

This is a version of The General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations which incorporates the 2004 Regulations and amendments made to those regulations in 2009, 2014 and 2015.

S T A T U T O R Y I N S T R U M E N T S

2004 No. 2609

HEALTH CARE AND ASSOCIATED PROFESSIONS
DOCTORS

The General Medical Council (Voluntary Erasure and
Restoration following Voluntary Erasure) Regulations Order
of Council 2004

Made - - - - -	4th October 2004
Laid before Parliament	7th October 2004
Coming into force - -	1st November 2004

At the Council Chamber, Whitehall, the 4th day of October 2004

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas, in exercise of their powers under section 31A the Medical Act 1983(a) and of all other powers enabling it in that behalf, the General Medical Council has made the General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations 2004 as set out in the Schedule to this Order:

And whereas by section 31A(2) of that Act such regulations shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken these regulations into consideration, are pleased to, and do hereby approve them.

Citation and commencement

1. This Order may be cited as the General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations Order of Council 2004, and shall come into force on 1st November 2004.

Revocation

2. The General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations Order of Council 2003(b) is revoked.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

THE GENERAL MEDICAL COUNCIL (VOLUNTARY ERASURE AND RESTORATION FOLLOWING VOLUNTARY ERASURE) REGULATIONS 2014

The General Medical Council, in exercise of its powers under section 31A of the Medical Act 1983(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Arrangement of Regulations

1. Citation and commencement
2. Interpretation
3. Voluntary erasure applications
4. Restoration applications
5. Restoration procedure where fitness to practise issues arise
6. Revocation
7. Transitional arrangements

Citation and commencement

1. These Regulations may be cited as the General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations 2014, and shall come into force on 1st November 2014.

Interpretation

2. In these Regulations—
- “the Act” means the Medical Act 1983;
- “applicant” means a person applying for his name to be restored to the register in accordance with regulation 4;
- “Case Examiner” means a medical or lay officer of the General Council appointed by the Registrar under the Fitness to Practise Rules, and “Case Examiners” means the medical and lay Case Examiners to whom an application is referred under regulation 3(4), 4(4) or 7(2) and includes any replacement Case Examiner appointed by the Registrar;
- “the Committee” means the Investigation Committee;
- “erasure application” means an application for voluntary erasure made in accordance with regulation 3;
- “the Fitness to Practise Rules” means the General Medical Council (Fitness to Practise) Rules 2004;
- “lay”, means a person who is not and never has been provisionally or fully registered, was at no time registered with limited registration and does not hold qualifications which would entitle them to apply for provisional or full registration under the Act;
- “medical”, in relation to any person, means a person registered under the Act, whether or not they hold a licence to practise;
- “Medical Practitioners Tribunal” means a Medical Practitioners Tribunal constituted under rules made under paragraph 19G of Schedule 1 to the Act;
- “MPTS” means the Medical Practitioners Tribunal Service constituted under rules made under paragraph 19F of Schedule 1 to the Act;
- “practitioner” means a person registered under the Act, whether or not they hold a licence to practise;
- “the register” means the register of medical practitioners maintained in accordance with section 2(1) of the Act;
- “regulatory body” shall be construed in accordance with section 35C(9) of the Act; and
- “restoration application” means an application for restoration made in accordance with regulation 4.

(a) 1983 c. 54; section 31A was inserted by section 2 of the Medical (Professional Performance) Act 1995 (c. 51) and amended by S.I. 2002/3135.

(b) Scheduled to S.I. 1986/149, and amended by regulations scheduled to S.I. 2003/1342.

Voluntary erasure applications

3.

