

2015 No. 1579 (C. 91)

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

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 (Commencement No.1 and Transitory Provisions) Order of Council 2015

Made - - - - - *29th July 2015*

At the Council Chamber, Whitehall, the 29th day of July 2015

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

Their Lordships make the following Order of Council in exercise of the powers conferred by article 1(3) and (5) of 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(a).

Citation and interpretation

1.—(1) This Order may be cited as 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 (Commencement No.1 and Transitory Provisions) Order of Council 2015.

(2) In this Order, “the 2015 Order” means 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.

Appointed days

2. 3rd August 2015 is the day appointed for the coming into force of the following articles of the 2015 Order—

- (a) 2(4);
- (b) 3(3);
- (c) 4(3), (4), (5) and (12);
- (d) 7;

- (e) 8(2), (5) and (6);
- (f) 9(1);
- (g) 10(1)(b), (2), (3) (but only in so far as it relates to paragraphs (2ZC) to (2ZE) of Schedule 4 to the Medical Act 1983) and (4);
- (h) 11(1), (2), (3), (4), (5)(b), (6), (7) and (8)(a);
- (i) 12(1), (2) and (9);
- (j) 13(4);
- (k) 14 but only in so far as it enables the General Council to make rules under paragraph 7A(4), (6), (9) and (10) of Schedule 4 to the Medical Act 1983;
- (l) 21 (except paragraph (10));
- (m) 22(1).

Transitory

3. Until paragraphs (1) and (2) of article 3 of the 2015 Order come into force—
- (a) the references to a Medical Practitioners Tribunal in articles 4(3), 7 and 12(9) of that Order are to be read as references to a Fitness to Practise Panel;
 - (b) the references to an Interim Orders Tribunal in articles 4(3) and 7 of that Order are to be read as references to an Interim Orders Panel.

Christopher Berry
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a number of articles of 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 (“the 2015 Order”) that principally relate to either new objectives of the General Medical Council or rule making powers concerning the constitution of the Medical Practitioners Tribunal Service and the constitution and proceedings of the Medical Practitioners Tribunal and the Interim Orders Tribunal.

Articles 2(4), 3(3), 4(3), (4), (5) and (12), 7, 8(2), (5) and (6), 9(1), 10(1)(b), (2), (3) (in part) and (4), 11(1), (2), (3), (4), (5)(b), (6), (7) and (8)(a), 12(1), (2) and (9), 13(4), 14 (in part) , 21 (in part) and 22(1) of the 2015 Order are brought into force on 3rd August 2015.

Of the articles brought into force by this instrument, those of particular note are—

Articles 4(4) and 7 of the 2015 Order provide for a new overriding objective that applies to the General Council when making certain rules.

Article 4(4) of the 2015 Order requires the General Council when making rules under paragraph 19F of Schedule 1 to the Medical Act 1983 with respect to the constitution of the Medical Practitioners Tribunal Service, or under paragraph 19G of Schedule 1 to the Medical Act 1983 with respect to the constitution of Medical Practitioners Tribunals and Interim Orders Tribunals, to secure that the Tribunal deals with cases fairly and justly.

Article 7 of the 2015 Order requires the General Council, in making rules with respect to the procedure to be followed in proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal, or with respect to the procedure to be followed by the Investigation Committee when deciding whether to give warnings under section 35C(6) of the Medical Act 1983, to secure that the Tribunal or Committee (as the case may be) deals with cases fairly and justly.

Article 21 of the 2015 Order provides for a new over-arching objective of the General Council. The new over-arching objective of the General Council in the exercise of their functions is the protection of the public and the pursuit of that objective involves the pursuit of the objectives to (i) protect, promote and maintain the health, safety and well-being of the public (ii) promote and maintain public confidence in the medical profession and (iii) promote and maintain proper professional standards and conduct for members of that profession.

This Order, in article 3, makes transitory provision pending the coming into force of provisions establishing the Medical Practitioners Tribunal and the Interim Orders Tribunal.

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