



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}35CC Provisions supplementary to section 35C

- (1) Rules under paragraph 1 of Schedule 4 to this Act may make provision for—
 - (a) the Registrar; or
 - (b) any other officer of the General Council,to exercise the functions of the Investigation Committee under section 35C above, whether generally or in relation to such classes of case as may be specified in the rules.

[The reference in subsection (1) to an officer of the General Council does not
^{F2}(1A) include a reference to the chair of the MPTS or any other officer of the Council to whom functions of the MPTS have been delegated by virtue of paragraph 19F(7) of Schedule 1.]
- (2) Where, by virtue of subsection (1) above, rules provide for the Registrar to exercise the functions of the Investigation Committee under subsections (5), (7) and (8) of section 35C above, those subsections shall apply in relation to him as if paragraph (a) in each of them were omitted.
- (3) Section 35C above also applies in a case where [^{F3}, in circumstances other than those specified in section 29C(1)(a) and (b)]—
 - (a) it comes to the attention of the General Council that a person's fitness to practise is called into question by one or more of the matters mentioned in subsection (2) of that section, but
 - (b) no allegation to that effect has been made to the Council against that person, and in such a case section 35C shall apply as if an allegation to that effect had been made to the Council against that person.]

Status: Point in time view as at 03/08/2015.

Changes to legislation: Medical Act 1983, Section 35CC is up to date with all changes known to be in force on or before 15 June 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. (See end of Document for details)

- [^{F4}(4) Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8) not to apply in relation to an allegation if the Investigation Committee consider the allegation to be vexatious.
- (5) Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8) not to apply in relation to an allegation if—
- (a) at the time when the allegation is made, more than five years have elapsed since the most recent events giving rise to the allegation, and
 - (b) the Investigation Committee consider that it would not be in the public interest to investigate the allegation.
- (6) Rules including provision by virtue of subsection (4) or (5) must provide that, where section 35C(4) to (8) does not apply in relation to an allegation, the Investigation Committee must serve notification of the decision on the person making the allegation (if any).
- (7) Rules under paragraph 1 of Schedule 4 may make provision as to circumstances in which the Investigation Committee may review a decision made by them of a description specified in the rules that relates to a person’s fitness to practise.
- (8) Where the rules include provision by virtue of any of subsections (4) to (7), the reference in subsection (1) to the functions of the Investigation Committee under section 35C is to be read as including a reference to the functions conferred by such provision.]

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. 35CC(1A) inserted (3.8.2015) 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(12)**; S.I. 2015/1579, art. 2(c) (with art. 3)
- F3** Words in s. 35CC(3) inserted (3.12.2012 immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 18**; S.I. 2012/2686, arts. 1(3), 2(a)(v)
- F4** S. 35CC(4)-(8) inserted (3.8.2015) 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), **22(1)**; S.I. 2015/1579, art. 2(m)

Status:

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