
STATUTORY INSTRUMENTS

2008 No. 2717

**The Health and Social Care Act 2008
(Commencement No. 3) Order 2008**

Appointed day for provisions relating to standard of proof in fitness to practise proceedings

2.—(1) 3rd November 2008 is the appointed day for the coming into force of section 112 of the Health and Social Care Act 2008 (standard of proof in fitness to practise proceedings), but only for the purposes of new proceedings.

(2) For the purposes of paragraph (1), “new proceedings” are all proceedings to which section 60A(1) of the Health Act 1999(1) applies, except –

- (a) proceedings under the General Optical Council (Fitness to Practise) Rules 2005(2) where the Presenting Officer addressed the Fitness to Practise Committee in relation to each allegation in accordance with rule 45 before 3rd November 2008;
- (b) proceedings under the General Medical Council (Fitness to Practise) Rules 2004(3) –
 - (i) before a Fitness to Practise Panel where the allegation and the alleged facts were read out by the person acting as secretary in accordance with rule 17(2)(c) before 31st May 2008, or
 - (ii) before the Investigation Committee where the Presenting Officer began to outline the allegation and the facts in accordance with rule 11(7) before 31st May 2008;
- (c) proceedings under the Nursing and Midwifery Council (Fitness to Practise) Rules 2004(4) where the Chair of the Committee asked for the charge to be read out in accordance with rule 24(2)(b) before 3rd November 2008;
- (d) proceedings under the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993(5) where the charge was read in accordance with rule 15(2) before 3rd November 2008;
- (e) proceedings under the General Dental Council Professional Conduct Committee (Procedure) Rules 1984(6); and
- (f) proceedings under the General Dental Council Health Committee (Procedure) Rules 1984(7).

(1) 1999 c.8; section 60A is inserted by section 112 of the Health and Social Care Act 2008.
(2) Scheduled to [S.I. 2005/1475](#).
(3) Scheduled to [S.I. 2004/2608](#).
(4) Scheduled to [S.I. 2004/1761](#); relevant amending instrument is [S.I. 2007/893](#).
(5) Scheduled to [S.I. 1993/893](#). These rules are no longer in force, but are transitionally preserved for some purposes by virtue of [S.I. 2004/1762](#).
(6) Scheduled to [S.I. 1984/1517](#). These rules are no longer in force, but are transitionally preserved for some purposes by virtue of Schedule 7 to [S.I. 2005/2011](#).
(7) Scheduled to [S.I. 1984/2010](#). These rules are no longer in force, but are transitionally preserved for some purposes by virtue of Schedule 7 to [S.I. 2005/2011](#).