

SCHEDULE 1

Article 16(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.

- “(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.”.

PART II

SECONDARY LEGISLATION

Pottery (Health and Welfare) Special Regulations 1950

14. In regulation 2(2) of the Pottery (Health and Welfare) Special Regulations 1950(10) (interpretation), in the definition of “appointed doctor” after “fully registered medical practitioner” insert “who holds a licence to practise”.

Mines (Medical Examinations) Regulations 1964

15. In regulation 5(8) of the Mines (Medical Examination) Regulations 1964(11) (medical examination of young persons and the giving of certificates), after “fully registered medical practitioner” insert “who holds a licence to practise”.

Health and Personal Social Services (Northern Ireland) Order 1972

16. For Article 56(4C) and (4D) of the Health and Personal Social Services (Northern Ireland) Order 1972(12) (arrangements for general medical services) substitute—

“(4C) 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.

(4D) 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 paragraph (2), terminate any arrangements made with him for the

(10) S.I. 1950/65.

(11) S.I. 1964/209; the relevant amending instrument is S.I. 1974/2013.

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

provision of general medical services, but he shall not provide such services during the suspension.”.

Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

17. In article 2(1) of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(13) (interpretation), in the definition of “registered medical practitioner” at the end add “who holds a licence to practise”.

Pharmaceutical Society (Statutory Committee) Order of Council 1978

18. In Part IV of the Appendix to the Pharmaceutical Society (Statutory Committee) Order of Council 1978(14) (applications for relief from consequences of previous decisions), in regulation 31, for “the Medical Acts 1956 to 1969” substitute “the Medical Act 1983, including a fully registered medical practitioner who does not hold a licence to practise,”.

Health and Safety at Work (Northern Ireland) Order 1978

19.—(1) In Article 48 of the Health and Safety at Work (Northern Ireland) Order 1978(15) (the employment medical advisory service), at the end of paragraph (4) add “who holds a licence to practise”.

(2) In Article 50 of the Health and Safety at Work (Northern Ireland) Order 1978 (supplementary) after “fully registered medical practitioner” insert “who holds a licence to practise”.

General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979

20. In the Appendix to the General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979(16)—

(a) for rule 10 substitute—

“10.—(1) There shall be an oral hearing of the application if the applicant so requests in the application mentioned in rule 9(a) or if the Board considers that such a hearing is desirable.

(2) Subject to paragraph (3), the hearing shall be in public if the applicant so requests or if the Board otherwise considers it appropriate but the Board may, if satisfied that it is in the interests of the applicant, exclude the public from being present during any part of the proceedings.

(3) The Board may for the purpose of deliberation, at any time exclude the applicant, his representative, any representative of the Council or the public.”; and

(b) in rule 11—

“(i) omit paragraph (a),
(ii) in paragraph (b) omit “also”, and
(iii) omit paragraph (f).”

(13) S.I. 1974/2211; the relevant amending instruments are S.I. 1986/2062, 1990/2371, 1993/1813 and 1994/1405.

(14) S.I. 1978/20.

(15) S.I. 1978/1039 (N.I. 9).

(16) S.I. 1979/29.

Medicines (Contact Lens Fluid and Other Substances) (Exemptions from Licences) Order 1979

21. In article 1(2) of the Medicines (Contact Lens Fluid and Other Substances) (Exemptions from Licences) Order 1979(17) (interpretation), at the appropriate place insert—

““doctor” means a registered medical practitioner;”.

Pension Appeals Tribunals (England and Wales) Rules 1980

22. In rule 12 of the Pension Appeals Tribunals (England and Wales) Rules 1980(18) (evidence), in paragraphs (1) and (2), for “doctor”, wherever it appears, substitute “registered medical practitioner”.

Public Lending Right Scheme 1982 (Commencement) Order 1982

23. In the Appendix to the Public Lending Right Scheme 1982 (Commencement) Order 1982(19), both in Article 14A(c)(ii) (forms of application in respect of posthumously eligible books) and in paragraph 5 of Part I of Schedule 1 (application for first registration), for “doctor” substitute “registered medical practitioner, who need not hold a licence to practise,” .

