



Medical (Professional Performance) Act 1995

1995 CHAPTER 51

3 Preliminary proceedings: interim orders

- (1) Section 42 of the Medical Act 1983 (preliminary proceedings as to professional misconduct and unfitness to practise) shall be amended as follows.
- (2) In subsection (3), in paragraph (c) for the word “two” there shall be substituted the word “six”.
- (3) In subsection (4), for the words “No order for interim suspension or for interim conditional registration shall be made by the Preliminary Proceedings Committee” there shall be substituted the words “No order under subsection (3)(b) or (c) above or (6A)(b) to (d) below shall be made by any Committee”.
- (4) In subsection (5), for the words “If the Committee decide” there shall be substituted the words “If the Preliminary Proceedings Committee decide”.
- (5) In subsection (6), for the word “two” there shall be substituted the word “six”.
- (6) After subsection (6) there shall be inserted—
 - “(6A) Where an order for interim suspension or for interim conditional registration has been made in relation to any person under any provision of this section (including this subsection) the Preliminary Proceedings Committee, the Professional Conduct Committee or the Health Committee may, subject to subsection (4) above—
 - (a) revoke the order or revoke any condition imposed by the order;
 - (b) vary any condition imposed by the order;
 - (c) if satisfied that to do so is necessary for the protection of members of the public, make an order for interim suspension; or
 - (d) if satisfied that to do so is necessary for the protection of members of the public or is in the interests of the person concerned, make an order that his registration shall be conditional on his compliance, during such period as is specified in the order, with such requirements so

Status: This is the original version (as it was originally enacted).

specified as the Committee think fit to impose for the protection of members of the public or in his interests.

- (6B) An order under subsection (6A)(c) or (d) above—
- (a) shall take effect as from a date not later than the date on which the interim suspension or interim conditional registration would otherwise come to an end; and
 - (b) shall specify a period not exceeding three months.
- (6C) If an order is made under subsection (6A)(a) to (d) above the Registrar shall forthwith serve a notification of the order on the person to whose registration it relates.
- (6D) Where an order has been made under any provision of this section, the court (within the meaning of section 38 above) may—
- (a) in the case of an order for interim suspension, terminate the suspension,
 - (b) in the case of an order for conditional registration, revoke or vary any condition imposed by the order,
 - (c) in either case, substitute for the period specified in the order some other period which could have been specified in the order when it was made;
- and the decision of the court on any application under this subsection shall be final.”.

- (7) Subsection (7) shall cease to have effect.