
STATUTORY INSTRUMENTS

2000 No. 2034

MEDICAL PROFESSION

The General Medical Council (the Professional Conduct Committee, the General Health Committee and the Committee on Professional Performance)
(Amendment) Rules Order of Council 2000

Made - - - - *30th June 2000*
Coming into force - - *1st July 2000*

At the Council Chamber, Whitehall, the 30th day of June 2000
By the Lords of Her Majesty's Most Honourable Privy Council

WHERE AS in pursuance of paragraphs 1 and 5(A)(1) and (3) of Schedule 4 to the Medical Act 1983⁽¹⁾ the General Medical Council, having consulted with such bodies of persons representing medical practitioners as appeared to the said Council to be requisite, have made the General Medical Council (the Professional Conduct Committee, the Health Committee and the Committee on Professional Performance Rules) (Amendment) Rules 2000 as set out in the Schedule to this Order:
AND WHEREAS by sub-paragraph (5) of the said Paragraph 1 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 hereby pleased to approve them.

This Order may be cited as the General Medical Council (the Professional Conduct Committee, the Health Committee and the Committee on Professional Performance) (Amendment) Rules Order of Council 2000, and shall come into force on 1st July 2000.

A. K. Galloway
Clerk of the Privy Council

(1) 1983 c. 54. The Act was amended by the Medical (Professional Performance) Act 1995 (c. 51).

SCHEDULE

THE GENERAL MEDICAL COUNCIL

THE GENERAL MEDICAL COUNCIL (THE PROFESSIONAL CONDUCT COMMITTEE, THE HEALTH COMMITTEE AND THE COMMITTEE ON PROFESSIONAL PERFORMANCE RULES) (AMENDMENT) RULES 2000

The General Medical Council, in exercise of their powers under paragraphs 1 and 5A(1) and (3) of Schedule 4 to the Medical Act 1983⁽²⁾ and after consulting such bodies of persons representing medical practitioners as appeared to the Council to be requisite, and of all other powers enabling the Council in that behalf, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the General Medical Council (the Professional Conduct Committee, the Health Committee and the Committee on Professional Performance Rules) (Amendment) Rules 2000 and shall come into force on 1st July 2000.

Proceedings before the Professional Conduct Committee

2.—(1) In rule 2(1) of the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988⁽³⁾ the definition of “the Committee” shall be amended by the substitution for “VII” of “VIIA”.

(2) The heading to Part VII of those Rules (applications for restoration after erasure) shall be amended by the addition of the words “under section 36” at the end and the following Part shall be inserted in those Rules as Part VIIA.

“PART VIIA

APPLICATIONS FOR RESTORATION AFTER ERASURE UNDER THE MEDICAL PRACTITIONERS (VOLUNTARY ERASURE AND RESTORATION) REGULATIONS 2000

Procedure for consideration of applications for restoration

46A.—(1) This Part shall apply in relation to any application by a person for restoration of his name to the Register under regulation 3 of the Medical Practitioners (Voluntary Erasure and Restoration) Regulations 2000 (“the 2000 Regulations”) which has been referred to the Committee by the Registrar under regulation 4(8) of those Regulations.

(2) The application shall not be considered by the Committee at any meeting unless the Registrar has given the applicant notice in writing of the date, time and place of the hearing before the beginning of the period of 28 days ending on the day of the hearing, or such shorter period of notice as the applicant may agree, and the Registrar shall send with the notice a copy of these Rules and the 2000 Regulations.

(3) The notice under paragraph (2) shall—

(2) 1983 c. 54; the Act was amended by the Medical (Professional Performance) Act 1995 (c. 51).

(3) Appended to S.I.1988/2255; amended by rules appended to S.I. 1989/656, 1990/1587, 1994/3298, 1996/1218 and 1997/1529.

- (a) specify the grounds on which the reference has been made and include particulars of any alleged facts which are to be presented to the Committee at the hearing by the Solicitor;
- (b) have attached to it copies of any reports or other documents which the Solicitor proposes to put before the Committee at the hearing;
- (c) inform the applicant of his right to attend the hearing and to be represented by counsel or a solicitor, by any officer or member of any professional organisation of which he is a member or by a member of his family,

and, except where the context otherwise requires, any reference in the following provisions of this Part to the applicant shall be read as including a reference to his representative.

