
STATUTORY INSTRUMENTS

2006 No. 1914

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

PART 6

Changes in relation to fitness to practise procedures

Second article amending section 35A of the Act

55. After subsection (6) of section 35A(1) (General Council's power to require disclosure of information) insert the following subsections—

“(6A) If a person fails to supply any information or produce any document within 14 days of his being required to do so under subsection (1) above, the General Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(6B) For the purposes of subsection (6A), “the relevant court” means the county court or, in Scotland, the sheriff in whose sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person concerned; or
- (b) which would have been so shown if the person concerned were registered.”.

Amendment of section 35B of the Act

56. In section 35B(2) (notification and disclosure by the General Council), for subsection (2) substitute the following subsections—

“(2) The General Council may, if they consider it to be in the public interest to do so, publish, or disclose to any person, information—

- (a) which relates to a particular practitioner's fitness to practise, whether the matter to which the information relates arose before or after his registration, or arose in the United Kingdom or elsewhere; or
- (b) of a particular description related to fitness to practise in relation to every practitioner, or to every practitioner of a particular description.

(3) For the purposes of subsection (2)(b) above, the General Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each individual practitioner to whom it relates.

(4) Subject to subsection (5), the General Council shall publish in such manner as they see fit—

- (a) decisions of a Fitness to Practise Panel that relate to a finding that a person's fitness to practise is impaired (including decisions in respect of a direction relating

(1) Section 35A was originally inserted S.I.2000/1083 and was substituted by S.I. 2002/3135.

(2) Section 35B was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.

- to such a finding that follow a review of an earlier direction relating to such a finding);
- (b) decisions of a Fitness to Practise Panel to make an order under section 38(1) or (2) below;
 - (c) decisions of a Fitness to Practise Panel to refuse an application for restoration to the register or to give a direction under section 41(9) below;
 - (d) decisions of an Interim Orders Panel or a Fitness to Practise Panel to make an order under section 41A below (including decisions in respect of orders varying earlier orders under that section);
 - (e) warnings of a Fitness to Practise Panel regarding a person’s future conduct or performance;
 - (d) warnings of the Investigation Committee regarding a person’s future conduct or performance; and
 - (g) undertakings that have been agreed in accordance with rules made under paragraph 1(2A) of Schedule 4.
- (5) The General Council may withhold from publication under subsection (4) above information concerning the physical or mental health of a person which the General Council consider to be confidential.”.

First article amending Schedule 4 to the Act

57.—(1) In paragraph 1 of Schedule 4(3) (proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels)—

- (a) after sub-paragraph (2), insert the following sub-paragraph—
 - “(2A) Rules made under this paragraph in connection with the consideration by the Investigation Committee of an allegation may include provision—
 - (a) for enabling the Committee, in such circumstances as may be specified in the rules, to agree with the person concerned that he will comply with such undertakings as the Committee considers appropriate; and
 - (b) with respect to the procedure to be followed where any such undertakings are breached.”;
 - (b) in sub-paragraph (4)(d), omit “in relation to conduct, conviction or determination proceedings,”;
 - (c) omit sub-paragraph (4)(e) and the word “and” preceding it; and
 - (d) omit sub-paragraph (10).
- (2) Omit paragraph 6 of Schedule 4.
- (3) In paragraph 7 of Schedule 4—
- (a) in sub-paragraph (3), for “The Lord Chancellor or, in relation to proceedings in Scotland, the Secretary of State” substitute “The General Council”;
 - (b) in sub-paragraph (4), for “the Lord Chancellor or the Secretary of State”, in both places, substitute “the General Council”; and
 - (c) for sub-paragraph (6) substitute the following sub-paragraph—
 - “(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.”.

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