b) or Rules 21 to 23 of these Rules as the case may be.
  - (c) The Committee shall then take concurrently any proceedings required by Rules 17(c) to (g) or Rules 24 and 25 and any proceedings required under one or more of paragraphs (3) to (7) of this Rule.

30. The provisions of the foregoing Rules 28 and 29 shall apply to the proceedings in any case in which judgment or finding of the Committee stands further postponed, or in which the Committee have already directed that a period of suspension should be extended or further extended.

31. Subject to the provisions of the Medical Act 1956 and of paragraph 7 of the First Schedule to these Rules, the validity of any resumed proceedings shall not be called into question by reason only that members of the Committee who were present at the former meeting were not present at the resumed meeting, or that members present at the resumed meeting were not present at the former meeting.

*Inquiries into Charges against Two or More Practitioners*

32. Nothing in this Part of these Rules shall be construed as preventing one inquiry being held into charges against two or more practitioners; and where such an inquiry is held the foregoing Rules shall apply with the necessary adaptations and subject to any directions given by the Committee as to the order in which proceedings shall be taken under any of those Rules by or in relation to the several practitioners.

*Temporarily Registered Practitioners*

33. The foregoing Rules, in so far as they relate to the power to suspend the registration of a practitioner, shall not apply to proceedings in respect of a charge or charges against a temporarily registered practitioner, but otherwise shall apply to such proceedings.

PART III

PROCEEDINGS UNDER SECTION 35(1) OF THE ACT RELATING TO FRAUDULENT  
AND INCORRECT ENTRIES IN THE REGISTER

*Submission of Complaints or Information: Notice of Inquiry*

34. The power of the Disciplinary Committee under section 35 of the Act to order the erasure of an entry proved to have been fraudulently or incorrectly made shall be exercised in accordance with the following provisions:—

- (a) No such order shall be made under that section except in consequence of an inquiry held in accordance with the provisions of this Part of these Rules into matters specified in a Notice of Inquiry sent in accordance with the said provisions to the respondent.
- (b) Before such a Notice is sent, the matters out of which it arises must have been considered by the Penal Cases Committee and referred by them to the Disciplinary Committee for inquiry.

35. The matters which may be considered by the Penal Cases Committee for the purposes of paragraph (b) of the last foregoing Rule shall be matters referred to that Committee in accordance with the following provisions:—

- (a) Where it appears to the Registrar (whether in consequence of a complaint in writing sent to the Council by any body or person, or in consequence of any other information coming to the notice of the Registrar) that a question arises whether an entry in the Register has been fraudulently or incorrectly made, the Registrar shall submit the matter to the President.
- (b) Where such a matter is submitted to the President, he shall, unless it appears to him that the matter need not proceed further, determine what persons (if any) apart from the person to whom the entry purports to relate, ought to be afforded an opportunity of furnishing observations on the matter and of taking part in any subsequent inquiry. The person (if any) to whom the entry relates, and any other person or persons determined by the President as aforesaid, shall then be deemed to be a respondent for the purpose of proceedings under this Part of these Rules.
- (c) The President shall then direct the Registrar to write to the respondent
  - (i) notifying him of the receipt of the complaint or information, and stating the matters which appear to raise a question whether an entry in the Register has been fraudulently or incorrectly made;
  - (ii) informing him of the date of the next meeting of the Penal Cases Committee; and
  - (iii) inviting him to submit to the Council any observations which he may wish to offer.
- (d) Subject to the provisions of the last foregoing paragraph the President may direct the Registrar to refer the case to the Penal Cases Committee, together with any observations then furnished by the respondent.

36.—(1) Where under the last foregoing Rule a case has been referred to the Penal Cases Committee, that Committee shall, having regard to any such observations furnished as aforesaid, consider the case and determine, subject to the provisions of this Rule, either—

- (a) that no inquiry shall be held in the case by the Disciplinary Committee, or
- (b) that the case shall be referred to the Disciplinary Committee for inquiry either at the next meeting of that Committee or at such further meeting as the Penal Cases Committee or the President may determine.

(2) Where the Penal Cases Committee determine that no inquiry shall be held, the Registrar shall inform the complainant (if any) and the respondent of the decision of that Committee in such terms respectively as that Committee may direct.