(4) The following provisions shall apply in relation to any meeting of the Committee to consider the application—

- (a) the Chairman shall put the particulars specified in the notice in accordance with paragraph (3)(a) to the applicant and ask him whether he admits all or any of the facts alleged;
- (b) any admission of any fact or facts shall be recorded by the Committee and announced by the Chairman;
- (c) the Solicitor may adduce oral or documentary evidence to prove any fact specified in the particulars which is not admitted and shall in any event, where applicable, call the complainant;
- (d) the applicant may adduce oral or documentary evidence relevant to any fact in respect of which the Solicitor has adduced evidence and may address the Committee on any such evidence;
- (e) the Committee shall make a determination that any fact which has not been admitted, and as respects which evidence has not been adduced by the Solicitor, has not been proved, and that determination shall be announced by the Chairman;
- (f) the Committee shall determine whether they find any fact as respects which the Solicitor has adduced evidence proved or not;
- (g) the Solicitor may address the Committee with respect to any admission and to any fact found by the Committee to have been proved, and with respect to the character and previous history of the applicant;
- (h) the applicant may address the Committee with respect to any admission and any fact found by the Committee to have been proved, and with respect to any other matter raised by the Solicitor in his address;
- (i) the Committee shall consider any admissions made, any evidence adduced and the addresses of the Solicitor and the applicant, and decide whether to approve the application;
- (j) if the Committee decide to approve the application, they shall direct the Registrar to restore the applicant's name forthwith to the Register;
- (k) if the Committee decide not to approve the application they shall consider whether, having regard to the gravity of the case, the mandatory period of two years during which the applicant is not permitted to make another application for restoration under regulation 3 of the 2000 Regulations should be extended and, if so, what the extended period should be; and
- (l) the Chairman shall announce the Committee's decision under sub-paragraph (i), and under sub-paragraph (k) if applicable, in such terms as the Committee shall approve.

(5) A majority of the votes of those present shall be required for a decision that the applicant's name should be so restored and for a decision that the minimum period referred to in paragraph (4)(k) should be extended, and rule 52(3) shall have effect subject to this paragraph.

(6) Parts II, III, IV, V, VI and VII of these Rules shall not apply in relation to any application to which this Part applies, except that rule 23(1) shall apply.

(7) Part VIII of these Rules shall apply, except that rules 49, 51 and 53A shall not apply.

(8) Subject to paragraphs (2) to (7), the Committee may determine their own procedure.

(9) For the purpose of proceedings under this rule, references to the complainant in these Rules shall mean any person whose written complaint or information about the applicant's conduct has given rise to the matters that are being considered by the Committee."

(3) For rule 54 (service of documents) there shall be substituted the following:

"**54.** Any notice or other document required by rules 5 to 8, 12(7), 17, 18(2), 19(3) 33(3), and (4), 37, 38 and Part VIIA to be given or sent to any person shall be given or sent—

(a) by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address, which in the case of a doctor shall be his address in the Register or, if his last-known address differs from the address in the Register, his last-known address;

(b) in the case of a person represented by—

(i) a solicitor, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his professional address;

(ii) any other person, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address."

Proceedings before the Health Committee

3.—(1) The General Medical Council Health Committee (Procedure) Rules 1987(4) shall have effect subject to the following amendments.

(2) In paragraph 2(1) of Part I of those Rules after the definition of "the Act" there shall be inserted the following definition—

““the 2000 Regulations” means the Medical Practitioners (Voluntary Erasure and Restoration) Regulations 2000;”

(3) The following Part shall be inserted in those Rules as Part IVA—

“PART IVA

RESTORATION APPLICATIONS

General

33C. This Part shall apply in relation to any application by a person for restoration of his name to the Register under regulation 3 of the 2000 Regulations which has been referred to the Committee by the Registrar under regulation 4(8) of those Regulations.

