



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}41 Restoration of names to the register.

- (1) Subject to subsections (2) and (6) below, where the name of a person has been erased from the register under section 35D above, [^{F2}or section 44B(4)(b) below,] a [^{F3}Medical Practitioners Tribunal] may, if they think fit, direct that his name be restored to the register.
- (2) No application for the restoration of a name to the register under this section shall be made^{F4}...—
 - (a) before the expiration of five years from the date of erasure; or
 - (b) in any period of twelve months in which an application for the restoration of his name has already been made by or on behalf of the person whose name has been erased.
- (3) An application under this section shall be made to the Registrar who shall refer the application to [^{F5}the MPTS for them to arrange for the application to be determined by] a [^{F6}Medical Practitioners Tribunal].

[Where an application is referred under subsection (3) to the MPTS, they must arrange^{F7}(3A) for the application to be determined by a Medical Practitioners Tribunal.]

- (4) In the case of a person who was provisionally registered under section 15, [^{F8}15A, 21 or 21C] above before his name was erased, a direction under subsection (1) above shall be a direction that his name be restored by way of provisional registration under section 15, [^{F8}15A, 21 or 21C] above, as the case requires.
- (5) The requirements of Part II or Part III of this Act as to the experience required for registration as a fully registered medical practitioner shall not apply to registration in pursuance of a direction under subsection (1) above.

Changes to legislation: Medical Act 1983, Section 41 is up to date with all changes known to be in force on or before 23 April 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) View outstanding changes

- (6) Before determining whether to give a direction under subsection (1) above, a [^{F9}Medical Practitioners Tribunal] shall require an applicant for restoration to provide such evidence as they direct as to his fitness to practise; and they shall not give such a direction if that evidence does not satisfy them.
- [Where the applicant is required to submit to or undertake an assessment by virtue of ^{F10}(6A) paragraph 5A or 5C of Schedule 4, a Medical Practitioners Tribunal, before deciding whether to give a direction under subsection (1), shall take into account—
- (a) whether the assessment was carried out,
 - (b) whether any requirements imposed in respect of the assessment were complied with, and
 - (c) if the assessment was carried out, the results of the assessment.]
- (7) A [^{F11}Medical Practitioners Tribunal] shall not give a direction under subsection (1) above unless at the same time in accordance with regulations made by the General Council under this subsection, they direct the Registrar to restore the practitioner’s licence to practise.
- (8) Subsections (3) to (5) of section 29J above apply to regulations made under subsection (7) above as they apply in relation to regulations made under section 29A above.
- [Where a Medical Practitioners Tribunal give a direction under subsection (1), the ^{F12}(8A) MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction.]
- (9) Where, during the same period of erasure, a second or subsequent application for the restoration of a name to the register, made by or on behalf of the person whose name has been erased, is unsuccessful, a [^{F13}Medical Practitioners Tribunal] may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) Where a [^{F14}Medical Practitioners Tribunal] give a direction under subsection (9) above, [^{F15}the MPTS] shall without delay serve on the person in respect of whom it has been made a notification of the direction and of his right to appeal against it in accordance with section 40 above.
- (11) Any person in respect of whom a direction has been given under subsection (9) above may, after the expiration of three years from the date on which the direction was given, apply to the Registrar for that direction to be [^{F16}referred to the MPTS for them to arrange for the direction to be] reviewed by a [^{F17}Medical Practitioners Tribunal] and, thereafter, may make further applications for review; but no such application may be made before the expiration of three years from the date of the most recent review decision.
- [In exercising a function under this section, a Medical Practitioners Tribunal must have ^{F18}(12) regard to the over-arching objective.]]

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,

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- 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. 41(1) 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), **50**
- F3** Words in s. 41(1) 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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F4** Words in s. 41(2) omitted (31.12.2015) by virtue of 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), **19(2)**; S.I. 2015/1952, art. 2(l)
- F5** Words in s. 41(3) 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), **19(3)**; S.I. 2015/1952, art. 2(l)
- F6** Words in s. 41(3) 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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F7** S. 41(3A) 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), **19(4)**; S.I. 2015/1952, art. 2(l)
- F8** Words in s. 41(4) 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), **40**
- F9** Words in s. 41(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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F10** S. 41(6A) inserted (3.8.2015) 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), **12(9)**; S.I. 2015/1579, art. 2(i) (with art. 3)
- F11** Words in s. 41(7) 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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F12** S. 41(8A) 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), **19(5)**; S.I. 2015/1952, art. 2(l)
- F13** Words in s. 41(9) 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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F14** Words in s. 41(10) 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), **19(1)**; S.I. 2015/1952, art. 2(l)
- F15** Words in s. 41(10) 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), **19(6)**; S.I. 2015/1952, art. 2(l)
- F16** Words in s. 41(11) 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), **19(7)**; S.I. 2015/1952, art. 2(l)
- F17** Words in s. 41(11) 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), **19(1)**; S.I. 2015/1952, art. 2(l)

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F18 S. 41(12) inserted (3.8.2015) 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), **21(5)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)

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Changes and effects yet to be applied to :

- s. 41(1) words substituted by 2008 c. 14 Sch. 7 para. 12(2)
- s. 41(2) words substituted by 2008 c. 14 Sch. 7 para. 12(3)
- s. 41(3) words substituted by 2008 c. 14 Sch. 7 para. 12(3)
- s. 41(6) word substituted by 2008 c. 14 Sch. 7 para. 12(4)(d)
- s. 41(6) words substituted by 2008 c. 14 Sch. 7 para. 12(4)(a)
- s. 41(6) words substituted by 2008 c. 14 Sch. 7 para. 12(4)(b)
- s. 41(6) words substituted by 2008 c. 14 Sch. 7 para. 12(4)(c)
- s. 41(7) words repealed by 2008 c. 14 Sch. 7 para. 12(5)(b)Sch. 15 Pt. 2
- s. 41(7) words substituted by 2008 c. 14 Sch. 7 para. 12(5)(a)
- s. 41(7) words substituted by 2008 c. 14 Sch. 7 para. 12(5)(c)
- s. 41(8) repealed by 2008 c. 14 Sch. 7 para. 12(6)Sch. 15 Pt. 2
- s. 41(9) words substituted by 2008 c. 14 Sch. 7 para. 12(7)
- s. 41(10) words substituted by 2008 c. 14 Sch. 7 para. 12(8)
- s. 41(11) words substituted by 2008 c. 14 Sch. 7 para. 12(9)

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)