EXPLANATORY MEMORANDUM TO

THE GENERAL MEDICAL COUNCIL (FRAUD OR ERROR IN RELATION TO REGISTRATION) RULES ORDER OF COUNCIL 2005

2005 No. 401

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The General Medical Council (Fraud or Error in relation to Registration) Rules Order of Council 2005 approves Rules that provide for the procedure to be followed when it appears that an entry in the registers of medical practitioners maintained by the General Medical Council may have been made in error or obtained fraudulently. The Rules provide for the consideration of such matters to be referred to a Registration Decisions Panel at a meeting (in respect of an error allegation) or at a hearing (in respect of a fraud allegation) and provide for matters such as the content of notice of decisions, the service of notices under the Rules and how such service is to be proved. The Rules revoke the General Medical Council (Fraud or Error in relation to Registration) Rules 1980.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The General Medical Council ("GMC") is required by paragraph 6 of Schedule 4 to the Medical Act 1983 (as substituted by article 14 of SI 2002/3135) to make rules with regard to the discharge of their functions under section 39 (fraud or error in relation to registration) of the Medical Act 1983. If the Council delegate their functions under this section to a committee, they are further required by paragraph 6 of Schedule 4 to make rules with respect to the discharge of those functions by the committee.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1. Not applicable

7. Policy background

7.1 The General Medical Council (Fraud or Error in relation to Registration) Rules Order of Council 2005 form part of a package of changes to the GMC's structure and functions. The Medical Act 1983 was substantially amended by the Medical Act 1983 (Amendment) Order 2002 (SI 2002/ 3135), the provisions of which have been brought in over a period of time.

7.2 This Order is one of a series of instruments relating to the latest Rules made by the GMC and approved by Orders of Council to implement revised registration appeals procedures. The related instruments are:

- The General Medical Council (Registration Appeals Panels Procedure) Rules Order of Council 2005; and

- The General Medical Council (Constitution of Panels and Investigation Committee)(Amendment) Order of Council 2005.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this instrument. The cost of regulation is met from registrants' fees, which the GMC is authorised to charge for this purpose.

9. Contact

Bob Travers or Paul Atkinson at the Department of Health. Telephone: 0113 254 6918/ 254 5311 or e-mail: Bob.Travers@dh.gsi.gov.uk / Paul.Atkinson@dh.gsi.gov.uk can answer any queries regarding the instrument.