
STATUTORY INSTRUMENTS

2000 No. 2033

MEDICAL PROFESSION

The General Medical Council (Voluntary Erasure and Restoration) Regulations Order of Council 2000

Made - - - - - *30th June 2000*
Coming into force - - - - - *1st July 2000*

At the Council Chamber, Whitehall, the 30th day of June 2000
By the Lords of Her Majesty's Most Honourable Privy Council

WHEREAS in pursuance of sections 31A and 32 of the Medical Act 1983(1) the General Medical Council, having consulted with such bodies of persons representing medical practitioners as appeared to the said Council to be requisite, have made the General Medical Council (Voluntary Erasure and Restoration) Regulations 2000 as set out in the Schedule to this Order:

AND WHEREAS by subsection (2) of the said Section 31A such Rules shall not have effect until approved by Order of the Privy Council;

NOW, THEREFORE, Their Lordships, having taken the said Rules into consideration, are hereby pleased to approve the same.

This Order may be cited as the General Medical Council (Voluntary Erasure and Restoration) Regulations Order of Council 2000, and shall come into force on 1st July 2000.

A. K. Galloway
Clerk of the Privy Council

(1) 1983 c. 54; the Act was amended by the Medical (Professional Performance Act) 1995 (c. 51).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

GENERAL MEDICAL COUNCIL

The Medical Practitioners (Voluntary Erasure and Restoration) Regulations 2000

The General Medical Council, in exercise of their powers under sections 31A and 32 of the Medical Act 1983(2) and after consulting such bodies of persons representing medical practitioners as appeared to the Council to be requisite, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Medical Practitioners (Voluntary Erasure and Restoration) Regulations 2000 and shall come into force on 1st July 2000.

(2) In these Regulations—

“the Conduct Rules” means the General Medical Council Preliminary Proceedings Committee and Professional Conduct Committee (Procedure) Rules 1988(3);

“doctor” means a registered medical practitioner;

“the health screener” means the person appointed under rule 5(2) of the General Medical Council Health Committee (Procedure) Rules 1987(4) to undertake the initial consideration of cases under Part II of those Rules;

“the professional conduct screeners” means one medical and one lay member(5) of the General Medical Council for the time being appointed by the Council under rule 4 of the Conduct Rules to undertake the initial consideration of cases under Part II of those Rules;

“the professional performance screeners” means one medical and one lay member of the General Medical Council for the time being appointed as screeners under rule 3 of the General Medical Council (Professional Performance) Rules 1997(6); and

“the register” means the register of medical practitioners maintained in accordance with section 2(1) of the Medical Act 1983(7).

Voluntary erasure of doctor’s name from the register

2.—(1) Any doctor may apply to the Registrar in accordance with this regulation for his name to be erased from the register, and an application under this regulation may be referred to as an application for voluntary erasure.

(2) An application for voluntary erasure shall be made by a doctor in writing and shall include the following—

- (a) the doctor’s name and his registration number,
- (b) an address to which the Registrar is to send to the doctor all written communications relating to the application;
- (c) a statement complying with paragraph (3) made and signed by the doctor;
- (d) the name and address of his principal current employer, if any, or any body or organisation to which he is contracted to provide medical services or, if he is not currently employed or contracted, the name and address of his principal last employer or the body or organisation

(2) 1983 c. 54; the Act was amended by the Medical (Professional Performance Act) 1995 (c. 51).

(3) Appended to S.I.1988/2255; amended by rules appended to S.I. 1989/656, 1990/1587, 1994/3298, 1996/1218 and 1997/1529.

(4) Appended to S.I. 1987/2174; amended by rules appended to S.I. 1996/1219 and S.I. 1997/1529.

(5) The concept of “lay screeners” was introduced by amending Rules appended to S.I. 1990/1587.

(6) Appended to S.I. 1997/1529.

(7) 1983 c. 54.