- (1) A practitioner may apply in writing to the Registrar in accordance with this regulation for his name to be erased from the register.
- (2) An erasure application shall include the following—
 - (a) the practitioner's name and GMC Reference Number;
 - (b) the practitioner's registered address or, if post is unlikely to reach him there, an address to which the Registrar is able to send to the practitioner written communications relating to the application;
 - (c) the name and address of—
 - (i) any person, body or organisation by whom the practitioner is employed to provide medical services, and
 - (ii) any person, body or organisation with whom the practitioner has an arrangement to provide medical services;
 - (d) where paragraph (c) does not apply and save where the practitioner provides a statement under sub-paragraph (f), the name and address of the person, body or organisation which most recently employed the practitioner to provide medical services or with whom he most recently had an arrangement to do so;
 - (e) a statement by—
 - (i) the practitioner,
 - (ii) save where the practitioner provides a statement under sub-paragraph (f), any person or an officer of any body or organisation named in accordance with sub-paragraph (c) or (d), and
 - (iii) an officer of any regulatory body other than the General Council with which the practitioner has been registered within the period of 5 years ending with the date of the erasure application,which—
 - (aa) states that the person making it is not aware of any proceedings, act or omission on the part of the practitioner which might render him liable to be referred to the General Council for investigation or consideration of his fitness to practise, or
 - (bb) gives particulars of any proceedings, act or omission on the part of the practitioner which might render him so liable; and
 - (f) where the practitioner has not been employed or had an arrangement to provide medical services at any time during the period of 5 years ending with the date of the erasure application, a statement confirming that this is the case.
- (3) On receipt of an erasure application, the Registrar shall, as soon as is reasonably practicable—
 - (a) erase the practitioner's name from the register;
 - (b) refer the application to a medical and a lay Case Examiner under paragraph (4) for determination in accordance with paragraphs (5) to (7);
 - (c) refer the application to the MPTS for them to arrange for it to be determined by a Medical Practitioners Tribunal under paragraph (8); or
 - (d) where the application does not comply with paragraph (2), reject the application.
- (4) The Registrar shall refer an erasure application to a medical and a lay Case Examiner for determination where any of the following apply—
 - (a) the Registrar receives information (including any information provided in accordance with paragraph (2)), that the practitioner is subject to any proceedings or has committed any act or omission that might render him liable to be referred to the General Council for investigation or consideration of his fitness to practise;
 - (b) an allegation against the practitioner is being investigated in order to decide whether it should be referred to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal under the Fitness to Practise Rules;
 - (c) an allegation against the practitioner has been referred to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal under the Fitness to Practise Rules but the hearing before that Tribunal has not yet commenced.
- (5) Upon consideration of an erasure application referred under paragraph (4), the Case Examiners may unanimously—
 - (a) grant the application, and notify the Registrar who shall erase the practitioner's name from the

- register accordingly; or
- (b) reject the application.

(6) If the Case Examiners fail to agree as to the disposal of an erasure application under paragraph (5), the Registrar shall refer the application for determination by the Committee, and the Committee shall determine the application as soon as is reasonably practicable.

- (7) Upon consideration of an erasure application, the Committee may—
- (a) grant the application, and notify the Registrar who shall erase the practitioner's name from the register accordingly; or
 - (b) reject the application.

(8) Where, on the date the Registrar receives an erasure application, an allegation against the practitioner has been referred to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal under the Fitness to Practise Rules and the hearing before the Medical Practitioners Tribunal has commenced, the Registrar shall refer the application to the MPTS for them to arrange for it to be determined by the Medical Practitioners Tribunal, and the application shall be determined by the Medical Practitioners Tribunal accordingly.

(9) The Registrar shall notify the applicant as soon as is reasonably practicable whether his application—

- (a) has been granted and his name has been erased from the register; or
- (b) has not been granted,

together with the reasons for that decision.

Restoration applications

4.

(1) A person whose name has been erased from the register pursuant to an application for voluntary erasure (under these Regulations or any equivalent regulations previously in force) may apply in writing to the Registrar in accordance with this regulation for his name to be restored to the register.

(2) A restoration application shall include the following—

- (a) the applicant's name and former GMC Reference Number;
- (b) details of the applicant's medical qualifications;
- (c) the address which the applicant wishes to be entered on the register as his registered address; (d) the name and address of—
 - (i) any person, body or organisation by whom the applicant is employed to provide medical services, and
 - (ii) any person, body or organisation with whom the applicant has an arrangement to provide medical services;
- (e) where paragraph (d) does not apply, the name and address of the person, body or organisation which most recently employed the practitioner to provide medical services or with whom he most recently had an arrangement to do so.
- (f) the date the applicant's—
 - (i) employment under sub-paragraph (d)(i) commenced,
 - (ii) arrangement under sub-paragraph (d)(ii) commenced, or
 - (iii) most recent employment to provide medical services, or arrangement to do so, terminated;
- (g) a statement by—
 - (i) the applicant,
 - (ii) any person or an officer of any body or organisation named in accordance with sub-paragraph (d) or (e), and
 - (iii) an officer of any regulatory body other than the General Council with which the applicant has been registered within the period of 5 years ending with the date of the restoration application, or such other period as the Registrar may specify,

which—

- (aa) states that the person making it is not aware of any proceedings, act or omission on the part of the applicant which (if he were a registered medical practitioner) might render him liable to be referred to the General Council for investigation or consideration of his fitness to practise, or
- (bb) gives particulars of any proceedings, act or omission on the part of the

practitioner which might render him so liable; and

- (3) On receipt of a restoration application, the Registrar shall, as soon as is reasonably practicable—
 - (a) restore the practitioner's name to the register and notify him in writing accordingly;
 - (b) refer the application to a medical and a lay Case Examiner under paragraph (4) for consideration in accordance with regulation 5; or
 - (c) where the application does not comply with paragraph (2) and unless he refers the application to a medical and a lay Case Examiner under paragraph (4)(a), reject the application.
- (4) Where—
 - (a) a statement under paragraph (2)(g)(i), (ii) or (iii) is not included with a restoration application but the application otherwise complies with paragraph (2); or
 - (b) the Registrar receives information in writing (whether before or after the applicant's name was erased from the register or before or after the restoration application was made and including any information provided in accordance with paragraph (2)) which raises concerns that the applicant's fitness to practise may be impaired,the Registrar may refer the restoration application for consideration by a medical and a lay Case Examiner in accordance with regulation 5.

