

1981 No. 432

**DENTISTS;
MEDICAL PROFESSION;
NATIONAL HEALTH SERVICE, ENGLAND AND WALES;
NATIONAL HEALTH SERVICE, SCOTLAND;
NURSES, MIDWIVES AND HEALTH VISITORS**

**The European Communities (Medical, Dental and Nursing
Professions) (Linguistic Knowledge) Order 1981**

Laid before Parliament in draft

Made - - - - 18th March 1981

Coming into Operation 1st August 1981

At the Court at Buckingham Palace, the 18th day of March 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and extent

1.—(1) This Order may be cited as the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981 and shall come into operation on 1st August 1981.

(2) This Order extends to Northern Ireland.

Repeal of English language requirements for medical and dental practitioners and nurses qualified in EEC countries

2.—(1) The following enactments (which make it a condition of registration as a qualified medical or dental practitioner or nurse that an applicant holding a recognised medical, dental or nursing qualification in a member State has the necessary knowledge of English) are hereby repealed, that is to say—

(a) section 7B of the Medical Act 1956(b);

(b) section 2B of the Dentists Act 1957(c);

(c) section 3B of the Nurses Act 1957(d) together with the words “and the following” in section 3A(7) of that Act;

(d) section 6B of the Nurses (Scotland) Act 1951(e) together with the words “and the following” in section 6A(7) of that Act;

(a) 1972 c. 68. (b) 1956 c. 76. (c) 1957 c. 28.
(d) 1957 c. 15. (e) 1951 c. 55.

(e) section 20B of the Nurses and Midwives Act (Northern Ireland) 1970(a) together with the words “and the following” in section 20A(7) of that Act; and

(f) so much of section 11(4) of the Nurses, Midwives and Health Visitors Act 1979(b) as relates to paragraph (b) of subsection (3) (that is to say, the words “(b) or”).

(2) Accordingly the Orders in Council specified in the Schedule to this Order are hereby revoked to the extent specified in the third column of the Schedule.

Fresh provision with respect to knowledge of English language by certain medical and dental practitioners qualified in EEC countries

3.—(1) Section 30 of the National Health Service Act 1977(c) (entitlement of registered medical practitioners, except in certain circumstances, to inclusion in list of practitioners providing general medical services) shall have effect subject to the following amendments, that is to say—

(a) at the beginning of subsection (1) there shall be inserted the words “Subject to subsection (1A) below”; and

(b) after subsection (1) there shall be inserted the following subsection—

“(1A) No medical practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his application for the inclusion of his name in the list kept by any Authority referred to the Medical Practices Committee unless he satisfies the Authority that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general medical services in the Authority’s area or district; and where an Authority is not so satisfied with respect to any applicant the Authority shall not refer his application to the Committee.”

(2) In section 33(5) of the National Health Service Act 1977 (appeals against refusal of application etc. by Medical Practices Committee), after the words “which has been refused” there shall be inserted the words “by the Medical Practices Committee” and after the word “granted” there shall be inserted the words “by that Committee”.

(3) Section 36 of the National Health Service Act 1977 (regulations as to provision of general dental services, including entitlement of registered dentists to inclusion in list of practitioners providing those services) shall have effect subject to the following amendments, that is to say—

(a) in paragraph (b) after the words “subject to” there shall be inserted the words “subsection (2) below and to”; and

(b) at the end, there shall be added the following subsection—

“(2) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by any Authority unless he satisfies the Authority that he has that knowledge of English which, in the interests of himself and his

(a) 1970 c. 11 (N.I.).

(b) 1979 c. 36.

(c) 1977 c. 49.

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patients, is necessary for the provision of general dental services in the Authority's area or district.”;

and paragraphs (a) to (d) together with the words preceding them beginning “Regulations” shall become subsection (1).