(3) The provisions of paragraphs (3) and (4) of Rule 6 of these Rules shall apply to proceedings under this Rule.

37.—(1) As soon as may be after a case has been referred to the Disciplinary Committee under the foregoing provisions of this Part of these Rules for inquiry, the Solicitor shall send to the respondent a Notice of Inquiry which shall—

- (a) specify the matters into which the inquiry is to be held;
- (b) state the day, time and place at which the inquiry is proposed to be held; and
- (c) request the respondent to state whether he intends to appear at the inquiry.

(2) Except with the agreement of the respondent, the inquiry shall not be fixed for any date earlier than twenty-eight days after the date of posting the Notice of Inquiry.

(3) A Notice of Inquiry shall be in such form as the President may determine to be appropriate to the circumstances of the case.

(4) A Notice of Inquiry shall be sent by post—

- (a) to the person to whom the entry purports to relate, by registered post or by the recorded delivery service to him at his address on the Register, and/or his last known or any other address, if it appears to the Solicitor that a letter so addressed is more likely to reach him;

(b) to any other person who is the subject of a determination under paragraph (b) of Rule 35 of these Rules, in a registered letter addressed as aforesaid if that person's name is registered in the Register, and otherwise addressed to him at his last known address or any other address if it appears to the Solicitor that a letter so addressed is more likely to reach him.

(5) A copy of these Rules shall be sent with any Notice of Inquiry.

(6) In any case where there is a complainant, a copy of the Notice of Inquiry shall be sent to him.

38.—(1) Rules 9 to 12 of these Rules shall apply for the purposes of this Part of these Rules, with the substitution, for the reference in Rule 10 to Rule 8 of these Rules, of a reference to the last foregoing Rule.

(2) Where there is a complainant, the Solicitor shall, on his request and on payment of the proper charges therefor, send to him copies of any observations or other communication sent to the Council by the respondent.

#### *Proceedings at Inquiry*

39. Where the respondent does not appear the Chairman of the Committee shall call upon the Solicitor to satisfy the Committee that the Notice of Inquiry has been received by the respondent. If it does not appear to have been so received, the Committee may nevertheless proceed with the inquiry, if they think fit, on being satisfied that all reasonable efforts have been made to serve the Notice of Inquiry on the respondent.

40. Where the respondent appears, or where under the last foregoing Rule, the Committee have decided to proceed with the inquiry, the following order of proceedings shall be observed:—

- (a) The complainant, or, if no complainant appears or there is no complainant, the Solicitor shall present the facts of the case and adduce evidence.
- (b) The respondent may, if he intends to adduce oral evidence in addition to his own oral evidence as respects the matters specified in the Notice of Inquiry, open his case.
- (c) The respondent may then adduce evidence.
- (d) At the close of the evidence for the respondent, the complainant or the Solicitor, as the case may be, may with the leave of the Committee adduce evidence to rebut any evidence adduced by the respondent.
- (e) The complainant or the Solicitor, as the case may be, may then address the Committee.
- (f) The respondent may then address the Committee.

41.—(1) On the conclusion of the proceedings under the last foregoing Rule the Committee shall consider and determine whether the entry has been proved to their satisfaction to have been made incorrectly; and if they determine that it was so made, they shall further consider and determine whether the entry was made incorrectly but not fraudulently, or whether it has been proved to their satisfaction to have been made fraudulently.

(2) If under the last foregoing paragraph the Committee determine that the entry has not been proved to their satisfaction to have been made incorrectly, the Chairman shall announce their determination in such terms as the Committee may approve.

(3) If under paragraph (1) of this Rule the Committee determine that the entry has been proved to their satisfaction to have been made incorrectly but not fraudulently, or to have been made fraudulently, they shall then further consider and determine whether they should order the entry to be erased from the Register; and if they so order they shall thereupon make an order in writing, under the hand of the Chairman, that the entry, having been proved to the satisfaction of the Committee to have been made—

- (a) incorrectly but not fraudulently, or (as the case may be),
- (b) fraudulently,

shall be erased from the Register; and the Chairman shall announce the determination in such terms as the Committee may approve.

