



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V U.K.]

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1} ^{F2}44B] **Provision of information in respect of fitness to practise matters** U.K.

- (1) If a person has been registered by virtue of any provision of this Act and it is subsequently shown to the satisfaction of the Registrar that—
 - (a) his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health; and
 - (b) he had not informed the Registrar of that matter or problem before his registration,the Registrar may erase that person's name from the register.
- (2) The General Council may by regulations make provision for the information to be provided to the Registrar—
 - (a) by or in respect of a person seeking registration by virtue of any provision of this Act, other than section 18 above, for the purpose of determining whether his fitness to practise is impaired;
 - (b) by or in respect of a person who is fully registered or provisionally registered, for the purpose of determining whether his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health.
- (3) In subsections (1) and (2) above, "serious matter" has the same meaning as in article 12(2) of Directive 93/16/EEC.
- (4) The Registrar may—
 - (a) refuse to register (even if he is directed by the General Council to do so) any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(a) above;

Status: Point in time view as at 19/10/2007. This version of this provision has been superseded.

Changes to legislation: Medical Act 1983, Section 44B is up to date with all changes known to be in force on or before 16 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)

- (b) erase from the register the name of any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(b) above.
- (5) For the purpose of determining whether an exempt person (“E”) should be registered under this Act, the General Council or the Registrar, as the case may be, shall accept as sufficient evidence that his fitness to practise is not impaired a document—
- (a) to which subsection (6) below applies, as regards his physical or mental health; or
- (b) to which subsection (8) below applies, as regards any other relevant matter, if it is presented to the Registrar within the period of three months beginning with its date of issue.
- (6) This subsection applies to a document that attests to E’s good physical and mental health, and—
- (a) which would be required in E’s EEA State of origin or the EEA State from which he comes (“E’s attesting State”), if he wished to start practising medicine there; or
- (b) if no such document is required there, which is issued by a competent authority in E’s attesting State (and which, if relevant, is in the form mentioned in subsection (7) below).
- (7) If regulations made under subsection (2) above require a certificate which attests to an applicant’s good physical and mental health to be in a particular form, a document referred to in subsection (6)(b) above must be in that form or in a form which corresponds to it.
- (8) Except as mentioned in subsection (9) below, this subsection applies to a document—
- (a) containing an extract from the judicial record issued by a competent authority in E’s attesting State; or
- (b) which is a certificate issued by a competent authority in E’s attesting State, in either case attesting to E’s good character and good repute.
- (9) Subsection (8) above does not apply to a document which may be, or has been, revised or rescinded as a consequence of an approach made by the General Council to the competent authority which issued it, in accordance with article 11(3) of Directive [93/16/EEC](#).
- (10) Regulations under subsection (2) above shall not have effect until approved by order of the Privy Council.]]

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. 44B 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\(2\)\(b\)\(c\)\(3\)](#), **51(2)**

Status:

Point in time view as at 19/10/2007. This version of this provision has been superseded.

Changes to legislation:

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