
STATUTORY INSTRUMENTS

2015 No. 794

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

PART 2

The Medical Practitioners Tribunal Service

Interim orders

6.—(1) In section 35C of the Medical Act (functions of the Investigation Committee), in subsection (8)—

- (a) for “an Interim Orders Panel or a Fitness to Practise Panel”, in each place it appears, substitute “an Interim Orders Tribunal or a Medical Practitioners Tribunal”,
- (b) after “refer the matter to” insert “the MPTS for them to arrange for”, and
- (c) omit “for the Panel”.

(2) In section 41A of that Act (interim orders)(1), before subsection (1) insert—

“(A1) Where a matter is referred under section 35C(8) to the MPTS, the MPTS must arrange for an Interim Orders Tribunal or a Medical Practitioners Tribunal to decide whether to make an order as mentioned in that provision.”

(3) In subsection (1) of that section—

- (a) for “Where an Interim Orders Panel or a Fitness to Practise Panel” substitute “Where an Interim Orders Tribunal or a Medical Practitioners Tribunal in arrangements made under subsection (A1), or a Medical Practitioners Tribunal on their consideration of a matter,”, and
- (b) for “the Panel”, in each place it appears, substitute “the Tribunal”.

(4) In subsections (2), (3), (6) and (9) of that section, for “an Interim Orders Panel or a Fitness to Practise Panel”, in each place it appears, substitute “an Interim Orders Tribunal or a Medical Practitioners Tribunal”.

(5) After subsection (3) of that section insert—

“(3A) Where an Interim Orders Tribunal or a Medical Practitioners Tribunal have yet to hold a hearing to consider a case in which they would have the power to make an order under subsection (3) above, but the person concerned and the General Council have already agreed in writing to the terms of such an order—

- (a) the Tribunal, on considering the matter on the papers, or the chair of the Tribunal, on doing so instead of the Tribunal, may make an order on the agreed terms; or

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(b) if the Tribunal or chair (as the case may be) acting under paragraph (a) determines that the Tribunal should hold a hearing to consider the matter, the MPTS must arrange for a hearing of the Tribunal for that purpose.

(3B) An order made under subsection (3A)(a) by a Tribunal or the chair of a Tribunal is to be treated for the purposes of this Act as if it had been made by the Tribunal under subsection (3).”

(6) In subsection (4) of that section—

(a) for “any Panel” substitute “a Tribunal”,

(b) for “the Panel”, in the first place it appears, substitute “the Tribunal”, and

(c) omit the words from “; and for the purposes” to the end.

(7) In subsection (5) of that section, for “the Registrar” substitute “the MPTS”.