(4) Appended to S.I. 1987/2174; amended by rules appended to S.I. 1996/1219 and S.I. 1997/1529.

Notices to applicants

33D.—(1) The application shall not be considered by the Committee at any meeting unless the Registrar has given the applicant notice in writing of the date, time and place of the hearing before the beginning of the period of 28 days ending on the day before the hearing, or such shorter period of notice, as the applicant may agree, and the Registrar shall send with the notice a copy of these Rules and the 2000 Regulations.

- (2) A notice under paragraph (1) shall—
- (a) specify the grounds on which the reference has been made;
 - (b) have attached to it copies of any reports or other documents which the Solicitor proposes to put before the Committee at the hearing;
 - (c) inform the applicant of his right to attend the hearing, with a medical adviser if he so wishes, and to be represented by counsel or a solicitor, by any officer or member of any professional organisation or association of which he is a member, or by a member of his family or by a friend;
 - (d) invite the applicant to inform the Registrar, within 14 days of the date of the notice—
 - (i) whether he will attend the hearing or not, and
 - (ii) if so, whether he requires any of the authors of any of the documents attached to the notice to attend the hearing to give evidence in person;and, except where the context otherwise requires, any reference in the following provisions of this Part to the applicant shall be read as including a reference to his representative.

(3) If the applicant informs the Registrar in accordance with paragraph (2)(d) that he does require anyone to be present to give evidence in person, the Registrar shall make the necessary arrangements for that person's attendance at the hearing.

Medical examinations

33E.—(1) The Registrar may invite the applicant to be medically examined before the hearing by examiners who will report to the Committee on his fitness to practise.

- (2) If the applicant agrees—
- (a) the President shall appoint at least 2 medical examiners in accordance with Schedule 2,
 - (b) the Registrar shall arrange for the examination to take place, and
 - (c) the examiners shall make a written report to the Committee on the applicant's fitness to practice.

(3) Where the applicant refuses to undergo a medical examination in pursuance of an invitation under paragraph (1) or, in the opinion of the Registrar, fails to comply with reasonable arrangements made for such an examination, the Registrar shall report that information to the Committee.

Committee procedure

33F.—(1) The following provisions shall apply in relation to any meeting of the Committee to consider the application.

(2) The Chairman shall invite the Solicitor to present the case and to call witnesses to give oral testimony, and the Solicitor shall in any event call as a witness any complainant, if that person wishes to give oral testimony.

(3) Any witness called by the Solicitor shall be questioned by the Solicitor and may be questioned by the applicant, by the Committee or by any assessor.

(4) At the conclusion of the evidence given by witnesses called by the Solicitor, the Chairman shall invite the applicant to address the Committee and to adduce evidence on any matter relating to the question whether or not his name should be restored to the Register.

(5) Any witness called by the applicant shall be questioned by the applicant or if the applicant himself gives evidence he may be questioned by his representative or if he has no representative may make a statement, and any such witness and the applicant may be questioned by the Solicitor, by the Committee or by any assessor.

(6) Where any evidence has been given by or on behalf of the applicant, the Chairman shall invite the Solicitor to address the Committee.

(7) The applicant may then address the Committee for a second time.

(8) At the conclusion of the proceedings the Committee shall decide whether to approve the application, and in making their decision the Committee may draw adverse inferences from the applicant's refusal or failure to undergo a medical examination in pursuance of an invitation under Rule 33E(1) in any case where the Registrar has reported to the Committee that such a refusal or failure has occurred.

(9) If the Committee decide not to approve the application they shall consider whether, having regard to the seriousness of the case, the mandatory period of two years during which the applicant is not permitted to make another application for restoration under regulation 3 of the 2000 Regulations should be extended and, if so, what the extended period should be.

(10) The Chairman shall announce the Committee's decision under paragraph (8), and under paragraph (9) if applicable, in such terms as the Committee shall approve.

(11) A majority of the votes of those present shall be required for a decision that the applicant's name should be restored to the Register and for a decision that the minimum period referred to in paragraph (9) should be extended.

(12) If the Committee decide to approve the application, they shall direct the Registrar to restore the applicant's name to the Register forthwith.

