STATUTORY INSTRUMENTS

2008 No. 1256

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General Medical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules Order of Council 2008

Made - - - -	*1st May 2008*
Laid before Parliament	*8th May 2008*
Coming into force - -	*31st May 2008*

At the Council Chamber, Whitehall, the 1st day of May 2008

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

The General Medical Council have made the General Medical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008, which are set out in the Schedule to this Order, in exercise of the powers conferred by section 43 of, and paragraph 1(1) of Schedule 4 to, the Medical Act 1983(**a**).

Before making the Rules, in accordance with paragraph 1(6) of that Schedule, the General Medical Council consulted such bodies of persons representing medical practitioners, and such descriptions of medical practitioners, as appeared to them requisite to be consulted.

By virtue of paragraph 1(7) of that Schedule, such Rules shall not come into force until approved by Order of the Privy Council.

Their Lordships, having taken these Rules into consideration, are pleased to and do approve them.

This Order may be cited as the General Medical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules Order of Council 2008 and shall come into force on 31st May 2008.

Judith Simpson
Clerk of the Privy Council

(**a**) 1983 c.54. Schedule 4 was substituted by S.I. 2002/3135.

SCHEDULE

The General Medical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008

The General Medical Council make the following Rules in exercise of the powers conferred by section 43 of, and paragraph 1(1) of Schedule 4 to, the Medical Act 1983.

Before making the Rules, in accordance with paragraph 1(6) of that Schedule, the General Medical Council consulted such bodies of persons representing medical practitioners, and such descriptions of medical practitioners, as appeared to them requisite to be consulted.

Citation and commencement

1. These Rules may be cited as the General Medical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules 2008 and shall come into force on 31st May 2008.

Amendment to the General Medical Council (Fitness to Practise) Rules 2004

2. In the General Medical Council (Fitness to Practise) Rules 2004(**a**) in rule 34 (evidence) after paragraph (11), add the following paragraph—

"(12) The standard of proof applicable in any proceedings—

(a) before a FTP Panel where the allegation and the alleged facts are read out by the person acting as secretary in accordance with rule 17(2)(c) on or after 31st May 2008; and

(b) before the Investigation Committee where the Presenting Officer begins to outline the allegation and the facts in accordance with rule 11(7) on or after 31st May 2008,

is that applicable to civil proceedings.".

Given under the official seal of the General Medical Council on 24th April 2008.

L.S.

Graeme Catto
President

(**a**) Scheduled to S.I. 2004/2608.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves an amendment made by the General Medical Council to the General Medical Council (Fitness to Practise) Rules 2004. The effect of the amendment is to apply the standard of proof which is applicable to civil proceedings to all proceedings before a Fitness to Practise Panel or the Investigation Committee which commence on or after 31st May 2008.

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