

SCHEDULES

SCHEDULE 7

ADJUDICATION FUNCTIONS UNDER MEDICAL ACT 1983 AND OPTICIANS ACT 1989

PART 2

AMENDMENTS OF OPTICIANS ACT 1989

30 After section 13A of the 1989 Act insert—

“13AA Fitness to practise findings: guidance

(1) The Council may publish guidance about factors which they consider to indicate that—

- (a) a registrant (“R”) whose fitness to practise, fitness to carry on business or (as the case may be) fitness to undertake training is found to be impaired should or should not have—
 - (i) R’s name erased from the appropriate register;
 - (ii) R’s registration suspended;
 - (iii) R’s registration suspended forthwith in accordance with section 13I;
 - (iv) R’s registration made conditional;
 - (v) R’s registration made conditional forthwith in accordance with section 13I;
 - (vi) a financial penalty order made against R;
- (b) a registrant (“R”) whose fitness to practise is found to be impaired on the ground of deficient professional performance should or should not have—
 - (i) an entry relating to a speciality or proficiency to the performance of which the deficiency relates removed from the appropriate register;
 - (ii) the entry relating to that speciality or proficiency removed from the appropriate register temporarily;
 - (iii) the entry relating to that speciality or proficiency removed forthwith in accordance with section 13I;
 - (iv) the entry relating to that speciality or proficiency made conditional;
 - (v) the entry relating to that speciality or proficiency made conditional forthwith in accordance with section 13I;
- (c) a registrant whose fitness to practise, fitness to carry on business or (as the case may be) fitness to undertake training is found not to be impaired should or should not be given a warning regarding the registrant’s future conduct or performance;

Status: This is the original version (as it was originally enacted).

- (d) a person the entry of whose name in a register is found to have been fraudulently procured or incorrectly made should or should not have the person's name removed;
 - (e) a person in respect of whom an entry relating to a speciality or proficiency is found to have been fraudulently procured or incorrectly made in a register should or should not have the entry removed;
 - (f) a person whose name has been erased from a register should or should not have the person's name restored to the appropriate register;
 - (g) a person who has had an entry relating to a speciality or proficiency removed from a register should or should not have the entry restored to the appropriate register.
- (2) The Council may also publish guidance about factors which they consider to indicate—
- (a) that requirements of a particular type should be imposed as conditions in the case of a registrant whose registration is to be made conditional or a registrant in respect of whom an entry relating to a speciality or proficiency is to be made conditional;
 - (b) the period of time for which a registrant's registration should be suspended or made conditional or an entry relating to a speciality or proficiency of a registrant should be removed from the appropriate register or made conditional.
- (3) The Adjudicator must take account of guidance published under subsection (1) or (2) in exercising its functions under sections 13F, 13H, 13I, 13J and 13K.”