



Medical Act 1983

1983 CHAPTER 54

PART V

PROFESSIONAL CONDUCT AND FITNESS TO PRACTISE

37 Unfitness to practise through illness, etc.

- (1) Where the fitness to practise of a fully registered person is judged by the Health Committee to be seriously impaired by reason of his physical or mental condition the Committee may, if they think fit, direct—
 - (a) 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
 - (b) 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 Committee think fit to impose for the protection of members of the public or in his interests.
- (2) Where a fully registered person whose registration is subject to conditions imposed under subsection (1) above by the Health Committee or [^{F1}under section 41A by the Interim Orders Committee][^{F2}under section 41A by the Interim Orders Committee] or the Health Committee is judged by the Health Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, 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.
- (3) Where the Health Committee have given a direction for suspension under subsection (1) or (2) above, the Committee may—
 - (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; or
 - (b) direct that the registration of the person whose registration is suspended shall, as from the expiry [^{F3}(or termination under subsection (3B)(b) below)] of the

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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 Committee think fit to impose for the protection of members of the public or in his interests [^{F4};

[^{F4}but, subject to subsection (3A) below, the Committee shall not] extend any period of suspension under this section for more than twelve months at a time.

[^{F5}(3A) The Health Committee may give a direction extending a 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 given not more than two months before the date on which the period of suspension would otherwise expire.

(3B) Where the Health Committee have given a direction for indefinite suspension, they—

- (a) shall review the suspension when requested to do so by the person whose registration is suspended (but not until two years after the date on which the direction takes effect and not more than once in any period of two years), and
- (b) having carried out such a review, may direct that the suspension be terminated.]

(4) Where the Health Committee have given a direction for conditional registration, the Committee may—

- (a) 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
- (b) revoke the direction or revoke or vary any of the conditions imposed by the direction;

but the Committee shall not extend any period of conditional registration under this section for more than twelve months at a time.

(5) Subsection (2) above shall apply to a fully registered person whose registration is subject to conditions imposed under subsection (3)(b) above as it applies to a fully registered person whose registration is subject to conditions imposed under subsection (1) above, and subsection (3) above shall apply accordingly.

(6) Where the Health Committee give a direction under this section for suspension or for conditional registration or vary the conditions imposed by a direction for conditional registration the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.

(7) In subsection (6) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(8) While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.

(9) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

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Textual Amendments

- F1** Words in s. 37(2) substituted (3.8.2000) by S.I. 2000/1803, **art. 7**
- F2** Words in s. 37(2) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(2)(b)**; S.I. 1996/271, art. 2, **Sch.**
- F3** Words in s. 37(3)(b) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(3)(a)**; S.I. 1996/271, art. 2, **Sch.**
- F4** Words in s. 37 substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(3)(b)**; S.I. 1996/271, art. 2, **Sch.**
- F5** S. 37(3A)(3B) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(4)**; S.I. 1996/271, art. 2, **Sch.**

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