2002 No. 3136

HEALTH CARE AND ASSOCIATED PROFESSIONS
DOCTORS

The General Medical Council (Constitution) Order 2002

Made - - - - -	*17th December 2002*
Laid before Parliament	*6th January 2003*
Coming into force articles 1, 2 and 5	*27th January 2003*
remainder	*1st July 2003*

At the Court at Buckingham Palace, the 17th day of December 2002

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1(2) of, and paragraphs 3(1) and (3), 5, 7 and 13 of Schedule 1 to, the Medical Act 1983(**a**), and all other powers enabling Her in that behalf, in pursuance of a representation made to Her Privy Council by the General Medical Council(**b**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the General Medical Council (Constitution) Order 2002.

(2) This article and articles 2 and 5 shall come into force on 27th January 2003, and the other provisions of this Order shall come into force on 1st July 2003.

(3) In this Order—

"the President" means the President of the General Council; and

"the relevant day" means 1st July 2003.

Constitution of the General Council

2. On and after the relevant day the General Council shall consist of—

(a) 19 elected members;

(b) 2 appointed members;

(c) 14 nominated members.

(**a**) 1983 c. 54, as amended by S.I. 2002/ .

(**b**) See paragraph 8 of Schedule 1 to the Medical Act 1983.

Terms of office of elected members

3.—(1) Subject to the provisions of this article and article 7(4) and (5), the term of office of an elected member shall be four years.

(2) Subject to paragraph (3) and article 7(4), a person who is or has previously been a member may be elected as a member for a further term.

(3) No person who has served as a member for an aggregate of at least eight years during the period of eleven years ending with the last occasion on which he left office (excluding in calculating that aggregate any time prior to the relevant day) shall be eligible, for a period of four years after leaving office, to be elected for a further term.

(4) An elected member may at any time resign his office by letter addressed to the President.

(5) When an elected member dies, resigns or otherwise ceases to be a member before completing his term of office, a person shall, subject to paragraphs (6) and (7), be elected to hold office from the date on which he is entitled to take office until the end of the unexpired term.

(6) Subject to paragraph (7), elections to fill casual vacancies among the elected members may be postponed and held together, but no casual vacancy shall be left unfilled for a period exceeding six months.

(7) If the unexpired term of the elected member giving rise to the casual vacancy is less than twelve months then the vacancy need not be filled.

Terms of office of appointed and nominated members

4.—(1) Subject to the provisions of this article and article 7(4) and (5), the term of office of a person appointed or nominated to the General Council shall be for a period not exceeding four years.

(2) Subject to paragraph (3) and article 7(4), a person who is, or has previously been, a member may be appointed or nominated as a member for a further term.

(3) No person who has served as a member for an aggregate of at least eight years during the period of eleven years ending with the last occasion on which he left office (excluding in calculating that aggregate any time prior to the relevant day) shall be eligible, for a period of four years after leaving office, to be elected for a further term.

(4) An appointed or nominated member may at any time resign his office by letter addressed to the President.

(5) When an appointed or nominated member dies, resigns or otherwise ceases to be a member before completing his term of office, a person shall be appointed or nominated, as the case may be, to hold office in his place for a term not exceeding four years.

Universities and other bodies empowered to choose appointed members

5.—(1) The universities and other bodies listed in column 1 of the Schedule to this Order are designated as appointing bodies.

(2) Each appointing body shall, in combination with the other appointing bodies with which it is grouped in column 1 of the Schedule, choose the number of appointed members specified against that group in column 2 of that Schedule.

Termination of office of members holding office on the relevant day

6.—(1) Persons holding office as members on the day before the relevant day shall cease to hold office from the relevant day.

(2) Nothing in paragraph (1) shall prevent a person from being elected, appointed or nominated as a member of the General Council as reconstituted.

Provisions regarding the term of office of the President

7.—(1) A member serving as President shall cease to hold the office of President upon ceasing to be a member.

(2) Subject to the following provisions of this article, where—

(a) a person holds the office of President when his term of office as a member expires; and

(b) he is elected, appointed or nominated as a member for a further term under the provisions of this Order,

he shall be eligible for re-election as President.

(3) No member may serve as President for more than an aggregate total of six years.

(4) A person—

(a) who holds the office of President when his term of office as a member expires; and

(b) who, by reason of article 3(3) or 4(3) would not otherwise be eligible to stand for a further term of office,

may nonetheless be elected, appointed or nominated as a member for a further term until one of the events referred to in paragraph (5) below occurs.

(5) The events referred to in paragraph (4) are either—

(a) that he ceases to hold the office of President; or

(b) that his further term of office has expired.

Quorum

8. The quorum of the General Council shall be 25.

Revocation

9. The following Orders are hereby revoked—

(a) the General Medical Council (Constitution) Order 1979(**a**);

(b) the General Medical Council (Constitution) Amendment Order 1987(**b**);

(c) the General Medical Council (Constitution) Amendment Order 1989(**c**); and

(d) the General Medical Council (Constitution) Amendment Order 1996(**d**).

A.K. Galloway
Clerk of the Privy Council

(**a**) S.I. 1979/112.
(**b**) S.I. 1987/457.
(**c**) S.I. 1989/496.
(**d**) S.I. 1996/1630.

SCHEDULE

Article 5

UNIVERSITIES AND OTHER BODIES EMPOWERED TO CHOOSE APPOINTED MEMBERS

Column 1 Appointing bodies	*Column 2* Number of members to be appointed
Group 1	1
University of Aberdeen The Queen's University of Belfast University of Birmingham University of Brighton University of Bristol University of Cambridge University of Dundee University of East Anglia University of Edinburgh University of Exeter University of Glasgow University of Hull University of Leeds University of Leicester University of Liverpool University of London University of Manchester University of Newcastle Upon Tyne University of Nottingham University of Oxford University of Plymouth University of Sheffield University of Southampton University of Sussex University of Wales University of York Society of Apothecaries of London	
Group 2	1
Royal College of Anaesthetists Royal College of General Practitioners Royal College of Obstetricians and Gynaecologists Royal College of Ophthalmologists Royal College of Paediatrics and Child Health Royal College of Pathologists Royal College of Physicians of Edinburgh Royal College of Physicians of London Royal College of Physicians and Surgeons of Glasgow Royal College of Psychiatrists Royal College of Radiologists Royal College of Surgeons of England Royal College of Surgeons of Edinburgh Faculty of Occupational Medicine Faculty of Public Health Medicine	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the General Medical Council to be reconstituted under section 1(2) of the Medical Act 1983. Article 2 specifies the numbers of elected, appointed and nominated members. The Order also makes provision for the terms of office of elected members (article 3) and appointed and nominated members (article 4). Article 5 and the Schedule to the Order designate the universities and other bodies who are empowered to choose appointed members and provides for two groups of such bodies each to choose one appointed member. Article 6 provides for the termination of office of existing members. Article 7 makes provision regarding the term of office of the President of the General Council. Article 8 provides for the quorum of the General Council to be 25. Article 9 revokes the General Medical Council (Constitution) Order 1979 and amending instruments.

STATUTORY INSTRUMENTS

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The General Medical Council (Constitution) Order 2002

ISBN 0-11-044264-4

9 780110 442648

£2.00

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1672 3/2003 121672 19585