STATUTORY INSTRUMENTS

1980 No. 941

MEDICAL PROFESSION

The General Medical Council (Legal Assessors) Rules 1980

Made - - - -	1*st July* 1980
Laid before Parliament	10*th July* 1980
Coming into Operation	1*st August* 1980

The Lord Chancellor and, in relation to proceedings in Scotland, the Lord Advocate, in exercise of the powers conferred on them by section 14 of, and paragraph 7(3) of Schedule 4 to, the Medical Act 1978**(a)**, hereby make the following Rules:—

1.—(1) These Rules may be cited as the General Medical Council (Legal Assessors) Rules 1980 and shall come into operation on 1st August 1980.

(2) In these Rules, unless the context otherwise requires:—

"legal assessor" means an assessor appointed under paragraph 7(1) of Schedule 4 to the Medical Act 1978;

"the Committee" means the Committee (being either the Professional Conduct Committee, the Health Committee or the Preliminary Proceedings Committee of the General Medical Council) to which an assessor has been appointed under paragraph 7(1) of Schedule 4 to the Medical Act 1978.

2. It shall be the duty of the legal assessor to be present at all proceedings before the Committee and to advise on any questions of law arising which may be referred to him by the Committee.

3. It shall be the duty of the legal assessor to inform the Committee forthwith of any irregularity in the conduct of proceedings before that Committee which may come to his knowledge and advise them of his own motion where it appears to him that, but for such advice, there is a possibility of a mistake of law being made.

4. In proceedings before the Professional Conduct Committee or the Health Committee, the advice of the legal assessor shall be tendered to the Committee in the presence of every party, or person representing a party, attending the proceedings before that Committee:

Provided that in any case where the advice is tendered after the Committee have begun to deliberate as to their findings and the Committee consider that it would be prejudicial to the discharge of their duties for the advice to be tendered in the presence of the parties or their representatives, it may be tendered in their absence but the legal assessor shall, as soon as possible, personally inform them of the question which has been put to him by the Committee and of his advice, and the information so given by him shall be recorded and a copy of the record shall be given to every such party or representative.

(a) 1978 c. 12.

5. If on any occasion the Professional Conduct Committee or Health Committee do not accept the advice of a legal assessor, a record shall be made of the question referred to him, of the advice given and of the refusal to accept it (together with the reasons for such refusal) and a copy of the record shall be given to every party, or person representing a party, to the proceedings before that Committee.

6. Copies of written advice, made for the purposes of either of the last two foregoing rules, shall be available on application to the Registrar to every party to the proceedings who does not appear before the Committee.

Dated 25th June 1980. *Hailsham of St. Marylebone*, C.

Dated 1st July 1980. *Mackay of Clashfern.*

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules regulate the functions of legal assessors appointed under paragraph 7(1) of Schedule 4 to the Medical Act 1978 when advising the Professional Conduct Committee, the Health Committee and the Preliminary Proceedings Committee of the General Medical Council on questions of law arising in the proceedings before those Committees.