



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}35A General Council's power to require disclosure of information

- (1) For the purpose of assisting the General Council or any of their committees [^{F2}or the Registrar] in carrying out functions in respect of a practitioner's fitness to practise [^{F3}, or for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of section 18A(1)(b).], a person authorised by the Council may require—
- (a) a practitioner (except the practitioner in respect of whom the information or document is sought); or
 - (b) any other person,
- who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply such information or produce such a document.
- [The Registrar may by notice in writing require a practitioner, within such period as is ^{F4}(1A) specified in the notice, to supply such information or produce such documents as the Registrar considers necessary—
- (a) for the purpose of assisting the General Council or any of their committees or the Registrar in carrying out functions in respect of the practitioner's fitness to practise;
 - (b) for the purpose of assisting the Registrar in carrying out functions in respect of identifying whether the practitioner is a person registered by virtue of section 18A(1)(b).]

(2) As soon as is reasonably practicable after the relevant date, the General Council shall require, from a practitioner whose fitness to practise is being investigated, details of any person—

 - (a) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine; or

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- (b) with whom he has an arrangement to do so.
- (3) For the purposes of this section and section 35B below the relevant date is the date specified by the General Council by rules under paragraph 1 of Schedule 4 of this Act.
- (4) Nothing in this section shall require or permit any disclosure of information which is prohibited by or under any other enactment [^{F5}or the [^{F6}UK GDPR]].
- (5) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the person referred to in subsection (1) [^{F7}or (1A)] above may, in exercising his functions under that subsection, require that the information be put into a form which is not capable of identifying that individual.
- [^{F8}(5A) In determining for the purposes of subsection (4) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.]
- (6) [^{F9}Subsections (1) and (1A) above do not] apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the relevant court (within the meaning of section 40(5) below).
- [If a person fails to supply any information or produce any document within 14 days of
- ^{F10}(6A) his being required to do so under subsection (1) above, the General Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.
- (6B) For the purposes of subsection (6A), “the relevant court” means the county court or, in Scotland, the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the address of the person concerned; or
- (b) which would have been so shown if the person concerned were registered.]
- [If a person fails to comply with a requirement imposed under subsection (1A), the
- ^{F11}(6C) Registrar may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal.
- (6D) Where a matter is referred to the MPTS under subsection (6C), the MPTS must arrange for it to be considered by a Medical Practitioners Tribunal.
- (6E) Sub-paragraphs (3D) to (5A) of paragraph 5A of Schedule 4 apply to a matter being considered by a Medical Practitioners Tribunal under subsection (6D) as if it were a matter being considered by the Tribunal under sub-paragraph (3B) of that paragraph; and a reference in this Act to any of sub-paragraphs (3D) to (5A) of that paragraph is to be read as including a reference to that sub-paragraph as so applied.]
- (7) For the purposes of subsection (4), “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (b) any provision of, or any instrument made under, Northern Ireland legislation.
- ^{F12} ...
- (8) For the purposes of this section and section 35B below, a “practitioner” means a [^{F13}fully registered person or a provisionally registered person].]

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Textual Amendments

- F1** Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004, 16.11.2009 for the insertion of s. 41C as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **13** (with Sch. 2)
- F2** Words in s. 35A(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 14(a)**
- F3** Words in s. 35A(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 14(b)**
- F4** S. 35A(1A) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(1)**; S.I. 2015/1952, art. 2(1)
- F5** Words in s. 35A(4) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 21(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F6** Words in s. 35A(4) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 10(2)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 35A(5) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(2)**; S.I. 2015/1952, art. 2(1)
- F8** S. 35A(5A) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 21(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F9** Words in s. 35A(6) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(3)**; S.I. 2015/1952, art. 2(1)
- F10** S. 35A(6A)(6B) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **55**
- F11** S. 35A(6C)-(6E) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(4)**; S.I. 2015/1952, art. 2(1)
- F12** Words in s. 35A(7) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 10(3)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 35A(8) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **12**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by [2005 c. 4 Sch. 11 para. 6](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(2\)](#)
- s. 29B(2A)(a) word substituted by [S.I. 2010/234 Sch. 1 para. 2](#)
- s. 29B(3A) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(3\)](#)
- s. 29E(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(2\)\(b\)](#)
- s. 29E(2)(e)(f) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(3\)\(b\)](#)
- s. 29F(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 14\(3\)](#)
- s. 35C(2)(f)(g) inserted by [S.I. 2008/1774 Sch. 1 para. 15](#) (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 35ZA inserted by [2008 c. 14 Sch. 7 para. 4](#)
- Sch. 1 para. 1A(1)(b)(iv)(v) inserted by [S.I. 2024/374 Sch. 5 para. 1\(2\)\(b\)\(iii\)](#)
- Sch. 3B para. 5(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(2\)\(b\)](#)
- Sch. 3B para. 6(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(a\)\(ii\)](#)
- Sch. 3B para. 6(2)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(b\)\(ii\)](#)
- Sch. 3B para. 7(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(a\)\(ii\)](#)
- Sch. 3B para. 7(2)(c) and word inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(b\)\(ii\)](#)