

SCHEDULE 1

Amendments to the Medical Act 1983

Amendment of Schedule 1

21.—(1) Schedule 1 (the General Medical Council and its committees, and the branch councils) is amended in accordance with the provisions of this paragraph.

(2) For Part 1(1) (constitution of the General Medical Council) substitute the following Part—

“Part 1

Constitution of the General Medical Council

Membership: general

1A.—(1) The General Council shall consist of—

(a) registrant members, that is members who—

- (i) are fully registered or provisionally registered, and
- (ii) hold licences to practise; and

(b) lay members, that is members who—

- (i) are not and never have been provisionally registered or fully registered,
- (ii) were at no time registered with limited registration under section 22 prior to its repeal, and
- (iii) do not hold qualifications which would entitle them to apply for provisional or full registration under this Act.

(2) The members of the General Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

Matters for the order of the Privy Council under section 1(2)

1B.—(1) An order under section 1(2) shall include provision with regard to—

- (a) the numbers of registrant members and lay members of the General Council;
- (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
- (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;

(1) Part 1 has been amended by: the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 12, paragraph 2; the Health Act 2006 (c.28), Schedule 8, paragraph 26, and Schedule 9; and by S.I. 2002/3135 and 2006/1914.

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- (d) the appointment of a chair of the General Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the General Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.
- (3) An order under section 1(2) may include provision with regard to—
- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
 - (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of their members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the General Council at meetings of the General Council;
 - (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
 - (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as president of the General Council on the day before the first order of the Privy Council under section 1(2) comes into force.
- (4) An order under section 1(2) 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 Privy Council to be necessary or expedient.

Registration of members' private interests

- 1C.**—(1) The General Council must maintain a system for the declaration and registration of private interests of their members.
- (2) The General Council must publish in such manner as they see fit entries recorded in the register of members' private interests.”
- (3) For paragraph 9A (which relates to the General Council's general duties of co-operation) substitute the following paragraph—

- “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.

(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(2), other than the General Council.”

(4) Omit paragraph 12 (which relates to the validity of proceedings of the General Council) and paragraph 13(3) (which relates to the quorum of the General Council).

(5) In paragraph 14 (which relates to voting at General Council meetings), for “presides at” substitute “chairs”.

- (6) In paragraph 15 (which relates to provisions in standing orders of the General Council)—
 - (a) after sub-paragraph (1) insert the following sub-paragraph—

“(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).”; and

- (b) in sub-paragraph (3), for “This paragraph” substitute “Sub-paragraph (1)”.

(7) In paragraph 16(4) (officers of the General Council), for sub-paragraphs (1) and (2) substitute the following sub-paragraph—

“(1A) Standing orders of the General Council may make provision with regard to the appointment of a treasurer of the General Council.”

(8) After paragraph 23B(5) (which relates to quora of panels and the Investigation Committee) insert the following paragraph—

“**23C.** Rules under any of the paragraphs mentioned in paragraph 23B 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 General Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the panels or the committee to which those paragraphs relate, including any function relating to tenure of office or suspension or removal from office.”

(2) 2002 c.17.

(3) Paragraph 13 was substituted by S.I. 2002/3135.

(4) Paragraph 16 was amended by S.I. 2002/3135.

(5) Paragraph 23B was inserted by S.I. 2002/3135.