
Changes to legislation: Medical Act 1983, Cross Heading: Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 4

[^{F1}PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

Textual Amendments

- F1** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)
- F1** Sch. 4 title substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration

- 10 (1) A direction for erasure, for suspension or for conditional registration given by [^{F2}a Medical Practitioners Tribunal] under section 35D of [^{F3}this Act or a] variation by [^{F2}a Medical Practitioners Tribunal] under section 35D(12) ^{F4}... shall take effect—
- where no appeal under section 40 is brought against the direction or variation within the time specified in that section, on the expiration of that time;
 - where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
 - where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.
- (2) Where the time for appealing against a direction or variation is extended by an authorisation under paragraph 9 above—
- sub-paragraph (1) shall apply to the direction as if the reference in paragraph (a) to the time specified in section 40 of this Act were a reference to that time as so extended; and
 - if the authorisation is given after the expiration of the time specified in section 40 of this Act, the direction or variation shall be deemed not to have taken effect on the expiration of that time,
- and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.
- (3) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

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Textual Amendments

- F2** Words in Sch. 4 para. 10(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(10)**; S.I. 2015/1952, art. 2(e)
- F3** Words in Sch. 4 para. 10(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(a)**
- F4** Words in Sch. 4 para. 10(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(b)**

[^{F5}10A(1) A direction for suspension or for conditional registration given by a Medical Practitioners Tribunal under paragraph 5A(3D) is to take effect—

- (a) where no appeal under paragraph 5A(5) is brought against the direction within the time specified in paragraph 5A(5A), on the expiration of that time;
- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.

(2) Where the time for appealing against a direction is extended by an authorisation under paragraph 9—

- (a) sub-paragraph (1) is to apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5A(5A) were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in paragraph 5A(5A), the direction is deemed not to have taken effect on the expiration of that time,

and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph is to be construed accordingly.]

Textual Amendments

- F5** Sch. 4 para. 10A inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(14)**; S.I. 2015/1952, art. 2(i)

[^{F6}10B(1) A direction for suspension or for conditional registration given by [^{F7}the Medical Practitioners Tribunal] under paragraph 5C(4) above shall take effect—

- (a) where no appeal under paragraph 5C(7) above is brought against the direction within the time specified in paragraph 5C(8) above, on the expiration of that time;
- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.

(2) Where the time for appealing against a direction is extended by an authorisation under paragraph 9 above—

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- (a) sub-paragraph (1) above shall apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5C(8) above were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in paragraph 5C(8) above, the direction shall be deemed not to have taken effect on the expiration of that time,

and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.]

Textual Amendments

F6 Sch. 4 para. 10B inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(6)** (with arts. 11, 12)

F7 Words in Sch. 4 para. 10B(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(11)**; S.I. 2015/1952, art. 2(e)

- 11 (1) If, while a person's registration is suspended under [^{F8}section 35D] of this Act [^{F9}or under paragraph [^{F10}5A(3D) or] 5C(4) above^{F11}...], a direction is given under [^{F12}subsection (5)(a), (b) or (c)] or (8)(a) or (c) of [^{F13}section 35D], the suspension of his registration shall continue to have effect throughout any period which may intervene between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when^{F14}—
- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
 - (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
 - (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]
- (2) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of suspension for a further period takes effect after the time when, but for sub-paragraph (1) above, the current period of suspension would have ended, that further period shall be treated as having started to run from that time.
- (3) If, while a person's registration is subject to conditions imposed under [^{F15}section 35D] of this Act [^{F16}or under paragraph [^{F17}5A(3D) or] 5C(4) above^{F18}...], a direction is given under subsection (10) or (12) of [^{F19}section 35D] the conditions attached to his registration shall continue to attach to it throughout any period which may intervene between the time when, but for this sub-paragraph, his registration would cease to be conditional and the time when^{F20}—
- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
 - (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
 - (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]

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(4) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of conditional registration for a further period takes effect after the time when, but for sub-paragraph (3) above, the current period of conditional registration would have ended, that further period shall be treated as having started to run from that time.]

[^{F21}(5) A reference in this paragraph to an appeal under this Act does not include a reference to an appeal under section 40A.]

Textual Amendments

- F8** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(a)**; S.I. 2015/1952, art. 2(i)
- F9** Words in Sch. 4 para. 11(1) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(a)(i)** (with arts. 11, 12)
- F10** Words in Sch. 4 para. 11(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(b)**; S.I. 2015/1952, art. 2(i)
- F11** Words in Sch. 4 para. 11(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(c)**; S.I. 2015/1952, art. 2(i)
- F12** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(d)**; S.I. 2015/1952, art. 2(i)
- F13** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(e)**; S.I. 2015/1952, art. 2(i)
- F14** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)
- F15** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(a)**; S.I. 2015/1952, art. 2(i)
- F16** Words in Sch. 4 para. 11(3) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(b)(i)** (with arts. 11, 12)
- F17** Words in Sch. 4 para. 11(3) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(b)**; S.I. 2015/1952, art. 2(i)
- F18** Words in Sch. 4 para. 11(3) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(c)**; S.I. 2015/1952, art. 2(i)
- F19** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(d)**; S.I. 2015/1952, art. 2(i)
- F20** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)
- F21** Sch. 4 para. 11(5) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **17(2)**; S.I. 2015/1952, art. 2(l) (with Sch. para. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by [2005 c. 4 Sch. 11 para. 6](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(2\)](#)
- s. 29B(2A)(a) word substituted by [S.I. 2010/234 Sch. 1 para. 2](#)
- s. 29B(3A) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(3\)](#)
- s. 29E(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(2\)\(b\)](#)
- s. 29E(2)(e)(f) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(3\)\(b\)](#)
- s. 29F(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 14\(3\)](#)
- s. 35C(2)(f)(g) inserted by [S.I. 2008/1774 Sch. 1 para. 15](#) (This amendment not applied to [legislation.gov.uk](#). It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by [2012 c. 9, s. 75\(6\)](#), [Sch. 10 Pt. 5](#); [S.I. 2012/2234, art. 2](#))
- s. 35ZA inserted by [2008 c. 14 Sch. 7 para. 4](#)
- Sch. 3B para. 5(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(2\)\(b\)](#)
- Sch. 3B para. 6(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(a\)\(ii\)](#)
- Sch. 3B para. 6(2)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(b\)\(ii\)](#)
- Sch. 3B para. 7(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(a\)\(ii\)](#)
- Sch. 3B para. 7(2)(c) and word inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(b\)\(ii\)](#)