(4) If it is proved to the satisfaction of the Committee that the entry was made incorrectly, but it is not so proved that the entry was made fraudulently, the Committee may determine accordingly notwithstanding that in the Notice of Inquiry the entry was alleged to have been made fraudulently; but the Committee shall not determine that an entry was made fraudulently if it was not alleged to have been so made in the Notice of Inquiry.

(5) Where an inquiry relates to two or more entries, the Committee may proceed under the foregoing provisions of this Rule in respect of those entries either separately or taken together, as the Committee may think fit, and where an inquiry relates to an entry specifying two or more particulars, the Committee may, if they think fit, proceed thereunder in respect of so much of the entry as specifies each of those particulars as if it were a separate entry.

42. In a case where the expression "the respondent" relates to more than one person:—

- (a) Paragraph (c) of Rule 35, Rule 36, Rule 37 and Rule 39 of these Rules shall all apply separately to each such person.
- (b) Rule 40 of these Rules shall apply only if all those persons appear or the Committee have decided under Rule 39 to proceed with the inquiry.
- (c) Paragraphs (b) to (f) of the said Rule 40 shall apply in relation to each of those persons as if he alone were the respondent; and where more than one of those persons appears and wishes to adduce evidence or address the Committee, the Committee shall determine the order in which they shall proceed under the said paragraph (b) and thereafter.

#### PART IV

##### APPLICATIONS FOR RESTORATION: SECTIONS 34 AND 35(2) OF THE ACT

43. Where a person applies for the restoration of his name to the Register under section 34 of the Act, as amended by section 20 of and Schedule I to the Medical Act 1969, the following provisions shall have effect—

- (a) Subject to any directions given by the President in special circumstances, an application shall not be considered by the Committee at any meeting unless, not less than twenty-one days before the first day of that meeting, there have been delivered to the Registrar a statutory declaration made by the applicant as nearly as possible in the Form No. 1, and a Certificate of Identity and Good Character given by a fully registered practitioner as nearly as possible in the Form No. 2, set out in the Third Schedule to these Rules.
- (b) At the hearing of the application, the Chairman shall first invite the Solicitor to recall the circumstances in which the applicant's name was erased from the Register, and, if he so desires, to address the Committee and to adduce evidence as to the conduct of the applicant since that time.
- (c) The Chairman shall next invite the applicant to address the Committee, and, if he so desires, to adduce evidence as to his conduct since his name was erased from the Register.
- (d) The Committee may, if they think fit, receive oral or written observations on the application from any Body or person on whose complaint the applicant's name was erased from the Register.

(e) The Committee may, if they think fit, adjourn consideration of any application to such future meeting as they may specify, and may require the applicant to submit evidence of his habits, conduct and condition since his name was erased from the Register.

(f) Subject to the foregoing provisions of this Rule the procedure of the Committee in connection with such applications shall be such as they may determine.

44. In connection with applications made under section 35(2) of the Act the procedure of the Committee shall be such as they may determine.

## PART V

### GENERAL

#### *Procedure*

45. The Penal Cases Committee and the Disciplinary Committee may adjourn any of their proceedings or meetings from time to time as they think fit.

46.—(1) Subject to the provisions of section 38(2) of the Act, and of any Rules made thereunder, the Committee may deliberate in camera (with or without the Legal Assessor) at any time and for any purpose during or after the hearing of any proceedings.

(2) Save as aforesaid all proceedings before the Committee shall take place in the presence of all parties thereto who appear therein and shall be held in public except as provided by the following paragraph of this Rule.

(3) Where in the interests of justice or for any other special reason it appears to the Committee that the public should be excluded from any proceedings or part thereof, the Committee may direct that the public shall be so excluded; but a direction under this paragraph shall not apply to the announcement in pursuance of any of these Rules of a determination of the Committee.

#### *Evidence*

47.—(1) Where the Committee postpone their judgment or finding, or suspend the registration of a practitioner and give an intimation under Rule 26(1), or the President so determines under Rule 26(2) that they will resume consideration of the case, or where the Committee adjourn consideration of an application under Rule 43(e), the Committee or the President may require the practitioner or applicant to furnish the Registrar with the names and addresses of professional colleagues and other persons of standing to whom the Council will be able to apply for information, to be given confidentially, as to their knowledge of his habits and conduct since the time of the original hearing.