Nursing Homes and Mental Nursing Homes Regulations 1984

24. In regulation 2(1) of the Nursing Homes and Mental Nursing Homes Regulations 1984(20) (interpretation), in the definition of “medical practitioner”, after “Medical Act 1983” insert “who holds a licence to practise”.

Dental Auxiliaries Regulations 1986

25.—(1) In regulation 5(c) of the Dental Auxiliaries Regulations 1986(21) (the rolls and enrolment), after “practitioner” insert “who need not hold a licence to practise”.

(2) In regulation 18(2) of the Dental Auxiliaries Regulations 1986 (restoration after erasure for misconduct), after “practitioners” insert “who need not hold licences to practise”.

Sight Testing (Examination and Prescription)(No. 2) Regulations 1989

26. In regulation 2(1) of the Sight Testing (Examination and Prescription)(No. 2) Regulations 1989(22) (interpretation), in the definition of “doctor”, after “Medical Act 1983” insert “who holds a licence to practise”.

Abortion (Scotland) Regulations 1991

27. In regulation 5 of the Abortion (Scotland) Regulations 1991(23) (restriction on disclosure of information), in paragraph (h), for “there has been serious professional misconduct by a practitioner” substitute “the fitness to practise of the practitioner is impaired”.

(17) S.I. 1979/1585; the relevant amending instrument is S.I. 1979/1745.

(18) S.I. 1980/1120.

(19) S.I. 1982/719; the relevant amending instrument is 1999/1042.

(20) S.I. 1984/1578; the relevant amending instruments are S.I. 1991/2532 and 2002/324. Regulation 2 was modified by S.I. 1996/971.

(21) S.I. 1986/887.

(22) S.I. 1989/1230.

(23) S.I. 1991/460.

Abortion Regulations 1991

28. In regulation 5 of the Abortion Regulations 1991(**24**) (restriction on disclosure of information), in paragraph (h), for “there has been serious professional misconduct by a practitioner” substitute “the fitness to practise of the practitioner is impaired”.

National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992

29. In regulation 1(2) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(**25**) (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service (General Medical Services) Regulations 1992

30.—(1) In regulation 2(1) of the National Health Service (General Medical Services) Regulations 1992(**26**) (interpretation)—

- (a) in the definition of “medical register” for “section 34” substitute “section 2”;
- (b) the definitions of “Preliminary Proceedings Committee” and “Professional Conduct Committee” shall be omitted; and
- (c) in the appropriate places there shall be inserted ““Fitness to Practise Panel” means a Fitness to Practise Panel referred to in section 1(3) of the Medical Act 1983;” and ““Investigation Committee” means the Investigation Committee of the General Medical Council referred to in section 1(3) of the Medical Act 1983;”.

(2) In regulation 7 of the National Health Service (General Medical Services) Regulations 1992 (removal from the medical list)—

- (a) in paragraph (1) for sub-paragraph (c) substitute—

“(c) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”;

- (b) in paragraph (3) for sub-paragraph (a) substitute—

“(a) any period during which the doctor provided no general medical services by reason only that his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(3) In regulation 18E(2) of the National Health Service (General Medical Services) Regulations 1992(**27**) (criteria for approval and nomination) for sub-paragraph (b) substitute—

- “(b) that his entry in the Medical Register is subject to conditions imposed pursuant to section 35D (impairment of fitness to practice) or section 41A (interim orders) of the Medical Act 1983.”.

(24) S.I. 1991/499; the relevant amending instrument is S.I. 2002/887.

(25) S.I. 1992/434.

(26) S.I. 1992/635; the relevant amending instruments are S.I. 1995/3093, 1996/702, 1997/2468, 1998/682 and 2838, 1999/326, 2000/220 and 1707, 2001/3742, and 2002/554, 881, 916 and 1920.

(27) Regulation 18E was inserted by S.I. 1998/2838.

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

(4) In Schedule 2 of the National Health Service (General Medical Services) Regulations 1992 (terms of service for doctors) in paragraph 18A (out of hours arrangements), in sub-paragraph (7) (h), for (ii), substitute—

“(ii) he has been notified under section 35C(5) of the Medical Act 1983 that the Investigation Committee of the General Medical Council has decided that a case of which he is the subject should be referred to a Fitness to Practise Panel.”.

