
STATUTORY INSTRUMENTS

2000 No. 1803

The Medical Act 1983 (Amendment) Order 2000

Insertion of sections 35A and 35B

4. After section 35 there shall be inserted—

“General Council’s power to require disclosure of information

35A.—(1) For the purpose of assisting the General Council or any of their committees in carrying out functions in respect of professional conduct, professional performance or fitness to practise, a person authorised by the Council may require—

- (a) a practitioner (except the practitioner in respect of whose professional conduct, professional performance or fitness to practise 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.

(2) As soon as is reasonably practicable after the relevant date, the General Council shall require, from a practitioner in respect of whom a decision mentioned in subsection (3) has been made, details of any person—

- (a) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine; or
- (b) with whom he has an arrangement to do so.

(3) For the purposes of this section and section 35B the relevant date is—

- (a) the date of a decision to refer a case in respect of a practitioner to the Preliminary Proceedings Committee in accordance with rules made under paragraph 5(2) of Schedule 4 to this Act;
- (b) where rules have been made under paragraph 1(1) or 5A(1) of Schedule 4 to this Act which provide for any of the following decisions—
 - (i) to invite a practitioner to agree to an assessment of his professional performance;
 - (ii) to invite a practitioner to agree to an assessment to determine whether his fitness to practise is seriously impaired by reason of his physical or mental condition;
 - (iii) to notify a practitioner that medical reports received by the General Council appear to provide evidence that his fitness to practise may be seriously impaired by reason of his physical or mental condition,

the date of the decision in question.

(4) Nothing in this section shall require or permit any disclosure of information which is prohibited by or under any other enactment.

(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) 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.

(6) Subsection (1) shall not apply in relation to the supplying of information or the production of any document which a person could not be compelled to supply or produce in civil proceedings before the court (within the meaning of section 38).

(7) For the purposes of subsection (4), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

(8) For the purposes of this section and section 35B, a “practitioner” means a fully registered person, a provisionally registered person or a person registered with limited registration.

Notification and disclosure by the General Council

35B.—(1) As soon as is reasonably practicable after the relevant date, the General Council shall notify the following of the making of a decision mentioned in section 35A(3) in respect of a practitioner—

- (a) the Secretary of State, the Scottish Ministers and the National Assembly for Wales; and
- (b) any person in the United Kingdom of whom the General Council are aware—
 - (i) by whom the practitioner concerned is employed to provide services in, or in relation to, any area of medicine, or
 - (ii) with whom he has an arrangement to do so.

(2) The General Council may disclose to any person any information relating to a practitioner’s professional conduct, professional performance or fitness to practise which they consider it to be in the public interest to disclose.”.