



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}35D Functions of a Fitness to Practise Panel

- (1) Where an allegation against a person is referred under section 35C above to a Fitness to Practise Panel, subsections (2) and (3) below shall apply.
- (2) Where the Panel find that the person's fitness to practise is impaired they may, if they think fit—
 - (a) except in a health case [^{F2}or language case], direct that the person's name shall be erased from the register;
 - (b) direct that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction; or
 - (c) direct that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Panel think fit to impose for the protection of members of the public or in his interests.
- (3) Where the Panel find that the person's fitness to practise is not impaired they may nevertheless give him a warning regarding his future conduct or performance.
- (4) Where a Fitness to Practise Panel have given a direction that a person's registration be suspended—
 - (a) under subsection (2) above;
 - (b) under subsection (10) or (12) below; or
 - (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, subsection (5) below applies.
- (5) In such a case, a Fitness to Practise Panel may, if they think fit—

Status: Point in time view as at 29/04/2014. This version of this provision has been superseded.

Changes to legislation: Medical Act 1983, Section 35D is up to date with all changes known to be in force on or before 24 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. (See end of Document for details)

- (a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;
- (b) except in a health case [^{F3}or language case], direct that the person's name shall be erased from the register; or
- (c) direct that the person's registration shall, as from the expiry of the current period of suspension, be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Panel think fit to impose for the protection of members of the public or in his interests,

but, subject to subsection (6) below, the Panel shall not extend any period of suspension under this section for more than twelve months at a time.

- (6) In a health case [^{F4}or language case], a Fitness to Practise Panel may give a direction in relation to a person whose registration has been suspended under this section extending his period of suspension indefinitely where—
 - (a) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years; and
 - (b) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (7) Where a Fitness to Practise Panel have given a direction under subsection (6) above for a person's period of suspension to be extended indefinitely, a Fitness to Practise Panel shall review the direction if—
 - (a) the person requests them to do so;
 - (b) at least two years have elapsed since the date on which the direction took effect; and
 - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the previous review.
- (8) On such a review the Panel may—
 - (a) confirm the direction;
 - (b) direct that the suspension be terminated; or
 - (c) direct that the person's registration be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Panel think fit to impose for the protection of members of the public or in his interests.
- (9) Where—
 - (a) a direction that a person's registration be subject to conditions has been given under—
 - (i) subsection (2), (5) or (8) above,
 - (ii) subsection (12) below,
 - (iii) rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, or
 - (iv) section 41A below; and
 - (b) that person is judged by a Fitness to Practise Panel to have failed to comply with any requirement imposed on him as such a condition,
 subsection (10) below applies.
- (10) In such a case, the Panel may, if they think fit—

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- (a) except in a health case [^{F5}or language case], direct that the person's name shall be erased from the register; or
 - (b) direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (11) Where a direction that a person's registration be subject to conditions has been given under—
- (a) subsection (2), (5) or (8) above; or
 - (b) rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, subsection (12) below applies.
- (12) In such a case, a Fitness to Practise Panel may, if they think fit—
- (a) except in a health case [^{F6}or language case], direct that the person's name shall be erased from the register;
 - (b) direct that the person's registration in the Register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
 - (c) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
 - (d) revoke the direction, or revoke or vary any of the conditions imposed by the direction, for the remainder of the current period of conditional registration, but the Panel shall not extend any period of conditional registration under this section for more than three years at a time.]

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** Words in s. 35D(2)(a) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **7(2)** (with arts. 11, 12)
- F3** Words in s. 35D(5)(b) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **7(3)** (with arts. 11, 12)
- F4** Words in s. 35D(6) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **7(4)** (with arts. 11, 12)
- F5** Words in s. 35D(10)(a) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **7(5)** (with arts. 11, 12)
- F6** Words in s. 35D(12)(a) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **7(6)** (with arts. 11, 12)

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