



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}35B Notification and disclosure by the General Council

- (1) As soon as is reasonably practicable after the relevant date, the General Council shall notify the following of an investigation by the General Council of a practitioner's fitness to practise—
- (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland 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.

[The General Council may, if they consider it to be in the public interest to do so, ^{F2}(2) 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 [^{F3}Medical Practitioners Tribunal] that relate to a finding that a person's fitness to practise is impaired (including decisions in respect of a

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- direction relating to such a finding that follow a review of an earlier direction relating to such a finding);
- (b) decisions of a [^{F3}Medical Practitioners Tribunal] to make an order under section 38(1) or (2) below;
 - (c) decisions of a [^{F3}Medical Practitioners Tribunal] to refuse an application for restoration to the register or to give a direction under section 41(9) below;
 - (d) decisions of an [^{F4}Interim Orders Tribunal] or a [^{F3}Medical Practitioners Tribunal] to make an order under section 41A below (including decisions in respect of orders varying earlier orders under that section);
 - [^{F5}(da) decisions of a Medical Practitioners Tribunal to make a direction under paragraph 5A(3D) or 5C(4) of Schedule 4 and decisions of a Medical Practitioners Tribunal under section 35D that relate to such a direction;]
 - (e) warnings of a [^{F3}Medical Practitioners Tribunal] regarding a person's future conduct or performance;
 - (f) warnings of the Investigation Committee regarding a person's future conduct or performance; and
 - (g) undertakings that have been agreed in accordance with rules made under paragraph 1(2A) [^{F6}or (2C)] 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.]]

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. 35B(2)-(5) substituted for s. 35B(2) (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), **56**
- F3** Words in s. 35B(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F4** Words in s. 35B(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(11)**; S.I. 2015/1952, art. 2(c)
- F5** S. 35B(4)(da) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(3)**; S.I. 2015/1952, art. 2(i)
- F6** Words in s. 35B(4)(g) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **9(2)**; S.I. 2015/1952, art. 2(f)

Changes to legislation:

Medical Act 1983, Section 35B is up to date with all changes known to be in force on or before 16 August 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.

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Changes and effects yet to be applied to :

- s. 35B(4)(a) words substituted by 2008 c. 14 Sch. 7 para. 5(a)
- s. 35B(4)(b) words substituted by 2008 c. 14 Sch. 7 para. 5(a)
- s. 35B(4)(c) words substituted by 2008 c. 14 Sch. 7 para. 5(a)
- s. 35B(4)(d) words substituted by 2008 c. 14 Sch. 7 para. 5(b)
- s. 35B(4)(e) words substituted by 2008 c. 14 Sch. 7 para. 5(d)
- s. 35B(4)(da) inserted by 2008 c. 14 Sch. 7 para. 5(c)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act words substituted by 2005 c. 4 Sch. 11 para. 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by S.I. 2008/3131 Sch. 1 para. 9(2)
- s. 29B(2A)(a) word substituted by S.I. 2010/234 Sch. 1 para. 2
- s. 29B(3A) inserted by S.I. 2008/3131 Sch. 1 para. 9(3)
- s. 29E(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 12(2)(b)
- s. 29E(2)(e)(f) inserted by S.I. 2008/3131 Sch. 1 para. 12(3)(b)
- s. 29F(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 14(3)
- s. 35C(2)(f)(g) inserted by S.I. 2008/1774 Sch. 1 para. 15 (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 35ZA inserted by 2008 c. 14 Sch. 7 para. 4
- Sch. 1 para. 1A(1)(b)(iv)(v) inserted by S.I. 2024/374 Sch. 5 para. 1(2)(b)(iii)
- Sch. 3B para. 5(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(2)(b)
- Sch. 3B para. 6(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(a)(ii)
- Sch. 3B para. 6(2)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(b)(ii)
- Sch. 3B para. 7(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(a)(ii)
- Sch. 3B para. 7(2)(c) and word inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(b)(ii)