
STATUTORY INSTRUMENTS

2002 No. 3135

The Medical Act 1983 (Amendment) Order 2002

PART VII

MISCELLANEOUS

Miscellaneous Amendments

15.—(1) In section 10(1) (experience required for full registration by virtue of primary United Kingdom qualifications) and in paragraph 2(1)(a) of Schedule 3 (registration: supplementary provisions) for “section 3(a)” or “paragraph (a) of section 3” as the case may be substitute “section 3(1)(a)”.

(2) For section 47(3) (appointments not to be held except by fully registered practitioners: effect of suspension) substitute—

“(3) None of the suspension events mentioned in subsection (4) below shall terminate any appointment such as is mentioned in subsection (1) above, but the person suspended shall not perform the duties of such an appointment during the suspension.

(4) The suspension events are—

(a) the suspension of registration of a person by a Fitness to Practise Panel—

(i) following a finding of impairment of fitness to practise by reason of deficient professional performance or adverse physical or mental health under section 35D above, or

(ii) under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act;

(b) an order for immediate suspension by a Fitness to Practise Panel under section 38(1) above; or

(c) an interim suspension order by an Interim Orders Panel or a Fitness to Practise Panel under section 41A above (or such an order as extended under that section).”.

(3) In section 50(1)(b) (default powers of Privy Council)—

(a) for “13” substitute “13 or”; and

(b) omit “or 34(2)”.

(4) After section 52 insert—

“Annual reports

52A.—(1) The General Council shall publish at least once in each calendar year a statistical report which indicates the efficiency and effectiveness of the arrangements the Council has put in place to protect the public from persons whose fitness to practise is impaired, together with the General Council’s observations on the report.

(2) The General Council—

- (a) within such time as may be specified by the Privy Council, shall submit a report to it on the General Council's exercise of its functions during the period specified by the Privy Council; and
- (b) thereafter shall submit such a report once in each year in respect of the period since its last such report.
- (3) The Privy Council shall lay before each House of Parliament a copy of the report submitted by the Council under subsection (2) above."
- (5) In section 53(2) (proof of certain instruments) for paragraph (c) substitute—
- “(c) an order of a Fitness to Practise Panel under section 38 above; and”.
- (6) In section 55(1) (interpretation)—
- (a) omit the definition of “recognised overseas qualification”;
- (b) in the definition of “fully registered person” for “section 3, 19 or 27” substitute “section 3, 19, 21A, 25 or 27”;
- (c) insert each of the following definitions at the appropriate place—
- ““exempt person” has the meaning given in section 19(2) above;”;
- ““impaired”, in relation to a person's fitness to practise, has the meaning given in section 35C(2) above;”;
- ““licence to practise” has the meaning given in section 29A above;”;
- ““professional performance” includes a medical practitioner's professional competence;”;
- ““revalidation” has the meaning given in section 29A above;”;
- ““the statutory committees” has the meaning given in section 1(3A) above;”.
- (7) In Schedule 1 (the General Medical Council and its committees and branch councils)—
- (a) after paragraph 9 insert—
- “**9A.** In exercising their functions, the General Council shall co-operate wherever appropriate and reasonably practicable with public authorities or other bodies or persons concerned with—
- (a) the employment (whether or not under a contract of service) of registered medical practitioners;
- (b) the education of medical practitioners, prospective medical practitioners or other health care professionals;
- (c) the regulation of other health or social care professions; or
- (d) the regulation of health services.
- 9B.—**(1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or
- (b) would constitute or be punishable as a contempt of court.
- (3) In sub-paragraph (2) above “enactment” includes—

- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (b) any provision of, or any instrument made under, Northern Ireland legislation.”, and the italic heading immediately preceding paragraph 9 accordingly becomes “*Incidental powers and duties*”;
- (b) in paragraph 16—
 - (i) in sub-paragraph (2) at the beginning omit “The President and”;
 - (ii) in sub-paragraph (3), after “any reference in this Act to the Registrar,” insert “or in a direction or delegation to him under sub-paragraph (4) below,”; and
 - (iii) after sub-paragraph (3) insert—

“(4) Subject to paragraph 6 of Schedule 4 to this Act, the Registrar shall, in addition to the functions specifically mentioned in this Act, have such other functions as the General Council may think fit to direct him to perform or delegate to him (whether or not in rules or standing orders).”;
- (c) for paragraph 17 substitute—

“17. There shall be paid to the members of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow, including payments for duties undertaken as trustees of the Council.”;
- (d) in paragraph 26 for sub-paragraph (2) substitute—

“(2) The branch council for each area shall be constituted as provided by the General Council.

(2A) Some or all members of a branch council may be persons who are not members of the General Council.”; and
- (e) for paragraph 29 substitute—

“29. There shall be paid to the members of the branch councils such remuneration and such travelling, subsistence or other expenses as the General Council may allow.”.

Consequential, transitional, transitory and saving provisions etc.

16.—(1) The consequential amendments and revocations contained in Schedule 1 to this Order shall have effect.

(2) The transitional, transitory and saving provisions in Schedule 2 to this Order shall have effect.

(3) The Privy Council may by Order make such further transitional, transitory or saving provisions as it considers appropriate.

(4) The power to make an Order under paragraph (3) above is exercisable by statutory instrument and a statutory instrument containing such an Order shall be subject to annulment in pursuance of a resolution of either House of Parliament and for the purposes of section 1 of the Statutory Instruments Act 1946⁽¹⁾ this provision shall have effect as if contained in an Act of Parliament.

(5) The power vested in the Privy Council to make an Order under paragraph (3) above may be exercised by any two or more of the lords and others of the Council.

(1) 9 & 10 Geo 6 c. 36; as amended by the Government of Wales Act 1998 (c. 38).