(5) In Part III of Schedule 3 of the National Health Service (General Medical Services) Regulations 1992 (information and undertakings to be given etc.), in paragraph 6 at the end insert “who holds a licence to practise”.

National Health Service (Pharmaceutical Services) Regulations 1992

31. In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992⁽²⁸⁾ (interpretation), in the definition of “doctor”, after “means a” insert “registered”.

National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

32. In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995⁽²⁹⁾ (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service (General Medical Services) (Scotland) Regulations 1995

33.—(1) In regulation 7A of the National Health Service (General Medical Services) (Scotland) Regulations 1995⁽³⁰⁾ (removal from the medical list where a doctor has died etc.), for paragraph (c) substitute—

“(c) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”.

(2) In paragraph 17A(h) of Schedule 1 to the National Health Service (General Medical Services) (Scotland) Regulations 1995 (out of hours arrangements), for head (ii) substitute—

“(ii) he has been notified under section 35C(5) of the Medical Act 1983 that the Investigation Committee of the General Medical Council has decided that he should be referred to a Fitness to Practise Panel.”.

Children (Northern Ireland) Order 1995

34. In Article 2(2) of the Children (Northern Ireland) Order 1995⁽³¹⁾ (interpretation), in the definition of “medical practitioner” after “Medical Act 1983” insert “who holds a licence to practise”.

⁽²⁸⁾ S.I. 1992/662; the relevant amending instruments are S.I. 1994/2402, 1996/698, 1998/681 and 224, 1999/696, 2000/121 and 593, 2001/1396 and 2888, and 2002/551 and 2016.

⁽²⁹⁾ S.I. 1995/414.

⁽³⁰⁾ S.I. 1995/416; the relevant amending instruments are S.I. 1996/842 and 2000/28.

⁽³¹⁾ S.I. 1995/755 (N.I. 2).

Merchant Shipping (Ships' Doctors) Regulations 1995

35. In regulation 2 of the Merchant Shipping (Ships' Doctors) Regulations 1995(**32**) (interpretation), in the definition of “qualified doctor” at the end add “who holds a licence to practise”.

Cosmetic Products (Safety) Regulations 1996

36. In regulation 8 of the Cosmetic Products (Safety) Regulations 1996(**33**) (product information), in paragraph (3)(b), after “fully registered medical practitioner” insert “and holds a licence to practise”.

The Adoption Agencies (Scotland) Regulations 1996

37. In the Adoption Agencies (Scotland) Regulations 1996(**34**)—

- (a) in regulation 8(b) (duties of adoption agencies in making arrangements for freeing for adoption), after “fully registered practitioner” insert “who holds a licence to practise”;
- (b) in regulation 9 (duties of adoption agencies in making arrangements after adoption), after “fully registered practitioner” insert “who holds a licence to practise”;
- (c) in paragraph 17 of Part I of Schedule 2 (particulars relating to the child), after “fully registered medical practitioner” insert “who holds a licence to practise”;
- (d) in paragraph 15 of Part II of Schedule 2 (particulars relating to each parent, including where appropriate, a father or mother who does not have parental responsibilities or rights in relation to the child), after “fully registered medical practitioner” insert “who holds a licence to practise”; and
- (e) in paragraph 25 of Part IV of Schedule 2 (particulars relating to each prospective adopter), after “fully registered medical practitioner” insert “who holds a licence to practise”.

Reserve Forces (Call-out and Recall) (Exemptions Etc.) Regulations 1997

38. In regulation 2(1) of the Reserve Forces (Call-out and Recall) (Exemptions Etc.) Regulations 1997(**35**) (interpretation), insert at the appropriate place—

““doctor” means a registered medical practitioner;”.

National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998

39. In regulation 2(1) of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(**36**) (interpretation), in the definition of “practitioner”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

(32) S.I. 1995/1803.

(33) S.I. 1996/2925; the relevant amending instrument is S.I. 1997/2914.

(34) S.I. 1996/3266.

(35) S.I. 1997/307.

(36) S.I. 1998/5.

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998

40. In regulation 8(1) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998(37) (young persons' medical certificates), after “Medical Act 1983” insert “who holds a licence to practise”.

