

**Imposing Interim Orders; Guidance for the interim orders tribunal
and the medical practitioners tribunal (April 2008)
Supplementary guidance, November 2009 with March 2012 revisions**

The relevance of whether a doctor holds a licence to practise

1. The guidance on imposing interim orders, was developed by the GMC for use by the Medical Practitioners Tribunal Service (MPTS) Interim Orders Tribunal and Medical Practitioners Tribunal to promote consistency and transparency in decision-making relating to interim orders.
2. The April 2008 version of the Guidance was produced prior to the introduction of the licence to practise. This supplementary guidance provides information about the licence to practise and the issues that tribunals should bear in mind when considering what action, if any, to impose in cases where the doctor does not hold a licence.
3. All doctors who hold registration are entitled to a licence to practise. Most doctors who appear before a tribunal will hold a licence to practise but there may be cases where an unlicensed doctor appears before a tribunal, either because he/she has never held a licence or because he/she has recently relinquished his/her licence.
4. Although doctors will require a licence to undertake activities involving contact with patients, the fact that a doctor does not currently have a licence does not replace the role of the tribunal in ensuring patient safety.
5. Interim orders attach to a doctor's registration and not his/her licence. It is important that tribunals bear this in mind when considering whether a doctor's registration should be restricted on an interim basis, either by suspension or by imposing conditions on their registration. Submissions may be made suggesting that, as the doctor is currently unlicensed, there are no patient safety issues and that interim action is therefore not required. It is important to remember that:
 - a. A registered doctor is entitled to a licence unless his/her registration is currently suspended, and therefore the absence of a licence does not provide protection for patients.
 - b. All registered doctors are expected to comply with *Good Medical Practice*, regardless of whether or not they hold a licence.
 - c. Taking action against registered doctors in circumstances where there may be impairment of the doctor's fitness to practise which poses a real risk to members of the public, or may adversely affect the public interest or interests of the practitioner will be important in maintaining public confidence and the integrity of the register.

6. If a doctor's registration is suspended by a tribunal the doctor's licence will automatically be withdrawn. If conditions are imposed the doctor will continue to be entitled to hold a licence but will be expected to comply with any conditions.

7. A tribunal may impose conditions on unlicensed doctors in the same way as for licensed doctors. Practice related conditions may still be appropriate even though a doctor does not currently hold a licence.

8. When considering whether to impose an interim order the tribunal should bear in mind that if it does not impose an interim order on an unlicensed doctor, that doctor may at a later date successfully apply for a licence and would not be subject to any restrictions to protect patients, or the wider public interest.

9. If a tribunal imposes conditions which are practice related with a doctor who does not currently hold a licence, for example a requirement to work under medical supervision or to undertake a course of training, the conditions will continue to attach to the doctor's registration during the period which they are unlicensed for the term of the order.

10. Should the doctor successfully apply for a licence at a later date, he/she will need to comply with the conditions when taking up any course of employment.

11. The points set out at paragraphs 5 a-c above also apply when a tribunal is reviewing an interim order. The licensing process is not designed to replace the role of the fitness to practise procedures in ensuring patient safety and the tribunal will need to consider the most appropriate action taking account of all the circumstances of the case.