
STATUTORY INSTRUMENTS

2006 No. 1914

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

PART 10

Indemnity arrangements

Amendment of section 29F of the Act

68. In section 29F(1) (appeals)—

(a) after subsection (1) insert the following subsection—

“(1A) If a licensing authority decides under—

(a) section 44C(7) to refuse to grant a licence to practise to a medical practitioner; or

(b) section 44C(8)(a) to withdraw a licence to practise from a medical practitioner,
the practitioner may appeal to a Registration Appeals Panel.”; and

(b) in subsection (2), after “subsection (1)” insert “or (1A)”.

New section 44C of the Act

69. After section 44B, inserted by article 51, insert the following section—

“Indemnity arrangements

44C.—(1) A person who holds a licence to practise shall have in force in relation to him an adequate and appropriate indemnity arrangement which provides cover in respect of liabilities which may be incurred in carrying out work as a medical practitioner.

(2) For the purposes of this section, an “indemnity arrangement” may comprise—

(a) a policy of insurance;

(b) an arrangement made for the purposes of indemnifying a person; or

(c) a combination of a policy of insurance and an arrangement made for the purposes of indemnifying a person.

(3) The General Council may make regulations about what is an “adequate and appropriate indemnity arrangement” for the purposes of this section, and the regulations may make different provision for different cases.

(4) The General Council may make regulations about the information to be provided to the Registrar—

(a) by or in respect of a person seeking a licence to practise for the purpose of determining whether, if he is granted a licence to practise, there will be in force

in relation to him an adequate and appropriate indemnity arrangement which commences, at the latest, on the date on which he is granted a licence to practise; and

(b) by or in respect of a person who holds a licence to practise for the purpose of determining whether there is in force in relation to him an adequate and appropriate indemnity arrangement.

(5) Regulations made under subsection (4)(b) above may require the information mentioned there to be provided—

(a) at the request of the Registrar; or

(b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual practitioners or practitioners of a particular description.

(6) The General Council may also make regulations requiring a person who holds a licence to practise to inform the Registrar if there ceases to be in force in relation to him an adequate and appropriate indemnity arrangement.

(7) A licensing authority may refuse to grant a licence to practise to any person who fails to comply, or in respect of whom there is a failure to comply, with regulations made under subsection (4)(a) above.

(8) If a person who holds a licence to practise is in breach of subsection (1) above or fails to comply with regulations made under subsection (4)(b) or (6) above, or there is a failure to comply with regulations made under subsection (4)(b) in respect of him—

(a) a licensing authority may withdraw that person's licence to practise; or

(b) the breach or failure may be treated as misconduct for the purposes of section 35C(2)(a) above, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) above.

(9) Regulations under subsection (3), (4) or (6) above shall not have effect until approved by order of the Privy Council.”.