4.—(1) Section 20 of the National Health Service (Scotland) Act 1978(a) (entitlement of registered medical practitioners, except in certain circumstances, to inclusion in list of practitioners providing general medical services) shall have effect subject to the following amendments, that is to say—

(a) at the beginning of subsection (1) there shall be inserted the words “Subject to subsection (1A) below”; and

(b) after subsection (1) there shall be inserted the following subsection—

“(1A) No medical practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his application for the inclusion of his name in the list kept by any Health Board referred to the Medical Practices Committee unless he satisfies the Board that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general medical services in the Board's area; and where a Board is not so satisfied with respect to any applicant the Board shall not refer his application to the Committee.”

(2) In section 23(5) of the National Health Service (Scotland) Act 1978 (appeals against refusal of application etc. by Medical Practices Committee), after the words “which has been refused” there shall be inserted the words “by the Medical Practices Committee” and after the word “granted” there shall be inserted the words “by that Committee”.

(3) Section 25(2) of the National Health Service (Scotland) Act 1978 (regulations as to provision of general dental services, including entitlement of registered dentists to inclusion in list of practitioners providing those services) shall have effect subject to the following amendments, that is to say—

(a) in paragraph (b), after the words “subject to”, there shall be inserted the words “subsection (2A) and to”; and

(b) after that subsection, there shall be inserted the following subsection—

“(2A) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by a Health Board unless he satisfies the Board that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the Board's area.”

5.—(1) Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972(b) (arrangements for general medical services, including entitlement of registered medical practitioners to inclusion in lists of practitioners providing those services) shall have effect subject to the following amendments, that is to say—

(a) in paragraph (2)(d) after the words “subject to” there shall be inserted the words “paragraph (2A) and to”; and

(a) 1978 c. 29.

(b) S.I. 1972/1265 (N.I. 14).

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) No medical practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the lists mentioned in paragraph (2)(a) unless he satisfies the Health and Social Services Board in whose area his surgery or main surgery is, or is to be, situated that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general medical services in the Board’s area.”

(2) Article 61 of the Health and Personal Social Services (Northern Ireland) Order 1972 (arrangements for general dental services, including entitlement of registered dentists to inclusion in lists of practitioners providing those services) shall have effect subject to the following amendments, that is to say—

(a) in paragraph (2)(b) after the words “subject to” there shall be inserted the words “paragraph (2A) and to”; and

(b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the lists mentioned in paragraph (2)(a) unless he satisfies the Health and Social Services Board in whose area his surgery is, or is to be, situated that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the Board’s area.”

N.E. Leigh,
Clerk of the Privy Council.

SCHEDULE

ORDERS IN COUNCIL REVOKED

Number	Short title	Extent of revocation
S.I. 1977/827.	The Medical Qualifications (EEC Recognition) Order 1977.	Article 3(2) so far as it inserts a section 7B into the Medical Act 1956.
S.I. 1979/1604.	The Nursing Qualifications (EEC Recognition) Order 1979.	Article 3(1) so far as it inserts a section 3B into the Nurses Act 1957. Article 4(1) so far as it inserts a section 6B into the Nurses (Scotland) Act 1951. Article 5(1) so far as it inserts a section 20B into the Nurses and Midwives Act (Northern Ireland) 1970.
S.I. 1980/703.	The Dental Qualifications (EEC Recognition) Order 1980.	Article 3(1) so far as it inserts a section 2B into the Dentists Act 1957.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which is made under the European Communities Act 1972 and comes into operation on 1st August 1981, amends the Medical Act 1956, the Dentists Act 1957, the Nurses Act 1957, the Nurses (Scotland) Act 1951, the Nurses and Midwives Act (Northern Ireland) 1970 and the Nurses, Midwives and Health Visitors Act 1979 to allow doctors, dentists and nurses responsible for general care, who have a right of establishment and freedom to provide services in accordance with the provisions of European Communities Council Directives, to be registered under the relevant Act without satisfying the Registrar as to knowledge of English.

The Order also amends the National Health Service Act 1977, the National Health Service (Scotland) Act 1978 and the Health and Personal Social Services (Northern Ireland) Order 1972 so as to require the statutory bodies responsible for making arrangements for the provision of general medical services and general dental services to satisfy themselves that a practitioner from a member State wishing to provide such services has a sufficient knowledge of English for this purpose.

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