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STATUTORY INSTRUMENTS

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**2006 No. 1914**

**The Medical Act 1983 (Amendment) and  
Miscellaneous Amendments Order 2006**

**PART 5**

**Fitness to practise matters in connection with registration**

**New section 44B of the Act replacing section 44A of the Act**

- 51.**—(1) Omit section 44A(1) (effect of disqualification or conviction on registration).  
(2) After section 44, insert the following section—

**“Provision of information in respect of fitness to practise matters**

**44B.**—(1) If a person has been registered by virtue of any provision of this Act and it is subsequently shown to the satisfaction of the Registrar that—

- (a) his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health; and
  - (b) he had not informed the Registrar of that matter or problem before his registration,
- the Registrar may erase that person’s name from the register.

(2) The General Council may by regulations make provision for the information to be provided to the Registrar—

- (a) by or in respect of a person seeking registration by virtue of any provision of this Act, other than section 18 above, for the purpose of determining whether his fitness to practise is impaired;
- (b) by or in respect of a person who is fully registered or provisionally registered, for the purpose of determining whether his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health.

(3) In subsections (1) and (2) above, “serious matter” has the same meaning as in article 12(2) of Directive [93/16/EEC](#)(2).

(4) The Registrar may—

- (a) refuse to register (even if he is directed by the General Council to do so) any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(a) above;
- (b) erase from the register the name of any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(b) above.

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(1) Section 44A was inserted by S.I.2002/3135.  
(2) OJNo. L 165, 7.7.1993, p.1. There are no relevant amending instruments.

(5) For the purpose of determining whether an exempt person (“E”) should be registered under this Act, the General Council or the Registrar, as the case may be, shall accept as sufficient evidence that his fitness to practise is not impaired a document—

- (a) to which subsection (6) below applies, as regards his physical or mental health; or
- (b) to which subsection (8) below applies, as regards any other relevant matter,

if it is presented to the Registrar within the period of three months beginning with its date of issue.

(6) This subsection applies to a document that attests to E’s good physical and mental health, and—

- (a) which would be required in E’s EEA State of origin or the EEA State from which he comes (“E’s attesting State”), if he wished to start practising medicine there; or
- (b) if no such document is required there, which is issued by a competent authority in E’s attesting State (and which, if relevant, is in the form mentioned in subsection (7) below).

(7) If regulations made under subsection (2) above require a certificate which attests to an applicant’s good physical and mental health to be in a particular form, a document referred to in subsection (6)(b) above must be in that form or in a form which corresponds to it.

(8) Except as mentioned in subsection (9) below, this subsection applies to a document—

- (a) containing an extract from the judicial record issued by a competent authority in E’s attesting State; or
- (b) which is a certificate issued by a competent authority in E’s attesting State,

in either case attesting to E’s good character and good repute.

(9) Subsection (8) above does not apply to a document which may be, or has been, revised or rescinded as a consequence of an approach made by the General Council to the competent authority which issued it, in accordance with article 11(3) of Directive [93/16/EEC](#).

(10) Regulations under subsection (2) above shall not have effect until approved by order of the Privy Council.”.