
EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves the Regulations made by the General Medical Council on 27th September 2012 under their powers under the Medical Act 1983 (“the Act”) in relation to the licensing of medical practitioners.

Regulation 2 makes provision for the giving of notices.

Regulation 3 makes provision so that a medical practitioner will automatically be granted a licence on registration under the Act. Provision is made for the grant of a licence to a practitioner in certain other specified circumstances. Provision is also made for a doctor holding registration without a licence to apply for one, subject to certain requirements set out in the regulation.

Regulation 4 provides for the withdrawal of a licence where a medical practitioner so requests, where the Registrar is satisfied that it was fraudulently or otherwise incorrectly obtained, or where the Registrar decides to withdraw the practitioner’s licence following a failure to comply with the revalidation process provided for in regulation 6. It also provides for withdrawal of a licence in cases where the practitioner’s registration comes to an end other than upon a determination by a Fitness to Practise Panel or an Interim Orders Panel. It sets out procedural requirements which apply in certain cases before the licence can be withdrawn.

Regulation 5 provides for the restoration of a licence after withdrawal under regulation 4, setting out the procedure that applies. Under regulation 5(5) and (6), the Registrar may require the practitioner to undergo revalidation prior to reaching a decision on the application for restoration of a licence, where the practitioner has not undergone revalidation for at least 5 years previously, or where the Registrar has reasonable grounds for believing that the practitioner requested the withdrawal of their licence in order to avoid revalidation.

Regulation 6 provides for the revalidation of a practitioner. Paragraphs (1) to (3) provide for a notice of a submission date for the purposes of the revalidation of a practitioner to be served on a practitioner (other than certain excepted practitioners) once in every five year period unless the Registrar sees fit to serve a notice on another occasion. Under paragraphs (4) and (5), the practitioner must, by the submission date, provide evidence or information to the Registrar relating to revalidation required by statutory guidance and take reasonable steps to arrange for the practitioner’s responsible officer (if any) to prepare a statement on whether a recommendation as to the practitioner’s fitness to practise can be made. Where the practitioner has no responsible officer, paragraphs (6) and (7) allow the practitioner to arrange for a suitable person to prepare a statement. A suitable person must be a registered medical practitioner who is approved by the Registrar as suitable to prepare a statement and is either a responsible officer in respect of another person, who does not have a formal statutory connection with the practitioner in question, or a person who holds a post which the Registrar is satisfied includes similar responsibilities to that of a responsible officer. Under paragraph (8), where the practitioner has no responsible officer and no suitable person, the Registrar may request the completion of an assessment at the practitioner’s own cost. The Registrar has the power to require or request further evidence or information in accordance with the provisions set out in paragraphs (9) to (13) and power under paragraph (14) to charge a fee for evaluating certain information in support of revalidation.

Under paragraph (15), where the Registrar considers it reasonable to do so the Registrar may cancel a submission date or defer the practitioner’s revalidation until such time as the Registrar considers reasonable. By virtue of paragraph (17), at any time after a cancellation or deferral under paragraph (15), the Registrar may give notice of a new submission date and seek further evidence

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or information from the practitioner. Under paragraph (18), save where the practitioner's licence is withdrawn, following the revalidation of a practitioner the Registrar must confirm by notice that the practitioner's licence may continue. Paragraph (19) allows for corrections.

Regulation 7 gives the Registrar power to refer to a Registration Panel any question arising in relation to the grant, withdrawal or restoration of a licence, or in relation to the revalidation of a practitioner, and requires the Registrar to take the Panel's advice into account in reaching any decision.

Regulation 8 provides for the restoration of a licence following the determination of a Fitness to Practise Panel that a practitioner's name should be restored to the register.

Regulation 9 revokes the General Medical Council (Licence to Practise) Regulations 2009.