



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1}[^{F2}44B] **Provision of information in respect of fitness to practise matters**

- (1) If a person has been registered by virtue of any provision of this Act [^{F3}, other than Schedule 2A,] and it is subsequently shown to the satisfaction of the Registrar that—
- (a) his fitness to practise was impaired at the time of his registration [^{F4}as a result of serious, specific circumstances or because of a problem] with his physical or mental health; and
 - (b) he had not informed the Registrar of [^{F5}those circumstances or that problem] before his registration,
- the Registrar may erase that person's name from the register.
- (2) The General Council may by regulations make provision for the information to be provided to the Registrar—
- (a) by or in respect of a person seeking registration by virtue of any provision of this Act, other than [^{F6}Schedule 2A], for the purpose of determining whether his fitness to practise is impaired;
 - (b) by or in respect of a person who is fully registered [^{F7}otherwise than by virtue of Schedule 2A,] or provisionally registered, for the purpose of determining whether his fitness to practise was impaired at the time of his registration [^{F8}as a result of serious, specific circumstances or because of a problem] with his physical or mental health.
- [^{F9}(3) In subsections (1) and (2), “serious, specific circumstances” has the same meaning as in article 56(2) of the Directive (exchange between authorities of information about disciplinary action etc.).]
- (4) The Registrar may—

Status: Point in time view as at 11/02/2010. This version of this provision has been superseded.

Changes to legislation: Medical Act 1983, Section 44B is up to date with all changes known to be in force on or before 09 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)

- (a) refuse to register (even if he is directed by the General Council to do so) any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(a) above;
- (b) erase from the register the name of any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(b) above.

^{F10}(5)

^{F10}(6)

^{F10}(7)

^{F10}(8)

^{F10}(9)

- (10) Regulations under subsection (2) above shall not have effect until approved by order of the Privy Council.

[Any provision made under subsection (2)(a) has effect subject to section 44BA^{F11}(11) below.]]

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. 44B inserted (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), **51(2)**
- F3** Words in s. 44B(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(i)**
- F4** Words in s. 44B(1)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(ii)**
- F5** Words in s. 44B(1)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(iii)**
- F6** Words in s. 44B(2)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(b)(i)**
- F7** Words in s. 44B(2)(b) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(b)(ii)(aa)**
- F8** Words in s. 44B(2)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(b)(ii)(bb)**
- F9** S. 44B(3) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(c)**
- F10** Ss. 44B(5)-(9) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(d)**
- F11** S. 44B(11) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(e)**

Status:

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