National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998

41. In regulation 1(2) of the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998(38) (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

Prison Rules 1999

42. In rule 20(3) of the Prison Rules 1999(39) (medical attendance), after “Medical Act 1983” insert “who holds a licence to practise”.

Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999

43. In Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(40) (general definitions) 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;”.

Medical Act 1983 (Amendment) Order 2000

44. Articles 3 to 14, 15(a) to (e) and 16 of the Medical Act 1983 (Amendment) Order 2000(41) are hereby revoked.

Young Offender Institution Rules 2000

45. In rule 27(3) of the Young Offender Institution Rules 2000(42) (medical attendance), after “Medical Act 1983” insert “who holds a licence to practise”.

National Health Service (Personal Medical Services) (Scotland) Regulations 2001

46. In regulation 7(2) of the National Health Service (Personal Medical Services) (Scotland) Regulations 2001(43) (performance of personal medical services by medical practitioners), for subparagraph (e) substitute—

“(e) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act

(37) S.I. 1998/2411.

(38) S.I. 1998/659.

(39) S.I. 1999/728.

(40) S.I. 1999/1379; the relevant amending instrument is S.I. 2002/881.

(41) S.I. 2000/1803.

(42) S.I. 2000/3371.

(43) S.I. 2001/72.

(order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”.

Detention Centre Rules 2001

47. In rule 33(1) of the Detention Centre Rules 2001(**44**) (medical practitioner and health care team), after “Medical Act 1983” add “who holds a licence to practise”.

Life Sentences Review (Northern Ireland) Order 2001

48. In Article 3(6) of the Life Sentences Review (Northern Ireland) Order 2001(**45**) (Life Sentence Review Commissioners) after “Medical Act 1983” add “who holds a licence to practise”.

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

49. In regulation 9 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(**46**) (medical advice) at the end add “who holds a licence to practise”.

National Health Service (General Medical Services Supplementary List) Regulations 2001

50.—(1) In regulation 4 of the National Health Service (General Medical Services Supplementary List) Regulations 2001(**47**) (application for inclusion in the supplementary list), in paragraph (2)(f) after “in the Medical Register” add “who holds a licence to practise”.

(2) In regulation 6(1) of the National Health Service (General Medical Services Supplementary List) Regulations 2001 (grounds for refusal) for sub-paragraph (f) substitute—

“(f) where his registration in the register of medical practitioners is subject to conditions imposed pursuant to section 35D (impairment of fitness to practise) or section 41A (interim orders) of the Medical Act 1983.”.

(3) In regulation 10 of the National Health Service (General Medical Services Supplementary List) Regulations 2001 (removal from supplementary list)—

(a) in paragraph (1) for sub-paragraph (f) substitute—

“(f) he is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”;

(b) in paragraph (8), for sub-paragraph (a) substitute—

“(a) during which his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(44) S.I. 2001/238.

(45) S.I. 2001/2564 (N.I. 2).

(46) S.I. 2001/3455.

(47) S.I. 2001/3740; the relevant amending instrument is S.I. 2002/848.

Education (Special Educational Needs) (Wales) Regulations 2002 (Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002)

51.—(1) In regulation 9 of the Education (Special Educational Needs) (Wales) Regulations 2002(48) (medical advice), at the end add “who holds a licence to practise”.

(2) Yn rheoliad 9 o Reoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002 (cyngor meddygol), rhowch ar y diwedd y geiriau “ac sy'n dal trwydded i ymarfer”.

National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002)

52.—(1) In regulation 4 of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002(49) (application for inclusion in the supplementary list), in paragraph (2)(f) after “in the Medical Register” add “who holds a licence to practise”.

(2) In regulation 6(1) of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (grounds for refusal) for sub-paragraph (f) substitute—

“(f) where his registration in the register of medical practitioners is subject to conditions imposed pursuant to section 35D (impairment of fitness to practise) or section 41A (interim orders) of the Medical Act 1983.”.