(2) Where any practitioner or applicant has supplied to the Committee or to the Registrar on their behalf the name of any person to whom reference may be made confidentially as to his habits and conduct, the Committee may consider any information received from such person in consequence of such reference without disclosing the same to the practitioner or applicant.

(3) The Committee may receive oral, documentary or other evidence of any fact or matter which appears to them relevant to the inquiry into the case before them;

Provided that, where any fact or matter is tendered as evidence which would not be admissible as such if the proceedings were criminal proceedings in England, the Committee shall not receive it unless, after consultation with the Legal Assessor, they are satisfied that their duty of making due inquiry into the case before them makes its reception desirable.



(4) Without prejudice to the generality of the last preceding paragraph the Committee may, if satisfied that the interests of justice will not thereby be prejudiced, admit in evidence without strict proof copies of documents which are themselves admissible maps, plans, photographs, certificates of conviction and sentence, certificates of birth and marriage and death, the records (including the registers) of the Council, the notes of proceedings before the Committee and before other tribunals and the records of such tribunals, and the Committee may take note without strict proof of the professional qualifications, the registration, the address and the identity of the practitioner and of any other person.

(5) The Committee may accept admissions made by any party and may in such case dispense with proof of the matters admitted.

(6) The Committee may cause any person to be called as a witness in any proceedings before them whether or not the parties consent thereto. Questions may be put to any witness by the Committee through the Chairman or by the Legal Assessor with the leave of the Chairman.

#### *Voting*

48. The following provisions shall have effect as to the taking of the votes of the Disciplinary Committee on any question to be determined by them:—

- (1) The Chairman of the Committee shall call upon the members present to signify their votes by raising their hands, and shall declare the way in which the question appears to him to have been determined.
- (2) Where the result so declared by the Chairman is challenged by any member, the Chairman shall—
  - (a) call upon each member severally to declare his vote,
  - (b) announce his own vote, and
  - (c) announce the number of members of the Committee who have voted each way and the result of the vote.
- (3) Where the votes are equal, the question shall be deemed to have been resolved in favour of the practitioner, respondent or applicant, as the case may be.

For the purpose of this paragraph a decision to postpone judgment or postpone a finding shall be taken to be in favour of a person unless he has indicated to the Committee that he is opposed to postponement.

#### *Supplementary*

49.—(1) Any party being a body corporate or an unincorporated body of persons may appear by their clerk or other officer duly appointed for the purpose or by Counsel or Solicitor.

(2) Any party being an individual may appear either in person or by Counsel or Solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family.

50. Without prejudice to any requirement of these Rules as to the service of documents by registered post or recorded delivery service, any notice authorised or required by these Rules may be sent by post.

51.—(1) A shorthand-writer shall be appointed by the Committee to take shorthand notes of their proceedings.

(2) Any party to proceedings of the Committee shall, on application to the Solicitor and on payment of the proper charges, be furnished by the Solicitor with a transcript of the shorthand notes of any part of the proceedings at which the parties were entitled to be present.

52. Subject to the provisions of paragraph 7 of the First Schedule to these Rules, anything authorised or required by these Rules to be done by the President may, if the President is absent or unable to act, be done by any other member or members of the Council authorised in that behalf by the President or (if the President be unable to give authority) by the Penal Cases Committee.

53. Save in relation to any cases in respect of which an inquiry by the Disciplinary Committee has been commenced before 1st April 1970 the General Medical Council Disciplinary Committee (Procedure) Rules 1958 (a) are hereby revoked.

Dated the 25th day of February 1970.

#### FIRST SCHEDULE

##### PROVISIONS AS TO CONSTITUTION AND MEETINGS OF PENAL CASES COMMITTEE, AND AS TO MEETINGS OF DISCIPLINARY COMMITTEE

###### *Constitution and Meetings of Penal Cases Committee*

1.—(1) For the purpose of performing the functions specified in these Rules, there shall continue to be a Committee of the Council, known as the Penal Cases Committee.