(13) Subject to paragraphs (2) to (12) and Rule 33G, the Committee may determine their own procedure.

Application of other Rules to restoration hearings

33G. The following rules shall apply in relation to the application and the hearing of the case subject to such amendments as are specified—

- (a) rules 1 to 4;
- (b) rule 8(1) and (2) (with the omission of the references to reports by examiners nominated under rule 6(4)(c));
- (c) rule 15, with the omission of "under rules 6(5), 8(1) or 12(3)" and with the substitution for "in accordance with rules 7 or 11" of "in accordance with rule 33E";
- (d) rules 16 and 17(1) to (4);
- (e) rule 18 with the substitution for "the fitness to practise of the practitioner" of "the application under regulation 3 of the 2000 Regulations";
- (f) rules 19, 22, 27(1) and (2), 31, 32, 34 and 35;
- (g) rule 36 with the addition at the beginning of paragraph (3) of "subject to rule 33F(11)"; and
- (h) rule 38;

and any reference in those Rules (as applied by this paragraph) to the practitioner shall be read as a reference to the applicant.

33H. For the purpose of proceedings under this Part, references to the complainant in these Rules shall mean any person whose written complaint or information about the applicant's health has given rise to matters that are being considered by the Committee."

(3) For rule 37 (service of documents) there shall be substituted the following:

"**37.** Any notice or other document required by rules 6(4), 8(1), 8(3), 11(1) and (2), 12, 13, 14, 19, 28(4) and (5), 31(1) and Part IVA of these Rules to be given or sent to any person shall be given or sent—

- (a) by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address, which in the case of a doctor shall be his address in the Register or, if his last-known address differs from the address in the Register, his last-known address;
- (b) in the case of a person represented by—
 - (i) a solicitor, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his professional address;
 - (ii) any other person, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address."

Proceedings before the Committee on Professional Performance

4. The General Medical Council (Professional Performance) Rules 1997(5) shall be amended in accordance with rules 5 to 12.

Amendment of rule 4

5. In rule 4 (earlier cases taken into account) in paragraph (1), after the words "no further action", the following words shall be added: ", or is unable to take any action under rule 5(1)".

Amendment of rule 5

6. In rule 5 (the screening process) in paragraph (5), for the words "paragraph (4)(b)(ii)" there shall be substituted the words "paragraph (4)(c)(ii)".

Amendment of rule 13

7. In rule 13 (Report of Assessment Panel) in paragraph (1)—
- (a) the word "to" shall be deleted;
 - (b) in sub-paragraph (a) the word "to" shall be added before the words "the case co-ordinator";
 - (c) in sub-paragraph (b) the word "to" shall be added before the words "that Committee".

Restoration applications

8.—(1) The following Part shall be inserted as Part VIA.

(5) Appended to S.I. 1997/1529.

“PART VIA RESTORATION APPLICATIONS

General

30A.—(1) This part shall apply in relation to any application by a person for restoration of his name to the Register under regulation 3 of the Medical Practitioners (Voluntary Erasure and Restoration) Regulations 2000 (“the 2000 Regulations”) which has been referred to the Committee on Professional Performance by the Registrar under regulation 4(8) of those Regulations.

(2) These Rules shall apply in relation to such an application subject to the provisions of this Part.

(3) In these Rules (as applied by this Part)—

- (a) any reference to the practitioner shall be read as a reference to the person who made the application; and
- (b) “the Committee” means the Committee on Professional Performance.

Assessments and Case Co-ordinators

30B.—(1) The Registrar may invite the applicant to agree that an assessment of the standard of his professional performance be carried out before the hearing, and if the applicant agrees—

- (a) the Registrar shall give directions for an Assessment Panel to be constituted under Part III of these Rules (as modified by paragraph (3) below);
- (b) the Registrar shall arrange for the assessment to take place; and
- (c) the assessors shall make a written report to the Committee on the applicant’s standard of professional performance.

(2) Where the Registrar issues an invitation under paragraph (1), and that the invitation is rejected by the applicant, or the applicant accepts the application but later fails to comply with reasonable arrangements made for the assessment, the Registrar shall report that information to the Committee.