- to which he was most recently contracted to provide medical services (disregarding any person for whom he works or worked otherwise than in a medical capacity); and
- (e) a statement complying with paragraph (3) made by the person named in accordance with sub-paragraph (d) and signed by that person or by a director or officer of that person; and an application may be delivered by hand or sent by post to the Registrar.
- (3) A statement complies with this paragraph if it either—
- (a) states that the person making it is not aware of any proceedings or of any act or omission on the part of the doctor which might render him liable to be referred to the General Medical Council (including any Committee of the Council) in relation to his conduct; or
 - (b) gives particulars of any proceedings or act or omission which might render the doctor liable to be so referred.
- (4) Subject to paragraphs (5) to (7), where an application for voluntary erasure which complies with paragraph (2) is received, the Registrar shall erase the name of the doctor from the register as soon as is reasonably practicable.
- (5) In any case where an inquiry relating to the doctor has been opened before the Professional Conduct Committee under rule 24 of the Conduct Rules and not yet been finally disposed of under those Rules, the Registrar shall not erase the doctor's name from the register under this regulation.
- (6) In any other case where a complaint or information relating to the doctor is made or received which falls within rule 5(1) or 6(1) of the Conduct Rules, and the matter has not yet been finally disposed of, the Registrar shall not erase the doctor's name from the register under this regulation except in accordance with paragraph (7).
- (7) Where paragraph (6) applies, the Registrar shall not erase the doctor's name unless the erasure is agreed—
- (a) where the case has not been referred to the Preliminary Proceedings Committee or to the Professional Conduct Committee, by the professional conduct screeners;
 - (b) where the case has been referred to the Preliminary Proceedings Committee or to the Professional Conduct Committee, by the Preliminary Proceedings Committee.
- (8) The Registrar shall notify the doctor in writing as soon as is reasonably practicable that his name has been erased from the register or that the case has been referred to the Preliminary Proceedings Committee or to the Professional Conduct Committee, as the case may be.
- (9) If in a case to which paragraph (7) applies erasure is not agreed, the case shall proceed to its conclusion in accordance with the Conduct Rules.

Restoration of a person's name to the register

- 3.—(1) A person whose name has been erased under regulation 2 may apply to the Registrar in accordance with this regulation for his name to be restored to the register.
- (2) Where an application for restoration of a person's name to the register has been refused by the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance, a subsequent application by that person for his name to be restored to the register may not be made under this regulation before the expiry of the period of two years beginning with the date on which the Committee in question refused the application or such longer period as may have been determined by the Committee in question when refusing that application.
- (3) An application under this regulation shall be made in writing and shall include the following—
- (a) the applicant's name and his previous registration number;
 - (b) his medical qualifications which he would be entitled to have registered under section 16 or 26 of the Medical Act 1983;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) the address which he wishes to be entered on the register as his address;
- (d) a statement complying with paragraph (4) made and signed by the applicant;
- (e) the name and address of his employer and the date of the commencement of his employment with that employer and if not his current employment, the date that employment was terminated; and
- (f) a statement complying with paragraph (4) made and signed by the applicant's employer or by a director or officer of that employer;

and an application may be delivered by hand or sent to the Registrar by post.

(4) A statement complies with this paragraph if it either—

- (a) states that the person making it is not aware of any proceedings or of any act or omission on the part of the applicant which (if he were a registered medical practitioner) might render him liable to be referred to the General Medical Council (including any Committee of the Council) in relation to his conduct, health or performance, or
- (b) gives particulars of any such proceedings or act or omission.

(5) For the purposes of this regulation a person for whom another person works otherwise than in a medical capacity is not to be regarded as that other person's employer but, subject to that, a person's employer is his principal current employer, if any, or any body or organisation to which he is contracted to provide medical services, or, if he is not currently employed or contracted, his principal last employer or the body or organisation to which he was most recently contracted to provide medical services.

(6) In any case where a statement by the applicant's employer complying with paragraph (4) is not attached to the application the Registrar shall use his best endeavours to obtain such a statement from the employer; but if the employer cannot be contacted or does not respond before the expiry of the period of one month beginning with the date the application is received by the General Medical Council, the application may still be proceeded with under this regulation and, if appropriate, regulation 4.

