



Medical Act 1983

1983 CHAPTER 54

PART VII

MISCELLANEOUS AND GENERAL

50 Default powers of Privy Council

- (1) If at any time it appears to the Privy Council that—
 - (a) the Education Committee have failed to secure the maintenance of the prescribed standard of proficiency at examinations; or
 - (b) the General Council or the Education Committee ought to exercise any power, perform any duty, or do any act or thing vested in, imposed on or authorised to be done by them, by any provision of this Act except section 7, 10, 11, 12, 13, 32(1) to (3) or (7) to (9) or 34(2) or paragraph 7 of Schedule 4 to this Act, the Privy Council may notify their opinion to the General Council or that Committee as the case requires.
- (2) If the General Council fail to comply with any directions of the Privy Council relating to a notification given under subsection (1) above, the Privy Council may themselves give effect to those directions, and for that purpose may exercise any power vested in the General Council or do any act or thing authorised to be done by that Council and may of their own motion do any act or thing which under this Act they are authorised to do in pursuance of a representation or suggestion from the General Council.
- (3) Subsection (2) above shall apply to the Education Committee as it applies to the General Council.

51 Exercise of powers to make Orders in Council and other orders

- (1) Any power of the Privy Council to make orders under the provisions of this Act (except section 9(2) and (5)) shall be exercisable by statutory instrument.

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- (2) Except as provided in subsection (3) below, any statutory instrument containing an Order in Council or order of the Privy Council under any provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an Order in Council under section 8(2) above or an order of the Privy Council under section 31(10) or 32(8) above or an order under section 11(5) above, but no order under section 11(5) above shall be made unless a draft of it has been laid before Parliament and has been approved by a resolution of each House of Parliament.

52 Exercise of powers by Privy Council

- (1) Any power vested in the Privy Council by this Act may be exercised by any two or more of the lords and others of the Council.
- (2) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

53 Proof of certain instruments

- (1) A copy of any instrument mentioned in subsection (2) below which—
- (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Council, or
 - (b) is certified to be a true copy by the Registrar or by any other person appointed by the General Council, either in addition to or in place of the Registrar, to certify any such instrument,
- shall be admissible in evidence.
- (2) The instruments referred to in subsection (1) above are—
- (a) any order of the Privy Council under section 9 above;
 - (b) regulations made by the General Council under section 31 or 32 above ;
 - (c) an order of the Professional Conduct Committee or the Health Committee under section 38 above ; and
 - (d) a direction of the General Council under section 39 above.

54 Saving for certain occupations

Nothing in this Act shall prejudice or in any way affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges or employment of duly licensed apothecaries in Northern Ireland, so far as the occupation, trade or business extends to selling, compounding or dispensing medicines.

55 Interpretation

In this Act—

" acceptable overseas qualification " has the meaning given by section 22(4) above ;

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- " additional qualification " has the meaning given by section 16(2) above;
- "appointed member" means a member of the General Council chosen by a university or other body designated as an appointing body by an Order in Council under section 1 above;
- " appointing body" means a university or other body having, by virtue of an Order in Council under section 1 above, power to choose an appointed member or members of the General Council;
- " disqualifying decision " has the meaning given by section 44(2) above;
- " elected member " means a member of the General Council elected under paragraph 2 of Schedule 1 to this Act;
- " the first Medical Directive " has the meaning given by section 17(4) above;
- " fully registered person" means a person for the time being registered under section 3, 19 or 27 above as a fully registered medical practitioner, or under section 18 above as a visiting EEC practitioner, and—
- (a) so far as mentioned in subsection (3) of section 15 or 21 above, but not further, includes a person for the time being provisionally registered ;
 - (b) in relation to such employment and such things as are mentioned in paragraphs (a), (b) and (c) of subsection (7) of section 22 above, but not in relation to other matters, includes a person for the time being registered under that section with limited registration; and " fully registered " shall be construed accordingly;
- "the General Council" means the General Medical Council;
- "limited registration" has the meaning given by section 22(2) above;
- " national", in relation to a member State of the Communities, has the same meaning as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;
- " the necessary knowledge of English ", in relation to an applicant for registration under this Act, means the knowledge which, in the interests of himself and his patients, is necessary for the practice of medicine in the United Kingdom;
- " nominated member" means a member of the General Council nominated by Her Majesty under paragraph 4 of Schedule 1 to this Act;
- " the permitted period ", in relation to limited registration, has the meaning given by section 22(3) above;
- "the prescribed knowledge and skill" has the meaning given by section 5(4) above;
- " a prescribed pattern of experience" has the meaning given by section 5(4) above ;
- " the prescribed standard of proficiency " has the meaning given by section 5(4) above;
- " primary European qualification " shall be construed in accordance with section 17 above;
- " primary United Kingdom qualification " has the meaning given by section 4(3) above; " provisionally registered " means provisionally registered under section 15 or 21 above ;
- " qualification", except where the context otherwise requires, means any diploma, degree, fellowship, membership, licence, authority to practise, letters

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testimonial, certificate or other status or document granted in respect of any branch or branches of medicine by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;

"recognised overseas qualification" has the meaning given by section 19(2) above; "the register" means the register of medical practitioners, except that, in relation to a person registered with limited registration, it means the register of medical practitioners with limited registration;

"the Registrar" has the meaning given by section 2(1) above but subject to sub-paragraph (3) of paragraph 16 of Schedule 1 to this Act;

"the second Medical Directive" has the meaning given by section 17(4) above; and

"the statutory committees" means the committees specified in section 1(3) above.

56 Consequential amendments, repeals and transitional provisions and savings

- (1) Schedule 5 (consequential amendments) and Schedule 6 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals); and in Schedule 6 "the 1956 Act" and "the 1978 Act" mean the Medical Act 1956 and the Medical Act 1978 respectively.
- (2) Subject to subsection (1) above, the enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.
- (3) The instruments specified in Part II of Schedule 7 to this Act are hereby revoked to the extent specified in the third column of that Part, but the re-enactment of Articles 4, 7 and 8 of the Medical Qualifications (EEC Recognition) Order 1977 in provisions of this Act shall be without prejudice to the validity of those Articles, and any question as to the validity of them shall be determined as if the re-enacting provision of this Act were contained in a statutory instrument made under the powers under which that Order was made.

57 Short title, commencement and extent

- (1) This Act may be cited as the Medical Act 1983.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to Northern Ireland.