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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Medical Act 1983 (Amendment) and  
Miscellaneous Amendments Order 2006**

**PART 4**

**New arrangements for registration of persons qualifying  
outside the European mutual recognition area**

**New sections 21B and 21C of the Act replacing section 21A of the Act**

**35.**—(1) Omit section 21A(1) (full registration for eligible specialists and qualified general practitioners).

(2) After section 21, insert the following sections—

**“Full registration of persons with an overseas qualification**

**21B.**—(1) Where a person satisfies the Registrar—

- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
- (b) that he possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom;
- (c) that his fitness to practise is not impaired; and
- (d) unless he is an exempt person, that he has the necessary knowledge of English,

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.

(2) In this Act, an “acceptable overseas qualification” means any qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.

**Provisional registration of persons with an overseas qualification**

**21C.**—(1) The following provisions shall have effect for enabling persons wishing to participate in programmes for provisionally registered doctors in order to be able to satisfy the Registrar, in accordance with section 21B(1)(b), that they possess the knowledge, skills and experience necessary for practising as fully registered medical practitioners in the United Kingdom.

(2) A person who satisfies the Registrar—

- (a) of the matters specified in paragraphs (a), (c) and (d) of section 21B(1) above; and

(b) that he possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,  
may apply to the General Council to be provisionally registered under this section and, if the Council think fit so to direct, that person shall be so registered.

(3) A person provisionally registered under this section shall be deemed to be registered under section 21B above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.”.

### **Second article amending section 26 of the Act**

**36.** In section 26(2) (registration of qualifications), in subsection (1), for “21 or 21A” substitute “21, 21B or 21C”.

### **New sections 27A and 27B of the Act replacing section 27 of the Act**

- 37.**—(1) Omit section 27(3) (temporary full registration for visiting overseas specialists).  
(2) After section 26, insert the following sections—

#### **“Temporary registration for visiting eminent specialists**

**27A.**—(1) A person who is an eminent specialist in a particular branch of medicine and who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services within that branch of medicine may apply to the General Council to be registered temporarily as a fully registered medical practitioner.

- (2) If the person referred to in subsection (1) satisfies the Registrar—
- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
  - (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
  - (c) that he is or will be employed or engaged within the United Kingdom to provide medical services in a particular branch of medicine;
  - (d) that he is an eminent specialist in that particular branch of medicine; and
  - (e) that his fitness to practise is not impaired,

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to any conditions specified in the direction, for such period (being no more than 26 weeks) as they specify in the direction.

(3) The General Council may, if they think fit so to direct, vary the conditions specified in the direction and, subject to subsection (4), may extend the period specified in the direction for which the person is registered under this section.

(4) A person may not be registered under this section for more than 26 weeks in any period of five years.

(5) A person’s registration under this section shall cease to have effect on the expiry of the period for which he is registered.

(6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—

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(2) Relevant amendments were made to section 26(1) and (2) by [S.I. 2002/3135](#).

(3) Section 27(1) was amended by [S.I. 2002/3135](#).

- (a) is to be treated as not being done by a registered medical practitioner; and
- (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.

### **Special purpose registration**

**27B.**—(1) A person who is or intends to be in the United Kingdom temporarily for the purposes of providing particular medical services exclusively to persons who are not nationals of the United Kingdom may apply to the General Council to be registered temporarily as a fully registered medical practitioner.

- (2) If the person referred to in paragraph (1) satisfies the Registrar—
  - (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
  - (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
  - (c) that he is or will be employed or engaged within the United Kingdom—
    - (i) at an establishment that provides medical services for persons who are not nationals of the United Kingdom, and
    - (ii) to provide particular medical services, but only for persons who are not nationals of the United Kingdom; and
  - (d) that his fitness to practise is not impaired,

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to the conditions specified in the direction, for such period as they specify in the direction.