(3) Part III of these Rules shall apply in relation to the application with the following modifications—

- (a) any reference to the specialty in which the practitioner regularly practices may be read as a reference to the specialty in which the applicant regularly practised before his name was erased from the Register;
- (b) rule 7 shall apply with the addition after “rule 6” of “or under rule 30B”;
- (c) rule 11 shall apply with the omission of paragraphs (g) and (h);
- (d) rules 12 and 13(1) and (2) shall not apply.

Notices to applicants

30C.—(1) The application shall not be considered by the Committee at any meeting unless the Registrar has given the applicant notice in writing of the date, time and place of the hearing before the beginning of the period of 28 days ending on the day of the hearing, or such shorter period as the applicant may agree, and the Registrar shall send with the notice a copy of these Rules and the 2000 Regulations.

(2) A notice under paragraph (1) shall—

- (a) specify the grounds on which the reference has been made,
- (b) have attached to it copies of any reports or other documents which the Solicitor proposes to put before the Committee at the hearing,
- (c) inform the applicant of his right to attend the hearing, with a medical adviser if he so wishes, and to be represented by counsel or a solicitor, by any officer or member of any professional organisation of which he is a member or by a member of his family,
- (d) invite the applicant to inform the Registrar within 14 days of the date of the notice—
 - (i) whether he will attend the hearing or not, and
 - (ii) if so, whether he requires any of the authors of any of the documents attached to the notice to attend the hearing to give evidence in person;and, except where the context otherwise requires, any reference in the following provisions of this Part to the applicant shall be read as including a reference to his representative.

(3) If the applicant informs the Registrar in accordance with paragraph (2)(d) that he does require anyone to be present to give evidence in person, the Registrar shall make the necessary arrangements for that person's attendance at the hearing.

(4) In relation to the Report of an Assessment Panel, the lead assessor shall be treated as the author of the Report but where the lead assessor is not available to give oral evidence at the hearing, the case co-ordinator shall decide which of the other members of the Panel shall be called to give evidence in his place.

Committee procedures

30D.—(1) The procedure of the Committee shall be as follows.

(2) The Solicitor shall present the case to the Committee and may call and question his witnesses, including persons called by the Committee under paragraph 9(3) of Schedule 1, and the Solicitor shall also call as a witness the complainant, if that person wishes to give oral testimony.

(3) The Solicitor's witnesses may be questioned by—

- (a) the applicant,
- (b) members of the Committee, the legal assessor and the specialist advisor,
- (c) the Solicitor for a second time.

(4) The applicant may give evidence to the Committee on any matter relating to the question whether or not his name should be restored to the Registrar, and may call and question his witnesses.

(5) The applicant and his witnesses may be questioned by—

- (a) the Solicitor,
- (b) members of the Committee, the legal assessor and the specialist advisor,
- (c) in the case of his witnesses, the applicant for a second time.

(6) The applicant may address the Committee as to the matters referred to in paragraph (4).

(7) At the conclusion of the proceedings the Committee shall decide whether to approve the application, and in making their decision the Committee may draw adverse inferences from the applicant's refusal to agree that an assessment of his performance be carried out in pursuance of an invitation under Rule 30B(1) or from the applicant's failure to comply with reasonable arrangements made for such an assessment, in any case where the Registrar has reported to the Committee that such a refusal or failure has occurred.

(8) If the Committee decide to approve the application, they shall direct the Registrar to restore the applicant's name to the Register forthwith.

(9) If the Committee decide not to approve the application, they shall consider whether, having regard to the seriousness of the case, the mandatory period of two years during which the applicant is not permitted to make another application for restoration under regulation 3 of the 2000 Regulations should be extended and, if so, what the extended period should be.

(10) A majority of the votes of those present shall be required for a decision that the applicant's name should be restored to the Register and for a decision that the minimum period referred to in paragraph (9) should be extended.

(11) The Chairman shall announce the Committee's decision under paragraph (7), and under paragraph (9) if applicable, in such terms as the Committee may determine.

