

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

PART I

PRIMARY LEGISLATION

Prison Act 1952 (c. 52)

1. In section 7 of the Prison Act 1952(1) (prison officers), in subsection (4), for “duly registered under the Medical Acts” substitute “a registered medical practitioner”.

Human Tissue Act 1961 (c. 54)

2. In section 2 of the Human Tissue Act 1961(2) (post-mortem examinations) after “fully registered medical practitioner” insert “who holds a licence to practise”.

Human Tissue Act (Northern Ireland) 1962 (c. 19 (N.I.))

3. In section 2(2) of the Human Tissue Act (Northern Ireland) 1962 (post-mortem examinations), after “registered medical practitioner” insert “who holds a licence to practise”.

Children and Young Persons Act 1963 (c. 37)

4. In section 26 of the Children and Young Persons Act 1963(3) (medical evidence by certificate), after “a fully registered medical practitioner” insert “who holds a licence to practise”.

Criminal Procedure (Insanity) Act 1964 (c. 84)

5. In section 8(2) of the Criminal Procedure (Insanity) Act 1964(4) (interpretation), in the definition of “registered medical practitioner”, after “Medical Act 1983” insert “who holds a licence to practise”.

Criminal Appeal Act 1968 (c. 19)

6. In section 51(1) of the Criminal Appeal Act 1968(5) (interpretation), in the definition of “registered medical practitioner” after “Medical Act 1983” insert “who holds a licence to practise”.

(1) Section 7 was previously amended by the Sex Discrimination Act 1975 (c. 65), section 18(2); and modified by the Criminal Justice Act 1991 (c. 53), section 87.

(2) Section 2 was previously amended by the Anatomy Act 1984 (c. 14), section 13.

(3) Section 26 was previously amended by the Criminal Justice Act 1991 (c. 53), section 100 and Schedule 11, paragraph 40.

(4) Section 8 was previously amended by: the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), sections 7, 8(1)(c) and (3), Schedule 3, paragraph 1 and Schedule 4; and the Mental Health Act 1983 (c. 20), section 148(1) and (2), and Schedule 4, paragraph 18(b).

(5) Section 51 was previously amended by: the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, paragraph 57(3) of Part II; the Immigration Act 1971 (c. 77), section 34(1) and 35(1) and Schedule 6; the Supreme Court Act 1981 (c. 54), section 152(4) and Schedule 7; the Mental Health Act 1983 (c. 20), section 148 and Schedule 4, paragraph 23; the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), section 7 and Schedule 3, paragraph 5; and S.I.2000/90.

Health and Safety at Work etc. Act 1974 (c. 37)

7.—(1) In section 56 of the Health and Safety at Work etc. Act 1974 (functions of authority responsible for maintaining the service), at the end of subsection (2) add “who holds a licence to practise”.

(2) In section 60 of the Health and Safety at Work etc. Act 1974(6) (supplementary) in subsection (1), after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service Act 1977 (c. 49)

8. For section 29(8) and (9) of the National Health Service Act 1977(7) (arrangements and regulations for general medical services) substitute—

“(8) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of his physical or mental health;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) by an interim order under section 41A of that Act (interim orders),

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.

(9) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of deficient professional performance;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as provided by a determination in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.”.

National Health Service (Scotland) Act 1978 (c. 29)

9. For section 19(7) and (7A) of the National Health Service (Scotland) Act 1978(8) (arrangements and regulations for general medical services) substitute—

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- (6) Section 60 was previously amended by: the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 99; and the National Health Service Reform and Health Care Professions Act 2000 (c. 17), section 2(5) and Schedule 2, paragraph 41 of Part 2.
 - (7) Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17, and amended by: the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); S.I. 1985/39, article 7(3); the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8. Subsection (9) was added by paragraph 28 of the Schedule to the Medical (Professional Performance) Act 1995 (c. 51).
 - (8) Subsection (7A) was added by paragraph 29 of the Schedule to the Medical (Professional Performance) Act 1995.

“(7) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of his physical or mental health;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) by an interim order under section 41A of that Act (interim orders),

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.

(7A) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of deficient professional performance;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as provided by a determination in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.”.

Interpretation Act 1978 (c. 30)

10. In Schedule 1 to the Interpretation Act 1978(9) (words and expressions defined) for the definition of “Registered medical practitioner” substitute—

““Registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act.”.

Dentists Act 1984 (c. 24)

11. For section 37(3) of the Dentists Act 1984 (definition of practice of dentistry) substitute—

“(3) In this section “medical authority” means one of the universities or other bodies listed in section 4(2) of the Medical Act 1983 (qualifying examinations and primary United Kingdom qualifications) which is entitled to hold qualifying examinations for the purpose of granting one or more primary United Kingdom medical qualifications.”.

Merchant Shipping Act 1995 (c. 21)

12. In section 53 of the Merchant Shipping Act 1995 (medical treatment on board ship), for “doctor” substitute “registered medical practitioner”.

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

13. In section 29(1) of the National Health Service Reform and Health Care Professions Act 2002 (reference of disciplinary cases by Council to courts), for paragraphs (c) and (d) substitute—

(9) This definition was previously amended by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 18.

Status: *This is the original version (as it was originally made).*

“(c) a direction by a Fitness to Practise Panel of the General Medical Council under section 35D of the Medical Act 1983 (c. 54) that the fitness to practise of a medical practitioner was impaired otherwise than by reason of his physical or mental health,”.