(2) The Penal Cases Committee shall consist of the person who for the time being is President and of five other members (hereinafter referred to as “the elected members”) elected as hereinafter provided.

(3) Of the elected members one shall be an elected member of the Council, one shall be a person who is neither fully registered nor the holder of any qualification registrable under the Act, and the others shall be fully registered persons of whom one shall be a member of the Branch Council for England and Wales, one shall be a member of the Branch Council for Scotland and one shall be a member of the Branch Council for Ireland.

(4) At any meeting of the Penal Cases Committee the President, or in his absence such member of the Committee as the Committee may choose, shall be Chairman.

(5) The validity of any proceeding of the Penal Cases Committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

2.—(1) Subject to the provisions of this Schedule, the elected members of the Penal Cases Committee shall be elected by the Council.

(2) Subject as aforesaid, elections to the Penal Cases Committee shall take place at the first session of the Council in every year held after the first day of May, and elected members of the Penal Cases Committee shall hold office until the next election of such members and shall be eligible for re-election.

(3) If any of the elected members of the Penal Cases Committee vacates office otherwise than by the expiry of his term of office on the Committee, the vacancy shall be filled by co-option by the other members of the Committee from among the members of the Council, and the person co-opted shall hold office until the end of the term of office of the person in whose place he was co-opted.

(4) Notwithstanding anything in this Schedule, an elected member of the Penal Cases Committee shall, upon vacating office as a member of the Council, also cease to be a member of the Committee:

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(a) S.I. 1958/1805 (1958 I, p. 1391).

Provided that for the purposes of this paragraph a member of the Council shall not be deemed to have vacated office as a member of the Council if he has again been nominated, appointed, or elected to be a member thereof not later than the day of his vacating office.

3.—(1) Elections for membership of the Penal Cases Committee shall be by ballot.

(2) Every member of the Council may vote in the election of members of the Penal Cases Committee from each of the Branch Councils, and shall have one vote for each vacancy to be filled.

4. The quorum of the Penal Cases Committee shall be three.

5. The Penal Cases Committee shall meet at such interval before a meeting of the Disciplinary Committee as the President may determine, and at such time and place as he may determine.

#### *Meetings of Disciplinary Committee*

6.—(1) The Disciplinary Committee shall meet at least twice in every year.

(2) Unless the Council, the Committee or the President shall otherwise direct, the Committee shall normally meet on the day or days following the meetings of the Council held in May or June and in November. If the business shall require the Committee to hold additional meetings, such meetings shall normally begin on the day following the fourth Monday in February and on the third Monday in July.

(3) Without prejudice to the last foregoing paragraph, a meeting of the Disciplinary Committee may be summoned at any time by direction of the President.

(4) Meetings of the Disciplinary Committee shall, except in so far as the President may otherwise direct, be held at the offices of the Council.

7. Without prejudice to the provisions of paragraph 3(2) of the Fourth Schedule to the Medical Act 1956 (which provides for arrangements for securing that except in certain circumstances not more than nine members of the Disciplinary Committee shall attend for the hearing of any case) a person, other than the President, shall not, if he has acted as a member of the Penal Cases Committee when that Committee has in accordance with any of the foregoing provisions of the Rules referred any matters to the Disciplinary Committee, act as a member of the Disciplinary Committee in relation to those matters.

8. Members of the Disciplinary Committee shall be summoned to meetings of the Committee by the sending of notice thereof by the Registrar or a person authorised by the President to act in place of the Registrar.

#### SECOND SCHEDULE

##### NOTICE OF THE PROPOSED HOLDING OF AN INQUIRY

(Date)

DEAR SIR/MADAM,

On behalf of the General Medical Council notice is hereby given to you that in consequence of [a complaint made against you to the Council] *or* [information received by the Council] an inquiry is to be held into the following charge [charges] against you:—

*(If the charge relates to conviction)* That you were on the \_\_\_\_\_ day of \_\_\_\_\_ at *(specify court recording the conviction)* convicted of *(set out particulars of the conviction in sufficient detail to identify the case)*.

---

*Or*

*(If the charge relates to conduct)* That, being registered under the Medical Acts, you *(set out briefly the facts alleged)*: and that in relation to the facts alleged you have been guilty of serious professional misconduct.

