
STATUTORY INSTRUMENTS

2006 No. 1914

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

PART 8

Fraud or error in relation to registration etc.

Substitution of section 39 of the Act

60. For section 39(1) (fraud or error in relation to registration) substitute the following section—

“39 Fraud or error in relation to registration

(1) If the Registrar is satisfied that any entry in the register has been fraudulently procured or incorrectly made, he may erase the entry from the register.

(2) Where the Registrar decides to erase a person’s name under this section, the Registrar shall forthwith serve on that person notification of the decision and of his right to appeal against the decision under Schedule 3A to this Act.”

Second article amending section 40 of the Act

61. In section 40(2) (appeals), omit subsections (2) and (6).

Fifth article amending Schedule 1 to the Act

62. In Schedule 1(3) (constitution of the General Medical Council)—

(a) in Part 2 (incidental powers and duties and proceedings of the General Medical Council), in sub-paragraph (3) of paragraph 15, omit from “nor shall standing” to the end of that sub-paragraph; and

(b) in Part 4 (the branch councils), in paragraph 26(3), omit “(other than those conferred by section 39 of this Act)”.

Fourth article amending Schedule 3A to the Act

63. In Schedule 3A(4) (registration appeals)—

(a) in paragraph (b) of the definition of “person making the decision” in paragraph 1, for “section 18, 44 or 44A” substitute “section 18, 39, 44, 44B or 44C”; and

(b) in sub-paragraph (1) of paragraph 2, after paragraph (ma), inserted by article 44(a), insert the following paragraph—

(1) Section 39 was substituted by S.I.2002/3135.
(2) Section 40 was substituted by S.I. 2002/3135.
(3) Paragraph 26 of Schedule 1 was amended by S.I. 2002/3135.
(4) Schedule 3A was inserted by S.I. 2002/3135.

Status: This is the original version (as it was originally made).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

“(mb) a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register;”.

Second article amending Schedule 4 to the Act

64. In paragraph 10(1) of Schedule 4 (proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels)—

- (a) for “this Act, a” substitute “this Act or a”; and
- (b) omit “or a direction for erasure given by the General Council under section 39 of this Act”.