(12) Subject to this rule and rule 30E, the Committee may determine their own procedure.

Application of Schedules 1 and 3

30E.—(1) Schedules 1 and 3 to these Rules shall apply in relation to any meeting to consider the application subject to the following modifications.

(2) Any reference to the complainant shall be omitted.

(3) Schedule 1 shall apply with the omission of paragraphs 3, 4 and 10 and, in paragraph 9, the words "under rules 5(4) and 6(2)(a)(ii)".

(4) Schedule 3 shall apply—

- (a) with the addition at the beginning of paragraph 5 of the words "Subject to rule 30D(10)";
- (b) with the omission of Part II;
- (c) with the omission in Part III of
 - (i) paragraphs 7 and 8;
 - (ii) in paragraph 9(4) of the words "under paragraph 8(1)(b)";
 - (iii) paragraphs 10 and 11; and
- (d) with the omission of Parts IV and V."

Substitution of rule 31

9. For rule 31 (service of documents) there shall be substituted the following:

"**31.** Any notice or other document required by rules 5(3), 6(2), 17(1), 17(10), 19(2), 30C(1), Part VIA, paragraphs 3(1) and 4(1) of Schedule 1 and paragraphs 12(3)(a) and 14(3) of Schedule 3 to be given or sent to any person shall be given or sent—

- (a) by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address, which in the case of a doctor shall be his address in the Register or, if his last-known address differs from the address in the Register, his last-known address;
- (b) in the case of a person represented by—
 - (i) a solicitor, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his professional address;

- (ii) any other person, by personal delivery, or by sending it to him by the Registered post service or by a postal service in which delivery or receipt is recorded at his usual or last-known address.”

Amendment of rule 32

10. In rule 32 (power to extend time limits) in paragraph (a), for the words “rules 5(4)(b)(ii)” there shall be substituted the words “rules 5(4)(c)(ii)”.

Amendments to Schedule 1

11. In Schedule 1 (general provisions on meetings and procedures of committees)—

- (a) paragraph 3(3) shall be deleted and paragraph 3(4) renumbered as “3(3)”;
- (b) in paragraph 8(6)(b), for the word “their” there shall be substituted the word “his”;
- (c) in paragraph 9(1), for the words “and any observations in writing submitted by or on behalf of the practitioner in connection with his case.” the following words shall be substituted—
“, where an assessment of the practitioner’s performance has been carried out under these Rules, the report of that assessment, any observations in writing submitted by or on behalf of the practitioner in connection with his case and any other correspondence with the practitioner.”.

Amendments to Schedule 3

12. In Schedule 3 (procedure of Committee on Professional Performance)—

- (a) in paragraph 1, in the definition of “performance hearing”—
 - (i) the words “rule 24(2)” shall be deleted;
 - (ii) for the words “rule 25 or rule 29(2)” there shall be substituted the words “or rule 25, or by the Registrar under rule 29(2)”;
 - (iii) a further sub-paragraph shall be added as follows:
 - “(c) the receipt by the Committee under rule 13(1)(b) of a Report of an assessment.”;
- (b) in paragraph 8—
 - (i) in sub-paragraph (1) the following shall be added—
 - “(d) invite the practitioner to submit to the Registrar, within the period ending 14 days before the date specified for the hearing in the notice of referral, any further written observations which he may wish the Committee to consider.”;
 - (ii) for the words “paragraph 3(4)(b)”, where they appear in sub-paragraph (1)(a) and sub-paragraph (2), there shall be substituted the words “paragraph 3(3)(b)”;
- (c) the following sub-paragraph shall be added to paragraph 8—
 - “(4) This paragraph shall apply in relation to any performance hearing, whether it is the first hearing of the case by the Committee or a further hearing following an earlier assessment hearing in the case.”;
- (d) in paragraph 10(h)(i) for the words “the standard of the practitioner’s professional performance is seriously deficient” there shall be substituted the words “they find the standard of the practitioner’s professional performance to have been seriously deficient”;
- (e) the following shall be added after paragraph 10(h)—