(3) In regulation 10 of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (removal from supplementary list)—

(a) for sub-paragraph (1)(f) substitute—

“(f) he is the subject of—

(i) a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding that his fitness to practise was impaired by reason of misconduct, conviction or determination, or

(ii) an order made by that Panel under section 38(1) of that Act (order for immediate suspension);”;

(b) for sub-paragraph 10(8)(a) substitute—

“(a) during which his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(4) Yn rheoliad 4 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002, (cais i gynnwys enw ar y rhestr atodol), ym mharagraff 2(dd) ar ô 244 l y geiriau “Gofrestr Feddygol” rhowch y geiriau “ac sy'n dal trwydded i ymarfer”.

(5) Yn rheoliad 6 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002 (rhesymau dros wrthod) yn lle is-baragraff (1)(dd) rhowch—

“(dd) os yw cofrestriad y meddyg yn y gofrestr o ymarferwyr cyffredinol yn ddarostyngedig i amodau a osodwyd yn unol ag adran 35D (amhariad ar ffitrwydd i ymarfer) neu adran 41A (gorchmynion interim) o Ddeddf Feddygol 1983;”.

(6) Yn rheoliad 10 (tynnu oddi ar restr atodol)—

(48) S.I. 2002/152 (W. 20) (O.S. 2002/152 (Cy. 20)).

(49) S.I. 2002/1882 (W. 191) (O.S. 2002/1882 (Cy. 191)).

- (a) yn lle is-baragraff (1)(dd) rhowch—
- “(dd) bod y meddyg yn destun
- (i) cyfarwyddyd a roddwyd gan Banel Ffitrwydd i Ymarfer o dan adran 35D o Ddeddf Feddygol 1983 (amhariad ar ffitrwydd i ymarfer) i ddileu ei enw neu atal dros dro ei gofrestrriad yn y gofrestr, yn dilyn dyfarniad bod camymddygiad, collfarniad neu benderfyniad wedi amharu ar ei ffitrwydd i ymarfer, neu
- (ii) gorchymyn a wnaed gan y Panel hwnnw o dan adran 38(1) o'r Ddeddf honno (gorchymyn i atal dros dro ar unwaith);”;
- (b) yn lle is-baragraff 10(8)(a) rhowch—
- “(a) pan atalwyd dros dro gofrestrriad y meddyg fel ymarferydd cyffredinol o dan adran 35D o Ddeddf Feddygol 1983 gan Banel Ffitrwydd i Ymarfer yn dilyn dyfarniad gan y Panel hwnnw bod ei iechyd corfforol neu feddyliol wedi amharu ar ei ffitrwydd i ymarfer neu drwy orchymyn interim o dan adran 41A o Ddeddf Feddygol 1983 (gorchmynion interim);”.

SCHEDULE 2

Article 16(2)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

- (a) a reference to an old section of or paragraph in the Act shall be construed as a reference to that provision as it had effect prior to its amendment or substitution by this Order and a reference to a new section of or new paragraph in the Act shall be construed as a reference to that provision as amended or substituted or re-enacted (with or without modification) by this Order; and
- (b) “enactment” includes—
- (i) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (ii) any provision of, or any instrument made under, Northern Ireland legislation.

Registration

2.—(1) A person who, before 31st October 2003, is awarded a recognised overseas qualification which under the old section 19 of the Act would entitle him to be—

- (a) fully registered under that section; or
- (b) provisionally registered under the old section 21 of the Act and, on satisfying the requirements under the old section 20(2)(a) of the Act as to experience, to be fully registered under the old section 19 of the Act,

shall if he applies or has applied to the Registrar in accordance with sub-paragraph (2) or (3) below be eligible for full registration or provisional registration and subsequently full registration under the old section 19 or, as the case may be, the old section 21, as if they were still in force.

(2) An application for full registration under the old section 19 of the Act shall (except where sub-paragraph (3) applies) be made not later than 31st December 2003.

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

(3) An application for provisional registration under the old section 21 of the Act shall be made not later than 31st December 2003 and subsequent to that application an application for full registration may be made at any time.

(4) In this paragraph, “recognised overseas qualification” has the meaning given in the old section 19 of the Act.

3.—(1) In relation to applications under the old sections 19 and 21 of the Act—

- (a) the General Council may continue to provide facilities for testing the knowledge of English of an applicant; and
- (b) the old section 30(1) and the new section 30(1) of the Act shall apply as if the reference in paragraph (a) to section 19 or 21 included a reference to the old section 19 or 21 of the Act.

