

SCHEDULES

SCHEDULE 7

ADJUDICATION FUNCTIONS UNDER MEDICAL ACT 1983 AND OPTICIANS ACT 1989

PART 1

AMENDMENTS OF MEDICAL ACT 1983

4 After section 35 of the 1983 Act insert—

“35ZA Fitness to practise findings: guidance

- (1) The General Council may publish guidance about factors which they consider to indicate that—
 - (a) a person (“D”) whose fitness to practise is found to be impaired should or should not have—
 - (i) D’s name erased from the register;
 - (ii) D’s registration suspended;
 - (iii) D’s registration suspended forthwith in accordance with section 38;
 - (iv) D’s registration made conditional;
 - (v) D’s registration made conditional forthwith in accordance with section 38;
 - (b) a person whose fitness to practise is found not to be impaired should or should not be given a warning regarding the person’s future conduct or performance;
 - (c) a person whose name has been erased from the register should or should not have the person’s name restored to the register.
- (2) The General 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 person whose registration is to be made conditional;
 - (b) the period of time for which a person’s registration should be suspended or made conditional.
- (3) The Adjudicator must take account of guidance published under subsection (1) or (2) in exercising its functions under sections 35D, 38 and 41 and under paragraph 5A(3E) of Schedule 4.”