

Status: Point in time view as at 01/07/1997.

Changes to legislation: Medical Act 1983, Cross Heading: Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{X1}SCHEDULE 4 **U.K.**

PROCEEDINGS BEFORE PROFESSIONAL CONDUCT, HEALTH AND PRELIMINARY PROCEEDINGS COMMITTEES

Editorial Information

- X1** Sch. 4 substituted (coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **14**, (with transitional provisions in Sch. 2)

Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration

- 10 (1) A direction for erasure, for suspension or for conditional registration given by the Professional Conduct Committee under section 36 of this Act, [^{F1}a direction for suspension or for conditional registration given by the Committee on Professional Performance under section 36A of this Act,] a direction for suspension or for conditional registration given by the Health Committee under section 37 of this Act and a variation by [^{F2}any of those Committees] of the conditions imposed by a direction for conditional registration under section 36 [^{F2}, 36A or 37] of this Act shall take effect—
- (a) where no appeal under section 40 is brought against the direction or variation within the time mentioned in subsection (3) of that section, on the expiration of that time;
 - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
 - (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.
- (2) Sub-paragraph (1) above applies to a direction for erasure given by the General Council under section 39 of this Act as it applies to a direction for erasure given under section 36 of this Act.
- (3) Where the time for appealing against a direction or variation such as is mentioned in sub-paragraph (1) or (2) above is extended by an authorisation under paragraph 9 above, sub-paragraph (1) above or that sub-paragraph as applied by sub-paragraph (2) above shall apply to the direction or variation as if the reference in (a) to the time mentioned in section 40(3) of this Act were a reference to that time as so extended; and if the authorisation is given after the expiration of the time mentioned in the said section 40(3), the direction or variation shall be deemed not to have taken effect on the expiration of that time, and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.

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- (4) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

Textual Amendments

- F1** Words in Sch. 4 para. 10(1) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 24(a)**; S.I. 1997/1315, **art. 2**
- F2** Words in Sch. 4 para. 10(1) substituted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 24(b)(c)**; S.I. 1997/1315, **art. 2**

- 11 (1) If, while a person's registration is suspended under section 36 [^{F3}, 36A] or 37 of this Act, a direction is given under subsection (3) of that section, the suspension of his registration shall continue to have effect throughout any period which may intervene between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.
- (2) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of suspension for a further period takes effect after the time when, but for sub-paragraph (1) above, the current period of suspension would have ended, that further period shall be treated as having started to run from that time.
- (3) If, while a person's registration is subject to conditions imposed under section 36 [^{F3}, 36A] or 37 of this Act, a direction is given under subsection (2) or (4) of [^{F4}section 36 or 37 or subsection (2) or (6) of section 36A,] the conditions attached to his registration shall continue to attach to it throughout any period which may intervene between the time when, but for this sub-paragraph, his registration would cease to be conditional and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act (otherwise than by the dismissal of the appeal) determined.
- (4) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of conditional registration for a further period takes effect after the time when, but for sub-paragraph (3) above, the current period of conditional registration would have ended, that further period shall be treated as having started to run from that time.

Textual Amendments

- F3** Word in Sch. 4 para. 11(1)(3) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 25(a)(b)(i)**; S.I. 1997/1315, **art. 2**
- F4** Words in Sch. 4 para. 11(3) substituted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 25(b)(ii)**; S.I. 1997/1315, **art. 2**

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