Restoration procedure where fitness to practise issues arise

5.

- (1) Where the Registrar refers a restoration application to the Case Examiners under regulation 4(4), he shall write to the applicant as soon as is reasonably practicable—
 - (a) informing the applicant that his application is to be considered by the Case Examiners;
 - (b) enclosing a copy of any information received by him under regulation 4(4)(b); and
 - (c) inviting the applicant to make written representations within the period of 28 days from the date of the letter.
- (2) The Registrar may carry out any investigations as are in his opinion appropriate to the consideration of the restoration application under paragraph (3).
- (2A) The Registrar may apply rule 23(1)(b) and (c) of Part 6 of the Fitness to Practise Rules as is in the Registrar's opinion appropriate to the consideration of the restoration application under paragraph (3) as if the application for restoration were made under that rule.
- (3) The Case Examiners—
 - (a) shall consider—
 - (i) any representations received from the applicant under paragraph (1),
 - (ii) any information received under regulation 4(4) or as a result of any investigations carried out under paragraph (2); and
 - (iii) any information, documents or evidence obtained by virtue of paragraph (2A); and
 - (b) may unanimously—
 - (i) grant the restoration application and restore the applicant's name to the register,
 - (ii) reject the restoration application, or
 - (iii) refer the matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal;
- (4) If the Case Examiners fail to agree as to the disposal of a restoration application under paragraph (3), the Registrar shall refer the application for determination by the Committee, and the Committee shall determine the application as soon as is reasonably practicable.
- (5) Upon consideration of a restoration application, the Committee may—
 - (a) grant the restoration application and restore the applicant's name to the register;
 - (b) reject the restoration application; or
 - (c) refer the matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal;
- (6) The Case Examiners or the Committee shall inform the Registrar of their decision.
- (7) Where the Case Examiners or the Committee decide to refer a restoration application to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal, the Registrar shall, as soon as reasonably practicable, write to the applicant—

(a) Rule 23(1)(c) has been inserted by S.I. XXX/2014

- (a) notifying him of that decision, together with the reasons for it; and
- (b) stating that the application will proceed before a Medical Practitioners Tribunal unless he notifies the Registrar in writing within the period of 28 days from the date of the letter that he wishes to withdraw his application.

(8) Where the applicant does not withdraw his application under paragraph (7)(b), a Medical Practitioners Tribunal shall consider the application in accordance with rule 24 of Part 6 of the Fitness to Practise Rules.

(9) If a Medical Practitioners Tribunal decides to reject a restoration application, then the applicant may not make a further restoration application until the expiry of—

- (a) a period of 12 months from the date of that Tribunal's decision; or
- (b) such other period as that Tribunal may specify.

(10) Where the Case Examiners, the Committee or a Medical Practitioners Tribunal—

- (a) decide to grant a restoration application, then they shall inform the Registrar who shall, as soon as reasonably practicable, restore the applicant's name to the register and notify him in writing that his name has been restored; or
- (b) decide to reject a restoration application, then they shall inform the Registrar who shall, as soon as reasonably practicable, notify the applicant of—
 - (i) the decision to reject the restoration application,
 - (ii) the reasons for that decision, and
 - (iii) the applicable period under paragraph (9)(a) or (b).

Revocation

6.

The General Medical Council (Voluntary Erasure and Restoration following Voluntary Erasure) Regulations 2003(a) are hereby revoked.

Given under the official seal of the General Medical Council this 15th day of September 2004

Professor Sir Graeme Catto
President

EXPLANATORY NOTE

(This note is not part of the Order)

The Regulations approved by this Order make provision for doctors to apply to the Registrar of the General Medical Council (“the GMC”) to have their names erased from the register of medical practitioners maintained by the GMC (voluntary erasure) and also make provision for doctors to apply to have their names restored to the register following voluntary erasure.

Regulation 3 sets out the application process for voluntary erasure including the information to be supplied and the circumstances in which the application is to be refused.

Regulation 4 sets out the application process for applications for restoration to the register following voluntary erasure and the procedure to be followed. Regulation 5 sets out the procedure to be followed where fitness to practise issues arise in relation to an application for restoration.

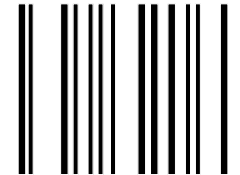
Regulation 6 revokes the earlier Regulations and regulation 7 makes transitional provision in respect of the revocations.

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