(2) Until article 6(11) of this Order comes into force—

(a) for section 28(2)(b) there shall be substituted—

- “(b) such number of other persons (who may, but need not, be members of the General Council) as the Council may by rules prescribe and including at least—
 - (i) one person who is neither registered with the General Council nor a holder of any qualification registrable under this Act, and
 - (ii) one person who is or has been registered under Part III of the Medical Act 1956, under section 18 or 22 of the Medical Act 1978 or under section 19, 21A, 22 or 25 of this Act.”; and

(b) the old section 29 of the Act shall be amended as follows—

- “(i) in subsection (2)(c) for the words from “by virtue of section 25” to “section 19 above” substitute “under section 25 above that he be registered under that section”, and
- (ii) in subsection (3)—
 - (aa) in paragraph (a) for “section 20” substitute “section 19(1)(b)”,
 - (bb) omit paragraph (b), and
 - (cc) in paragraph (c) omit “(a), (b),”.

(3) Notwithstanding the changes to the Review Board as a result of the coming into force of sub-paragraph (2)(a) above, the new Review Board resulting from those changes shall complete any case that is being considered but has not been completed by the old Review Board before the coming into force of that sub-paragraph.

(4) Any application that is being considered by the Review Board on the date of the coming into force of article 6(11) of this Order shall be dealt with by the Review Board in accordance with the General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979(50), unless the person whose application is being considered requests that the application be transferred to a Registration Appeals Panel.

(5) If, at the date of the coming into force of article 6(11) of this Order—

- (a) a decision falling within section 29(2) of the Act has been made but an application to the Review Board under section 29(1) of the Act has not been made and the period for making such an application has not expired, if any such application is made it shall be considered by a Registration Appeals Panel; or
- (b) any application under section 29(1) has been made but the Review Board has not started to consider it, that case shall be considered instead by a Registration Appeals Panel.

(50) S.I. 1979/29.

(6) After the coming into force of article 6(11) of this Order, if a person makes an application for full registration under the old section 19 of the Act in accordance with paragraph 2(3) above, having previously been provisionally registered under the old section 21 of the Act, any decision not to direct that he shall be registered shall be an appealable registration decision for the purposes of Schedule 3A to the Act.

4. All entries in the overseas list immediately prior to the coming into force of article 9(1) of this Order shall be transferred to the principal list.

5.—(1) Any person who is fully registered or provisionally registered pursuant to the old section 19 or 21 of the Act after the coming into force of article 9(1) of this Order shall be entitled to be included in the principal list.

(2) If a person is successful in an appeal against a decision taken to erase his name from the overseas list before the coming into force of article 9(1) of this Order, the committee may, if they think fit, direct that he be included in the principal list.

Fitness to practise

6. Except as provided for in paragraphs 7 and 8 below, any allegation that has been made to the General Council concerning a medical practitioner's professional conduct, professional performance or fitness to practise prior to the coming into force of the new section 35C of this Act that has not been referred to the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee shall be dealt with by the Investigation Committee in accordance with new section 35C of the Act.

7. Any case that has been referred to and is being considered by the Preliminary Proceedings Committee at the date of the coming into force of the new section 35C of this Act shall be dealt with by that Committee in accordance with old section 42 of, and old Schedule 4 to, the Act (including rules made under that Schedule), and—

- (a) if the Committee decides to refer the case for inquiry, it shall be dealt with by a Fitness to Practise Panel; and
- (b) the matter shall thereafter be disposed of by that Panel in accordance with paragraph 10 below.

8.—(1) Any case that has been referred to and is being considered by the Assessment Referral Committee on the date of the coming into force of the new section 35C of the Act shall be dealt with by that Committee in accordance with the rules made under the old paragraph 5A of Schedule 4 to the Act, and if the Committee decide that an assessment needs to be carried out, the matter shall be referred to the Investigation Committee to be dealt with in accordance with the new section 35C of the Act.