- “(i) if in any case the Committee determine to suspend the registration of a practitioner under section 36A(1) of the Act, they shall also 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 shall be suspended forthwith.”.
- (f) for paragraph 12(3) the following paragraph shall be substituted—
- “(3) Where the Committee are to hold a resumed hearing, the Registrar shall—
- (a) not later than 28 days before the day fixed for the resumed hearing, send to the practitioner, with a copy of these Rules, a notice which shall—
- (i) state the day on which and the time and place at which the Committee are to hold a resumed hearing of the case;
- (ii) invite the practitioner to state whether he proposes to attend the resumed hearing; and
- (iii) inform the practitioner that he may be represented or accompanied at the resumed hearing in accordance with paragraph 7 of Schedule 1;
- (b) send—
- (i) to members of the Committee all the documents which the practitioner has submitted for the purposes of the hearing, and
- (ii) to the practitioner and members of the Committee all other reports, written statements, correspondence with the practitioner or other documents which have been received since the last hearing in the case and have not previously been considered by the Committee and which, in the opinion of the case co-ordinator, will assist the Committee in reaching a decision on the matters before them, and
- (iii) to the practitioner and members of the Committee any documents which were before the Committee at the previous hearing and which, in the opinion of the case co-ordinator, will assist the Committee in reaching a decision on the matters before them, and
- (c) invite the practitioner to notify to the Registrar, within the period of 14 days of being sent the documents referred to in sub-paragraph (3)(b)(ii), whether he wishes the author of any such report, written statement or other document to give oral evidence at the hearing;
- (d) invite the practitioner to submit within the period of 14 days of being sent the documents referred to in sub-paragraph (3)(b)(ii), any further written observations in connection with his case which he wishes the committee to consider.”;
- (g) in paragraph 12(4) for the words “sub-paragraph (3)(a)(ii)” there shall be substituted the words “sub-paragraph (3)(b)(ii)”;
- (h) the following sub-paragraphs shall be added to paragraph 12—
- “(6) Paragraphs 3, 4 and 9(1) of Schedule 1 shall not apply in relation to resumed hearings.
- (7) Documents sent to members of the Committee under this paragraph shall also be sent to the specialist adviser appointed to advise the Committee under paragraph 8 of Schedule 1.”;
- (i) in paragraph 13, for the words “paragraphs 9 and 10” there shall be substituted the words “paragraphs 9, 10 and 11”.

- (j) the following sub-paragraph shall be added after paragraph 13(c)—
- “(d) for sub-paragraph (i) of paragraph 10 there shall be substituted the following sub-paragraph—
- “(i) if in any case the Committee determine to suspend the registration of a practitioner under section 36A(2) or section 36A(6) of the Act, they shall also 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 this registration shall be suspended forthwith.””
- (k) in paragraph 14(3)(a)—
- (i) in (iii) after the words “all other” the words “correspondence with the practitioner,” shall be added;
- (ii) the following shall be added after (iii)—
- “(iv) to the practitioner and members of the Committee any documents which were before the Committee at the previous hearing and which, in the opinion of the case co-ordinator, will assist the Committee in reaching a decision on the matters before them.”;
- (l) the following sub-paragraphs shall be added to paragraph 14—
- “(6) Paragraphs 3, 4 and 9(1) of Schedule 1 shall not apply in relation to review hearings.
- (7) Documents sent to members of the Committee under this paragraph shall also be sent to the specialist adviser appointed to advise the Committee under paragraph 8 of Schedule 1.”.

EXPLANATORY NOTE

(This note is not part of the Order)

The amendment rules approved by this Order give effect to the provisions brought into force by the Medical (Professional Performance) Act 1995 (Commencement No. 4) Order 2000 relating to the powers of the General Medical Council (GMC) to consider the applications for restoration to the Register of Medical Practitioners following voluntary erasure from the Register. The rules set out the procedures to be followed by the GMC’s Professional Conduct Committee, Health Committee and Committee on Professional Performance when considering such applications. In addition the amendment rules modify, in a number of respects, the rules of these committees that apply to other types of hearing conducted by the committees. The rules are to be implemented on 1st July 2000.