

SCHEDULE 4

Amendments to and revocations of subordinate legislation

PART 2

Amendments relating to barring entries

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

23. In the General Medical Council (Fitness to Practise) Rules 2004⁽¹⁾—

(a) in rule 5(2) (which relates to functions of the Registrar in certain cases), for “or (e)” substitute “, (e), (f) or (g)”; and

(b) in rule 34 (evidence), after paragraph (5) insert the following paragraphs—

“(5A) Where it is alleged that a practitioner has been included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) by the Independent Barring Board—

(a) information provided by the Secretary of State under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the practitioner can prove that they are not the person referred to in the information provided; and

(b) a document from the Board, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Board that led to that inclusion shall be conclusive evidence of the facts found proved by the Board.

(5B) Where it is alleged that the Scottish Ministers have included a practitioner in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007)—

(a) information provided by the Scottish Ministers under the Protection of Vulnerable Groups (Scotland) Act 2007 that attests to that inclusion shall be conclusive evidence of that inclusion, unless the practitioner can prove that they are not the person referred to in the information provided; and

(b) a document from the Scottish Ministers, authenticated in whatever way the General Council may approve, that provides a statement of the findings of fact made by the Scottish Ministers that led to that inclusion shall be conclusive evidence of the facts found proved by the Scottish Ministers.”

(1) Scheduled to [S.I. 2004/2608](#).