(2) Any case that has been referred to but has not yet been considered by the Assessment Referral Committee on the date of the coming into force of the new section 35C of the Act shall be dealt with by a Fitness to Practise Panel in accordance with the rules made under the old paragraph 5A of Schedule 4 to the Act, and if the Panel decide that an assessment needs to be carried out, the matter shall be dealt with thereafter by that Panel in accordance with the rules made under the new paragraph 5A of Schedule 4 to the Act.

9. Any reference in any enactment or instrument to a notification under the new section 35C(5) of the Act of a decision of the Investigation Committee to refer a case to a Fitness to Practise Panel shall be construed as including a reference to a notification under the old section 42(3) of the Act of a decision by the Preliminary Proceedings Committee to refer a practitioner to the Professional Conduct Committee or the Health Committee.

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

10. Any case which—

- (a) has been referred to the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance but which has not been disposed of on the date of the coming into force of the new section 35D of the Act; or
- (b) is referred to a Fitness to Practise Panel after the coming into force of the new section 35D of the Act in accordance with paragraph 7 above,

shall be disposed of by a Fitness to Practise Panel either in accordance with the old sections 36 to 38 of, and the old Schedule 4 to, the Act (including rules made under that Schedule) or in accordance with the rules made under the old paragraph 5A of Schedule 4 to the Act.

11. Any reference in any enactment (including an enactment comprised in the Act) or instrument to a direction given by a Fitness to Practise Panel shall be construed as including a reference to a corresponding direction made by—

- (a) the Professional Conduct Committee under the old section 36 or 38 of the Act;
- (b) the Health Committee under the old section 37 or 38 of the Act;
- (c) the Committee on Professional Performance under the old section 36A or 38 of, or under rules made under the old paragraph 5A of Schedule 4 to, the Act; or
- (d) a Fitness to Practise Panel under either the old sections 36 to 38 of, and the old Schedule 4 to, the Act (including rules made under that Schedule) or in accordance with the rules made under the old paragraph 5A of Schedule 4 to the Act.

12. An appeal which relates to a direction or order—

- (a) made under the old sections 36 to 37, 39, 41, 44 or 45 of the Act; or
- (b) which was an appealable decision for the purposes of the old section 40 of the Act,

shall be dealt with in accordance with old section 40 of the Act, except as provided in paragraph 13 below.

13. Where any case would have been remitted under the old section 40(7) of the Act to the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance, that case shall be remitted instead to the Registrar for him to refer it to a Fitness to Practise Panel to be dealt with under the old sections 36 to 38 of, and the old Schedule 4 to, the Act (including rules made under that Schedule) or in accordance with the rules made under the old paragraph 5A of Schedule 4 to the Act.

14.—(1) An application to the court under the old section 38 of the Act shall be dealt with in accordance with the old section 38 of the Act.

(2) An appeal from any direction of the Committee on Professional Performance given by virtue of the old paragraph 5A(3) of Schedule 4 to the Act shall lie to the court and shall be dealt with in accordance with the old paragraph 5A(4) of Schedule 4 to the Act.

15. Where, prior to the coming into force of the new section 35D of the Act—

- (a) a medical practitioner has agreed to an assessment of his professional performance under rules made under the old paragraph 5A of Schedule 4 to the Act; or
- (b) an assessment of a medical practitioner has to be carried out by virtue of a direction given in rules made under the old paragraph 5A of Schedule 4 to the Act,

a Fitness to Practise Panel may not direct in any proceedings relating to that assessment that his name shall be erased under the new section 35D(2) of the Act.

16. In relation to any application under the old section 41 of the Act that has not been determined by the Professional Conduct Committee on the coming into force of article 6(2) of this Order relating to a person—

- (a) who was provisionally registered under the old section 21 but;
- (b) to whom the new section 19(2) does not apply,

the Professional Conduct Committee shall not direct that his name be restored by way of provisional registration under the new section 21 of the Act, but may instead direct that he be registered with limited registration under the new section 22 of the Act.

17. Any application under the old section 41 of the Act that has not been determined by the Professional Conduct Committee on the date of the coming into force of the new section 41 of the Act (whether or not it is brought fully into force) shall be disposed of by a Fitness to Practise Panel in accordance with the old section 41 of, and the old Schedule 4 to, the Act (including any rules made under that Schedule), but if the application relates to a person—

- (a) who was provisionally registered under the old section 21 but;
- (b) but to whom the new section 19(2) does not apply,

a Fitness to Practise Panel shall not direct that his name be restored by way of provisional registration under the new section 21 of the Act, but may instead direct that he be registered with limited registration under the new section 22 of the Act.

