



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}41A Interim Orders

[Where a matter is referred under section 35C(8) to the MPTS, the MPTS must arrange ^{F2}(A1) for an Interim Orders Tribunal or a Medical Practitioners Tribunal to decide whether to make an order as mentioned in that provision.]

- (1) [^{F3}Where an Interim Orders Tribunal or a Medical Practitioners Tribunal in arrangements made under subsection (A1), or a Medical Practitioners Tribunal on their consideration of a matter,] are satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a fully registered person, for the registration of that person to be suspended or to be made subject to conditions, [^{F4}the Tribunal] may make an order—
 - (a) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding eighteen months as may be specified in the order (an “interim suspension order”); or
 - (b) that his registration shall be conditional on his compliance, during such period not exceeding eighteen months as may be specified in the order, with such requirements so specified as [^{F4}the Tribunal] think fit to impose (an “order for interim conditional registration”).
- (2) Subject to subsection (9) below, where [^{F5}an Interim Orders Tribunal or a Medical Practitioners Tribunal] have made an order under subsection (1) above, [^{F5}an Interim Orders Tribunal or a Medical Practitioners Tribunal]—
 - (a) shall review it within the period of six months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
 - (i) before the end of the period of six months beginning on the date of the decision of the immediately preceding review; or

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- (ii) if after the end of the period of three months beginning on the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
 - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (3) Where an interim suspension order or an order for interim conditional registration has been made in relation to any person under any provision of this section (including this subsection), [^{F6}an Interim Orders Tribunal or a Medical Practitioners Tribunal] may, subject to subsection (4) below—
- (a) revoke the order or revoke any condition imposed by the order;
 - (b) vary any condition imposed by the order;
 - (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former; or
 - (d) if satisfied that to do so is necessary for the protection of members of the public, or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.
- [Where an Interim Orders Tribunal or a Medical Practitioners Tribunal have yet to hold
- ^{F7}(3A) a hearing to consider a case in which they would have the power to make an order under subsection (3) above, but the person concerned and the General Council have already agreed in writing to the terms of such an order—
- (a) the Tribunal, on considering the matter on the papers, or the chair of the Tribunal, on doing so instead of the Tribunal, may make an order on the agreed terms; or
 - (b) if the Tribunal or chair (as the case may be) acting under paragraph (a) determines that the Tribunal should hold a hearing to consider the matter, the MPTS must arrange for a hearing of the Tribunal for that purpose.
- (3B) An order made under subsection (3A)(a) by a Tribunal or the chair of a Tribunal is to be treated for the purposes of this Act as if it had been made by the Tribunal under subsection (3).]
- (4) No order under subsection (1) or (3)(b) to (d) above shall be made by [^{F8}a Tribunal] in respect of any person unless he has been afforded an opportunity of appearing before [^{F9}the Tribunal] and being heard on the question of whether such an order should be made in his case^{F10}
- (5) If an order is made under any provision of this section, [^{F11}the MPTS] shall without delay serve a notification of the order on the person to whose registration it relates.
- (6) The General Council may apply to the relevant court for an order made by [^{F12}an Interim Orders Tribunal or a Medical Practitioners Tribunal] under subsection (1) or (3) above to be extended, and may apply again for further extensions.
- (7) On such an application the relevant court may extend (or further extend) for up to 12 months the period for which the order has effect.

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- (8) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (9) For the purposes of subsection (2) above the first review after the relevant court's extension of an order made by [^{F13}an Interim Orders Tribunal or a Medical Practitioners Tribunal] or after a replacement order made by [^{F13}an Interim Orders Tribunal or a Medical Practitioners Tribunal] under subsection (3)(c) or (d) above shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (2), within the period of six months beginning on the date on which the relevant court ordered the extension or on which a replacement order under subsection (3)(c) or (d) was made; and
 - (b) if it had been reviewed under the provision, within the period of three months beginning on that date.
- (10) Where an order has effect under any provision of this section, the relevant court may—
- (a) in the case of an interim suspension order, terminate the suspension;
 - (b) in the case of an order for interim conditional registration, revoke or vary any condition imposed by the order;
 - (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it),
- and the decision of the relevant court under any application under this subsection shall be final.
- (11) Except as provided in subsection (12) below, while a person's registration in the register is suspended by virtue of an interim suspension order under this section he shall be treated as not being registered in the register notwithstanding that his name still appears in the register.
- (12) Notwithstanding subsection (11) above, sections [^{F14}31A, 35C to 35E and 39] above shall continue to apply to a person whose registration in the register is suspended.
- (13) This section applies to a provisionally registered person ^{F15}... whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.
- (14) In this section “the relevant court” has the same meaning as in section 40(5) above.]

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** [S. 41A\(A1\)](#) 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), **6(2)**; [S.I. 2015/1952](#), art. 2(d)
- F3** Words in [s. 41A\(1\)](#) 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), **6(3)(a)**; [S.I. 2015/1952](#), art. 2(d)

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- F4** Words in s. 41A(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), **6(3)(b)**; S.I. 2015/1952, art. 2(d)
- F5** Words in s. 41A(2) 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), **6(4)**; S.I. 2015/1952, art. 2(d)
- F6** Words in s. 41A(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), **6(4)**; S.I. 2015/1952, art. 2(d)
- F7** S. 41A(3A)(3B) 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), **6(5)**; S.I. 2015/1952, art. 2(d)
- F8** Words in s. 41A(4) 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), **6(6)(a)**; S.I. 2015/1952, art. 2(d)
- F9** Words in s. 41A(4) 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), **6(6)(b)**; S.I. 2015/1952, art. 2(d)
- F10** Words in s. 41A(4) 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), **6(6)(c)**; S.I. 2015/1952, art. 2(d)
- F11** Words in s. 41A(5) 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), **6(7)**; S.I. 2015/1952, art. 2(d)
- F12** Words in s. 41A(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), **6(4)**; S.I. 2015/1952, art. 2(d)
- F13** Words in s. 41A(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), **6(4)**; S.I. 2015/1952, art. 2(d)
- F14** Words in s. 41A(12) substituted (19.7.2006 for specified purposes, 15.9.2006 in so far as not already in force as notified in the London Gazette dated 8.9.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **59**
- F15** Words in s. 41A(13) omitted (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 virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(b)(c)(3), **14**

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