
DRAFT STATUTORY INSTRUMENTS

2015 No.

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

PART 2

The Medical Practitioners Tribunal Service

Disclosure of information

15.—(1) In section 35A of the Medical Act (GMC’s power to require disclosure of information)(1), after subsection (1) insert—

“(1A) The Registrar may by notice in writing require a practitioner, within such period as is specified in the notice, to supply such information or produce such documents as the Registrar considers necessary—

- (a) for the purpose of assisting the General Council or any of their committees or the Registrar in carrying out functions in respect of the practitioner’s fitness to practise;
- (b) for the purpose of assisting the Registrar in carrying out functions in respect of identifying whether the practitioner is a person registered by virtue of section 18A(1)(b).”

(2) In subsection (5) of that section, after “subsection (1)” insert “or (1A)”.

(3) In subsection (6) of that section, for “Subsection (1) above does not” substitute “Subsections (1) and (1A) above do not”.

(4) After subsection (6B) of that section insert—

“(6C) If a person fails to comply with a requirement imposed under subsection (1A), the Registrar may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal.

(6D) Where a matter is referred to the MPTS under subsection (6C), the MPTS must arrange for it to be considered by a Medical Practitioners Tribunal.

(6E) Sub-paragraphs (3D) to (5A) of paragraph 5A of Schedule 4 apply to a matter being considered by a Medical Practitioners Tribunal under subsection (6D) as if it were a matter being considered by the Tribunal under sub-paragraph (3B) of that paragraph; and a reference in this Act to any of sub-paragraphs (3D) to (5A) of that paragraph is to be read as including a reference to that sub-paragraph as so applied.”