
Changes to legislation: There are currently no known outstanding effects for the Medical (Professional Performance) Act 1995, Paragraph 20. (See end of Document for details)

SCHEDULE

SUPPLEMENTARY AND CONSEQUENTIAL AMENDMENTS

Medical Act 1983

20 After paragraph 5 of that Schedule there shall be inserted—

“ Professional performance: assessments

- 5A (1) The General Council may make rules—
- (a) authorising the giving of directions by any of—
 - (i) the Assessment Referral Committee,
 - (ii) the Committee on Professional Performance,
 - (iii) such other persons as may be specified in the rules,requiring an assessment of the standard of a registered person’s professional performance to be carried out;
 - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.
- (2) An assessment carried out by virtue of this paragraph shall be carried out by an Assessment Panel in accordance with rules under this paragraph; and the rules shall, in particular, provide—
- (a) for the constitution and proceedings of Assessment Panels;
 - (b) for the procedures to be followed by such panels in carrying out assessments;
 - (c) for the procedures to be followed following the making of a report by an Assessment Panel.
- (3) Rules under this paragraph may authorise the Committee on Professional Performance to make directions of a kind which may be made under section 36A of this Act, for the suspension of or the attachment of conditions to a person’s registration, where the person fails to comply with reasonable requirements imposed by an Assessment Panel for the purposes of carrying out an assessment of the standard of his professional performance in accordance with a direction of the Committee.
- (4) An appeal shall lie to the court (within the meaning of section 38 of this Act) from any direction of the Committee on Professional Performance given by virtue of sub-paragraph (3) above, and on an appeal under this sub-paragraph the court may—
- (a) quash the direction,
 - (b) substitute for the direction any other direction which the Committee could have made, or
 - (c) remit a case to the Committee to be disposed of in accordance with the court’s directions;
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (5) An Assessment Panel, for the purposes of carrying out an assessment of the standard of a person’s professional performance—

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- (a) may require the production of, inspect and take copies of any records (in whatever form they are held) arising out of or relating to the person's professional practice;
 - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the panel in legible form.
- (6) A person who, without reasonable excuse, obstructs an Assessment Panel in the execution of their powers under sub-paragraph (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Nothing in this paragraph shall require or permit any disclosure of information which is prohibited by or under any other enactment; but where information is held in a form in which the prohibition operates by reason of the fact that the information is capable of identifying an individual, an Assessment Panel may, in exercising their powers under sub-paragraph (5) above, require that the information be put into a form in which it is not capable of identifying an individual.
- (8) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.
- 5B (1) A justice of the peace (including, in Scotland, a sheriff) may issue a warrant under this paragraph if satisfied by the evidence on oath of at least two members of an Assessment Panel that there are reasonable grounds for suspecting that the panel will require a warrant for the purposes of carrying out an assessment required by virtue of rules made under paragraph 5A above.
- (2) A warrant under this paragraph shall authorise one or more members of the Assessment Panel (who must, if so required, produce documents identifying themselves) together with any constables—
- (a) to enter any building specified in the warrant, but not a dwelling-house, using such force as is reasonably necessary for the purpose, and
 - (b) to search the premises for the purposes of the exercise of the powers under paragraph 5A(5) above.
- (3) A warrant under this paragraph shall continue in force until the end of the period of 21 days beginning with the day on which it is issued.
- (4) A person who intentionally obstructs the exercise of any rights conferred by a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

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