
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Medical Act 1983 (“the Act”). Article 3 provides for a new statutory committee of the General Medical Council (“the Council”), to be called the Interim Orders Committee.

Article 4 inserts two new sections into the Act, sections 35A and 35B. Section 35A provides powers for persons authorised by the Council to require disclosure of information that would assist them in the carrying out of their functions in respect of fitness to practise or professional conduct. Section 35B obliges the committees of the Council to notify specified persons when formal proceedings are initiated against a practitioner in respect of his fitness to practise or professional conduct. The section also empowers the Council to disclose information relating to a practitioner’s fitness to practise or professional conduct where they consider it to be in the public interest to do so.

Article 5 amends section 36 of the Act to provide that, as well as convictions in the British Islands, a practitioner’s name may be erased from the register, or his registration may be suspended or made subject to conditions, if he is convicted abroad of an offence which would constitute a criminal offence if committed in England and Wales.

Article 8 provides for a right of appeal to the Judicial Committee of the Privy Council where a direction is given under section 41 or 45 of the Act that the right to make further applications during the same period of erasure or, as the case may be, prohibition, is suspended indefinitely.

Articles 9 and 13 make amendments to sections 41 and 45 of the Act respectively. They increase the period of time that a person who has been erased from the register, or in respect of whom a prohibition has been imposed, must wait before being able to apply for restoration, or termination of the prohibition, from ten months to five years. They also increase the period of time that must elapse between each application for restoration or termination of a prohibition from ten months to twelve months and provide that before a person’s name is restored to the register, or a prohibition imposed on him is terminated, he must satisfy specified conditions as to fitness to practise.

Article 10 inserts sections 41A and 41B into the Act.

Section 41A defines the circumstances in which the Interim Orders Committee may make an order providing for a practitioner’s registration to be suspended or to be made subject to conditions on an interim basis and also makes provision for the review of orders. The section makes provision for statutory committees of the Council to revoke or vary orders for interim suspension or interim conditional registration; for such orders to require extension by the court; and for the court to have power to terminate or vary such orders.

Section 41B makes provision for interim orders made by committees other than the Interim Orders Committee.

Article 15 provides for committees of the Council to have a power of co-option.

Article 17 makes transitional and saving provision and article 18 provides a power to make rules dealing with transitional cases.

The Order also makes minor and consequential amendments to the Act.