Restoration to the GMC Register

The GMC Restoration procedure is available to doctors where they have:

(A) accidentally failed to re-register, leading to a lapse of registration; or,

(B) been erased from the register due to professional misconduct, deficient performance, or ill-health, by way of the fitness to practise process; or,

(C) following Voluntary Erasure.

Where a doctor’s registration has lapsed due to history (A), above, the doctor may apply for Restoration in accordance with the Restoration Following Administrative Erasure Regulations 2004 (recent amendments). The procedure is usually straightforward but can occasionally throw up problems because of the way a doctor has acted. Where there are doubts about a doctor’s probity or the accuracy of the reasons they have given for the lapse of registration, the GMC might choose to hold a detailed investigation. For that reason, doctors should be diligent about the way they complete their application forms and ensure they do so with probity.

Where a doctor has been erased due to history (B), above, the doctor will be unlikely to be able to apply for Restoration for a minimum period of five years from the date of their erasure, depending on when their GMC case had been determined and the date the sanction came into effect. The fitness to practise legislation will apply to such cases. The application
process is not a simple one and strong evidence of current fitness, remediation, updating and insight will be needed. Very few doctors are restored to the register and so any application needs to be made with care, to get it right from the outset. There will be a restoration hearing where the doctor must persuade the GMC that they are fit to practise again, despite the history of their case.

Where a doctor wishes to (C) apply for restoration following a Voluntary Erasure (VE), there is a specific Procedure to be followed: Restoration following Voluntary Erasure. See also the following case law on restoration:-

In Banerjee v General Medical Council [2015] EWHC 2263 (Admin) – the court set out the powers of the tribunal when considering restoration (July 2015) at paragraphs 126 to 130:

1. First, the panel has an inquisitorial function. It does not merely hold the ring; panel members can ask questions in an inquisitorial way.
2. Second, despite what was said by both parties and the legal assessor during the “closed matters” discussion, the second panel was not bound by findings of first panel.
3. Third, in reaching its decision on the second restoration application the panel had a very broad discretion.
4. Fourth, the procedure on a restoration application differs from a misconduct hearing. It does not involve a separate fact-finding stage, and it does not entitle an applicant to an opening submission. There is no complaint about this.
5. Fifth, while the panel’s discretion is a broad one, it has only two options as to its decision: it either allows the application or it refuses it. There is no half way house – it cannot allow the application subject to conditions.
In assessing whether the restoration hearing had been fair or not, the high court judge had regard to the case of *Almeida v. Opportunity Equity Partners Ltd (The Cayman Islands) [2006] UKPC 44* – The appeal court held that there was no unfairness and that the questioning undertaken by the tribunal was within proper bounds (October 2006).

In *Banerjee v The General Medical Council [2017] EWCA Civ 78* – the court of appeal held that a restoration hearing (in which restoration was refused) had been fair. (February 2017)

**Other cases concerning Restoration**

*Norton v. General Medical Council (GMC) [2002] UKPC 6* – para 15 reference to the change to five years period passing before a doctor can apply for restoration, following erasure (11 February 2002)

*Raji v. General Medical Council (GMC) [2003] UKPC 24* – the privy council held that the determination of the issue of restoration should be determined separately from any suspension from making further applications for restoration, unless the parties agree otherwise, so as to ensure a fair and focussed opportunity to deal with each issue separately (19 March 2003).

*Gosai v. General Medical Council (GMC) [2003] UKPC 31* – permanent suspension from making further applications for restoration was upheld. At para 23, the privy council held that ‘there is no basis for the assertion that suspension of the right to apply for restoration should be restricted to very clear cases, or should be regarded as exceptional’. (10 April 2003)

We maintain an archive of restoration cases, accessible to our clients: [Restoration Decisions](#)
Doctors Defence Service can advise and represent doctors in relation to **Restoration** to the GMC Register. Our specialist lawyers can advise, in particular, on the [GMC Restorations and Licensing Policy](link) and on the steps a doctor might take in order to maximise their prospects of success of being restored to the register.

For information about how to apply for Restoration to the GMC Register, see the [GMC’s Guidance on Restoration](link)

To discuss a potential Restoration Application, Doctors Defence Service legal team be contacted on **0800 10 88 739**

Our Lawyers