

---

## STATUTORY INSTRUMENTS

---

### 2006 No. 1914

#### The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006

#### PART 11

##### Approved practice settings

##### New section 44D of the Act

**70.** After section 44C, inserted by article 69, insert the following section—

**“Approved practice settings**

**44D.**—(1) Unless the Registrar otherwise directs in relation to a particular person, a person who is registered under section 3(1)(a) or 21B above after the coming into force of this section shall, before his first revalidation in accordance with Part 3A above after he is registered, practise medicine in the United Kingdom only in a practice setting—

- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
- (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly fully registered.

(2) Unless the Registrar otherwise directs in relation to a particular person, a person whose name is restored to the register after the coming into force of this section shall, before his first revalidation in accordance with Part 3A above after his name is restored to the register, practise medicine in the United Kingdom only in a practice setting—

- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
- (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly restored to the register.

(3) The General Council may limit their recognition of—

- (a) a particular practice setting so that it is recognised in relation only to one or more particular practitioners or particular classes of practitioner;
- (b) a particular type of practice setting so that it is recognised in relation only to one or more particular classes of practitioner.

(4) The General Council may exclude a particular practice setting from their recognition of a particular type of practice setting—

- (a) in relation to all practitioners; or

- (b) in relation to one or more particular classes of practitioner.
- (5) The General Council may at any time vary or withdraw their recognition from a particular practice setting or a particular type of practice setting.
- (6) An example of a valid reason for withdrawing recognition from a particular practice setting, or excluding a particular practice setting from recognition of a particular type of practice setting, is that the relevant governance system operated there is not quality assured by a body that is acceptable to the General Council as a provider of quality assurance.
- (7) If—
  - (a) a person starts practising medicine in a practice setting that is, or is of a type that is, recognised under whichever is appropriate of subsection (1)(b) or (2)(b) above, either generally or in relation to practitioners of his class; and
  - (b) while he is practising medicine there, it ceases to be so recognised,
 it is to be treated as continuing to be recognised in relation to the particular practitioner while he continues to practise medicine there.
- (8) The General Council may by regulations make provision for the information to be provided to the Registrar by or in respect of a fully registered person for the purposes of determining whether or not he is in breach of subsection (1) or (2) above.
- (9) If a fully registered person—
  - (a) is in breach of subsection (1) or (2) above; or
  - (b) fails to comply with regulations made under subsection (8) above, or there is a failure to comply with those regulations in respect of him,
 the breach or failure may be treated as misconduct for the purposes of section 35C(2) (a) above, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) above.
- (10) Regulations under subsection (8) above shall not have effect until approved by order of the Privy Council.
- (11) The General Council may publish guidance for practitioners who—
  - (a) are newly fully registered or whose names are newly restored to the register; but
  - (b) are not subject to the requirements imposed by subsection (1) and (2),
 on what are suitable practice settings for them before their first revalidation in accordance with Part 3A above after being registered or before their names are restored to the register.”.

#### **Fifth article amending Schedule 3A to the Act**

**71.** In paragraph 2(1) of Schedule 3A(1) (registration appeals), after paragraph (o), insert the following paragraph—

- “(p) a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.”.