*(Where there is more than one charge, the charges are to be numbered consecutively, charges relating to conviction being set out before charges relating to conduct).*

Notice is further given to you that on *[day of the week]* the day of , 19 , a meeting of the Disciplinary Committee will be held at , at a.m./p.m., to consider the above-mentioned charge [charges] against you, and to determine whether or not they should direct the Registrar to erase your name from the Register or to suspend your registration therein, pursuant to section 33 of the Medical Act 1956, as amended by section 13 of the Medical Act 1969.

You are hereby invited to appear before the Committee at the place and time specified above, for the purpose of answering the above-mentioned charge [charges]. You may appear in person or by Counsel or Solicitor, or by any officer or member of any organisation of which you are a member, or by any member of your family. The Committee have power, if you do not appear, to hear and decide upon the said charge [charges] in your absence.

Any answer, admission, or other statement or communication, which you may desire to make with respect to the said charge [charges], should be addressed to the Solicitors to the Council.

If you desire to make any application that the inquiry should be postponed, you should send the application to us as soon as possible, stating the grounds on which you desire a postponement. Any such application will be considered by the President of the General Medical Council in accordance with Rule 9 of the General Medical Council Disciplinary Committee (Procedure) Rules 1970.

A copy of the General Medical Council Disciplinary Committee (Procedure) Rules 1970 is sent herewith for your information.

Yours faithfully,

*Solicitors to the General Medical Council*

THIRD SCHEDULE

STATUTORY DECLARATION AND CERTIFICATE REQUIRED UNDER RULE 43

Form No. 1

STATUTORY DECLARATION BY APPLICANT

(N.B. This declaration must be made before a Commissioner for Oaths or before a Justice of the Peace.)

I, the undersigned.....
now holding the qualification(s) of.....
do solemnly and sincerely declare as follows:—

1. I am the person formerly registered as a medical practitioner with the name
.....and with the quali-
fication(s) of.....and I hereby
apply for the restoration of my name to the Register.

2. At an inquiry held on the.....day of.....
nineteen hundred and.....the Disciplinary Committee directed my name
to be erased from the Register, and the offence for which the Committee directed the
erasure of my name was.....

3. Since the erasure of my name from the Register I have been residing at.....
.....and my occupation has been.....

4. It is my intention if my name is restored to the Register to.....

5. The grounds of my application are.....

And I make this declaration conscientiously believing the same to be true and by
virtue of the Statutory Declarations Act 1835.

Signed.....

Declared at.....
on .....
before me,.....
A Commissioner for Oaths

Form No. 2

CERTIFICATE OF IDENTITY AND GOOD CHARACTER

(N.B. This Certificate must be signed by a fully registered practitioner.)

I, .....  
of .....  
certify as follows:—

1. I have read the statutory declaration made on the .....  
day of ....., nineteen hundred and ..... by  
.....

2. The said .....  
is the same person as .....  
who was formerly registered as a medical practitioner with the following address and  
qualification(s): .....  
.....

3. I have been well acquainted with the said .....  
.....  
for ..... years, namely between ..... and .....  
and I believe him to be now a person of good character, and the statements in the said  
declaration are, to the best of my knowledge, information and belief, true.

Signed .....

Registered Address .....

.....

Registered Qualification(s).....

.....

Date .....

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The Rules approved by this Order revoke and supersede, with amendments, the General Medical Council Disciplinary Committee (Procedure) Rules 1958, which regulated disciplinary procedure in connection with the erasure of names from, and the restoration of names to, the register of medical practitioners.

**The Rules**

- (1) implement the new powers conferred on the Disciplinary Committee by the Medical Act 1969 to direct that the registration of a doctor shall be suspended for a specified period not exceeding 12 months, as an alternative to erasure, and subsequently to give directions for the extension in certain circumstances of the period of suspension specified in the original direction ;
- (2) comply with provisions in that Act by which the words "serious professional misconduct" are substituted for the words "infamous conduct in any professional respect" ;
- (3) provide for the extension of the jurisdiction of the Committee to temporarily registered persons irrespective of the circumstances of any particular case ;
- (4) introduce other minor changes into the order of proceedings before the Disciplinary Committee.

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