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**Changes to legislation:** Medical Act 1983, Cross Heading: Service of notifications of decisions is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4

#### [<sup>F1</sup>PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

##### Textual Amendments

- F1** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)
- F1** Sch. 4 title substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

#### *Service of notifications of decisions*

- 8 (1) This paragraph applies to any notice required to be served on a person under section 35C(5), (7) or (8), 35E(1), 39(2), [<sup>F2</sup>41(10) or 41A(5)] of this Act [<sup>F3</sup>or paragraph [<sup>F4</sup>5A(3), (3A) or (3E) or] 5C(3)[<sup>F5</sup>, (3A)] or (5) above][<sup>F6</sup>or by virtue of section 35CC(6)].
- (2) Any such notice may be so served—
- by delivering it to him;
  - by leaving it at his proper address;
  - by sending it by a registered post service; <sup>F7</sup>...
  - by sending it by a postal service which provides for the delivery of the notice by post to be recorded[<sup>F8</sup>; or
  - by sending it to an email address which the person provides for the purpose of fitness to practise proceedings]
- (3) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, a person's proper address shall be—
- his address in the register; or
  - if the conditions in sub-paragraph (4) below are satisfied, his last known address.
- (4) The conditions are that—
- the person's last known address differs from his address in the register; and
  - it appears to the Registrar that a letter sent to the person at his last known address is more likely to reach him.
- (5) For the purposes of this paragraph—

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- (a) the serving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
- (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.]

[<sup>F9</sup>(6) For the purposes of this paragraph, service of a notice sent by email is effected only if there is an electronic receipt showing that the email has been opened (or if the recipient acknowledges receipt in some other way).]

#### Textual Amendments

- F2** Words in Sch. 4 para. 8(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **35**
- F3** Words in Sch. 4 para. 8(1) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(4)** (with arts. 11, 12)
- F4** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(12)(a)**; S.I. 2015/1952, art. 2(i)
- F5** Word in Sch. 4 para. 8(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(12)(b)**; S.I. 2015/1952, art. 2(i)
- F6** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **22(2)**; S.I. 2015/1952, art. 2(n)
- F7** Word in Sch. 4 para. 8(2) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **24(1)(a)**; S.I. 2015/1952, art. 2(o)
- F8** Sch. 4 para. 8(2)(e) and preceding word inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **24(1)(b)**; S.I. 2015/1952, art. 2(o)
- F9** Sch. 4 para. 8(6) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **24(2)**; S.I. 2015/1952, art. 2(o)

#### Modifications etc. (not altering text)

- C1** Sch. 4 para. 8 applied (1.11.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(Transitional Provision\) Order of Council 2004 \(S.I. 2004/2610\)](#), arts. 1(1), **2**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act words substituted by [2005 c. 4 Sch. 11 para. 6](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(2\)](#)
- s. 29B(2A)(a) word substituted by [S.I. 2010/234 Sch. 1 para. 2](#)
- s. 29B(3A) inserted by [S.I. 2008/3131 Sch. 1 para. 9\(3\)](#)
- s. 29E(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(2\)\(b\)](#)
- s. 29E(2)(e)(f) inserted by [S.I. 2008/3131 Sch. 1 para. 12\(3\)\(b\)](#)
- s. 29F(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 14\(3\)](#)
- s. 35C(2)(f)(g) inserted by [S.I. 2008/1774 Sch. 1 para. 15](#) (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 35ZA inserted by [2008 c. 14 Sch. 7 para. 4](#)
- Sch. 1 para. 1A(1)(b)(iv)(v) inserted by [S.I. 2024/374 Sch. 5 para. 1\(2\)\(b\)\(iii\)](#)
- Sch. 3B para. 5(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(2\)\(b\)](#)
- Sch. 3B para. 6(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(a\)\(ii\)](#)
- Sch. 3B para. 6(2)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(3\)\(b\)\(ii\)](#)
- Sch. 3B para. 7(1)(d)(e) inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(a\)\(ii\)](#)
- Sch. 3B para. 7(2)(c) and word inserted by [S.I. 2008/3131 Sch. 1 para. 19\(4\)\(b\)\(ii\)](#)