(7) Except in the case of a person who would, if fully registered, be exempt by virtue of regulation 8 of the Medical Practitioners Registration (Fees) Regulations 1985⁽⁸⁾ from the requirement to pay a retention fee in respect of his continued registration, a person applying under this regulation shall pay the retention fee (if any) which if his name had not been erased would be due from him in respect of the current year, and the Registrar may require that an application under this regulation shall not be proceeded with unless and until the fee is paid.

(8) Subject to regulation 4, where an application under this regulation has been made by a person and any requisite fee paid, the Registrar shall restore the person's name to the register, and notify the person in writing that his name has been restored to the register.

Investigations in certain cases before restoration of name to register

4.—(1) In any case where—

- (a) an application under regulation 3 is made by a person for restoration of his name to the register, and
- (b) information in writing is or has been received by the Registrar (whether before or after the application has been made or before or after the applicant's name was erased) from which it appears to him that it is appropriate for further consideration to be given to the application,

the Registrar shall take the action described in the following paragraphs.

(8) Appended to S.I. 1986/149, to which there are amendments not relevant to these Regulations.

(2) The Registrar shall send to the applicant a copy of the information and invite the applicant to submit in writing within 28 days any observations.

(3) On receipt of the applicant's observations, or at the end of a period of 28 days whichever is the earlier, the Registrar shall refer the question whether the applicant's name should be restored to the register to the professional conduct screeners, the health screener or the professional performance screeners, as he considers appropriate, and shall send to the screeners copies of the information received and the applicant's written observations, if any.

(4) Each screener to whom an application has been referred shall consider the application and may if he considers it appropriate, request additional information to be obtained from the applicant or elsewhere.

(5) After considering the application, each screener to whom it has been referred shall advise the Registrar whether or not in the screener's opinion there is any reason why it should not be approved.

(6) After receiving the advice of each screener in relation to the application, the Registrar shall, unless paragraph (7) applies, restore the applicant's name to the register, and notify him in writing forthwith that his name has been restored to the register.

(7) Where any screener advises that the application should not be granted without further investigation, the Registrar shall give notice to the applicant in writing—

- (a) stating that, as the case may be, one or both of the professional conduct screeners or professional performance screeners or the health screener have advised that the application should not be approved without further investigation;
- (b) asking if the applicant wishes to withdraw his application and if so to notify the Registrar to that effect within such time as may be specified in the notice, being a period of not less than 28 days beginning on the date on which the notice is given,
- (c) stating that, if not withdrawn, his application will be referred to the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee, as the Registrar considers appropriate, for further consideration, and
- (d) stating the grounds on which the reference is to be made.

(8) In a case falling within paragraph (7) above, if the applicant does not withdraw his application within the time specified in the notice under paragraph (7)(b), the Registrar shall refer the question whether the applicant's name should be restored to the register to the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee, as the Registrar considers appropriate.

(9) Where the Committee in question decide to approve the application, the Registrar shall restore the applicant's name to the register forthwith.

(10) In considering any application referred to them under this regulation, the Committee in question may take account of any matter relevant to the application whether it occurred before or after these Regulations came into force.

Revocations

5. In the Medical Practitioners Registration (Fees) Regulations 1985⁽⁹⁾—

- (a) regulation 13,
- (b) in regulation 14, the words “or 13” and all the words in paragraph (a) preceding “a restoration fee”, and
- (c) the Schedule,

are hereby revoked.

⁽⁹⁾ Appended to S.I. 1986/149.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Given under the official seal of the General Medical Council this 24th day of May, two thousand.

L.S.

Donald Irvine
President

EXPLANATORY NOTE

(This note is not part of the Order)

The regulations approved by this Order give effect to the provisions brought into force by the Medical (Professional Performance) Act 1995 (Commencement No. 4) Order 2000 relating to the powers of the General Medical Council (GMC) to consider applications for voluntary erasure from the Register of Medical Practitioners and subsequent applications for restoration to the Register. The regulations enable the Registrar of the GMC to refuse applications for voluntary erasure in circumstances specified in the regulations and set out circumstances in which applications for restoration may be referred to one of the GMC's statutory committees. The regulations are to be implemented on 1 July 2000.