

## **INSOLVENCY**

Should a medical practitioner be declared insolvent, this does not impact on his clinical competence. The doctor concerned would not be removed from the roll, or be subject to other disciplinary steps, as a result of being declared insolvent. Should the insolvency be linked to criminal conduct, the position would be different as disciplinary action can be taken by the Council against a doctor who engages in criminal activity (but, again, not because of the insolvency).

An insolvent person's capacity to act (handelingsbevoegdheid) is impacted by being declared insolvent. There would be consequences in respect of the financial management of his medical practice which would become the responsibility of the curator that is appointed to the insolvent doctor. Further impact will occur in respect of any partnership agreements or association agreements that the insolvent doctor is a party to. The same would apply if the insolvent doctor is a member of an incorporated practice.