
STATUTORY INSTRUMENTS

2006 No. 1914

**The Medical Act 1983 (Amendment) and
Miscellaneous Amendments Order 2006**

PART 6

Changes in relation to fitness to practise procedures

Amendment of section 35B of the Act

56. In section 35B(1) (notification and disclosure by the General Council), for subsection (2) substitute the following subsections—

“(2) The General Council may, if they consider it to be in the public interest to do so, publish, or disclose to any person, information—

- (a) which relates to a particular practitioner’s fitness to practise, whether the matter to which the information relates arose before or after his registration, or arose in the United Kingdom or elsewhere; or
- (b) of a particular description related to fitness to practise in relation to every practitioner, or to every practitioner of a particular description.

(3) For the purposes of subsection (2)(b) above, the General Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each individual practitioner to whom it relates.

(4) Subject to subsection (5), the General Council shall publish in such manner as they see fit—

- (a) decisions of a Fitness to Practise Panel that relate to a finding that a person’s fitness to practise is impaired (including decisions in respect of a direction relating to such a finding that follow a review of an earlier direction relating to such a finding);
- (b) decisions of a Fitness to Practise Panel to make an order under section 38(1) or (2) below;
- (c) decisions of a Fitness to Practise Panel to refuse an application for restoration to the register or to give a direction under section 41(9) below;
- (d) decisions of an Interim Orders Panel or a Fitness to Practise Panel to make an order under section 41A below (including decisions in respect of orders varying earlier orders under that section);
- (e) warnings of a Fitness to Practise Panel regarding a person’s future conduct or performance;
- (d) warnings of the Investigation Committee regarding a person’s future conduct or performance; and

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- (g) undertakings that have been agreed in accordance with rules made under paragraph 1(2A) of Schedule 4.
- (5) The General Council may withhold from publication under subsection (4) above information concerning the physical or mental health of a person which the General Council consider to be confidential.”.