(3) The conditions that the General Council specifies in any direction under subsection (2) are to comprise or include—

- (a) a condition that the person shall, except in an emergency, provide medical services within the United Kingdom only to persons who are not nationals of the United Kingdom; and
- (b) a condition that the person shall, except in an emergency, provide only the particular medical services which are specified in the direction, whilst he is in the United Kingdom.

(4) The General Council may, if they think fit so to direct, vary the conditions in the direction (but not in such a way that the requirements of subsection (3) are no longer met) and may extend the period specified in the direction for which the person is registered under this section.

(5) A person's registration under this section shall cease to have effect on the expiry of the period for which he is registered.

(6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—

- (a) is to be treated as not being done by a registered medical practitioner; and
- (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.”.

### **Third article amending section 30 of the Act**

**38.** In subsection (1) of section 30(4) (which contains general provisions relating to the register)

- (a) in paragraph (a), for “21A or 25” substitute “21B or 21C”; and
- (b) in paragraph (c), for “section 27” substitute “section 27A or 27B”.

### **Third article amending section 31 of the Act**

**39.** In subsection (4) of section 31(5) (which relates to the making of regulations with respect to the register), after “section 21” insert “or 21C”.

### **First article amending section 41 of the Act**

**40.** In subsection (4) of section 41(6) (restoration of names to the register), for “15A or 21” in both places where it occurs, substitute “15A, 21 or 21C”.

### **Third article amending section 55 of the Act**

**41.** In subsection (1) of section 55(7) (interpretation)—

- (a) in the definition of “acceptable overseas qualification” for “section 22(4)” substitute “section 21B(2)”; and
- (b) in the definition of “fully registered person”—
  - (i) for “21A, 25 or 27” substitute “21B, 27A or 27B”, and
  - (ii) in paragraph (a), for “15A(4) or 21” substitute “15A(4), 21 or 21C”; and
- (c) in the definition of “provisionally registered”, for “15A or 21” substitute “15A, 21 or 21C”.

### **Fourth article amending Schedule 1 to the Act**

**42.** In paragraph 11 of Schedule 1(8) (constitution of the General Medical Council), for “21A or 22” substitute “21B or 21C”.

### **Second article amending Schedule 3 to the Act**

**43.** In paragraph 5(2) of Schedule 3(9) (registration: supplementary provisions), for “21A, 22 and 25 or 27” substitute “21B, 21C, 27A or 27B”.

### **Second article amending Schedule 3A to the Act**

**44.** In Schedule 3A(10) (registration appeals)—

- (a) in paragraph 2(1)—
  - (i) omit paragraph (h),
  - (ii) before paragraph (l) insert the following paragraphs—

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(4) Relevant amendments were made to section 30 by [S.I. 1996/1591](#), [2000/3041](#) and [2002/3135](#).

(5) Section 31(4) was amended by [S.I. 2000/3041](#).

(6) Section 41 was substituted by [S.I. 2002/3135](#).

(7) Section 55(1) was numbered as such by [S.I. 1996/1591](#) and was amended by [S.I. 1996/1591](#), [2000/3041](#) and [2002/3135](#).

(8) Paragraph 11 of Schedule 1 was amended by [S.I. 2002/3135](#).

(9) Paragraph 5 of Schedule 3 was amended by [S.I. 1996/1591](#), [2000/3041](#) and [2002/3135](#).

(10) Schedule 3A was inserted by [S.I. 2002/3135](#).

- “(ka) a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
- (kb) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);”, and
- (iii) for paragraph (m) substitute the following paragraphs—
  - “(m) a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
    - (i) not to direct that a person be registered under that section,
    - (ii) as to any conditions specified in a direction that a person be registered under that section;
  - (ma) a decision under section 27B of this Act (special purpose registration)—
    - (i) not to direct that a person be registered under that section,
    - (ii) as to the conditions specified in a direction that a person be registered under that section;”, and
- (b) in paragraph 3(2), for “19, 21A or 22” substitute “15, 15A, 19 or 21”.