18. In relation to any application under the new section 41 of the Act relating to a person—

- (a) who was provisionally registered under the old section 21 but;
- (b) to whom the new section 19(2) does not apply,

a Fitness to Practise Panel shall not direct that his name be restored by way of provisional registration under the new section 21 of the Act, but may instead direct that he be registered with limited registration under the new section 22 of the Act.

19. Any application under the new section 41 of the Act that has not been determined by a Fitness to Practise Panel on the date of the coming into force of the new section 41(7) of the Act shall be disposed of as if that provision were not in force.

20. Any case that is pending before the Interim Orders Committee under the old section 41A(1) or (2) of the Act on the date of the coming into force of the new section 41A of the Act shall be disposed of by an Interim Orders Panel or a Fitness to Practise Panel in accordance with the new section 41A of, and the new Schedule 4 to, the Act (including rules made under that Schedule).

21. Any case that is pending before the Interim Orders Committee, the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance under the old section 41A(3) of the Act on the date of the coming into force of the new section 41A of the Act shall be disposed of by an Interim Orders Panel or a Fitness to Practise Panel in accordance with the new section 41A(3) of, and the new Schedule 4 to, the Act (including rules made under that Schedule).

22. Any application that is pending before the court under the old section 41A(6) of the Act before the date of the coming into force of the new section 41A of the Act shall be disposed of in accordance with the old section 41A of, and the old Schedule 4 to, the Act (including rules made under that Schedule).

23. Where, prior to the coming into force of the new section 41A of the Act, the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance has made an order under the old section 41A(3)(c) or (d) of the Act, a Fitness to Practise Panel may in accordance with the old section 41B of, and the old Schedule 4 to, the Act (including rules made under that Schedule) do any of the things mentioned in old section 41B(2), read with the old section 41B(3), of the Act.

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

24. Any reference in any enactment (including an enactment comprised in the Act) or instrument to an order made by a Fitness to Practise Panel or an Interim Orders Panel under the new section 41A or 41B of the Act shall be construed as including a reference to an order made under the old section 41A or 41B of the Act by the Interim Orders Committee, the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance or an order made by a Fitness to Practise Panel by virtue of paragraph 23 of this Schedule.

25. Any case that is pending before the Professional Conduct Committee under the old section 44(5) of the Act on the date of the coming into force of the new section 44 of the Act shall be disposed of by a Fitness to Practise Panel in accordance with the new section 44(5) of the Act.

26. Any case that is pending before the Professional Conduct Committee under the old section 45 of the Act on the date of the coming into force of the new section 45 of the Act shall be disposed of by a Fitness to Practise Panel in accordance with the new section 45 of the Act.

27. Any reference in the new section 45(1) of the Act to a finding of a Fitness to Practise Panel shall be construed as including a reference to a finding of a kind referred to in the old section 45(1) (a) or (b) of the Act by the Professional Conduct Committee.

28. The references in the new section 45(3) and (4) of the Act to a prohibition order under the new section 45 of the Act shall be construed as including a reference to a prohibition order imposed under the old section 45(1) of the Act.

29. For the purposes of the new section 45(6) of the Act, applications made under the old section 45 of the Act for termination of a prohibition order shall be treated as if made under the new section 45 of the Act.

30. For the purposes of the new section 45(8) of the Act, a direction under the new section 45(6) of the Act shall be construed as including a reference to a direction made under the old section 45(6) of the Act.

Miscellaneous

31. A person shall be entitled to recover any charge under the new section 46(1) of the Act notwithstanding that he does not hold a licence to practise if the charge relates to a matter which took place before the commencement of article 12(4) of this Order, and for these purposes the new section 46(3) of the Act shall apply as if the words “and holds a licence to practise” were omitted.

32. A certificate signed by a person who is fully registered but who does not hold a licence to practise shall be valid notwithstanding the new section 48 of the Act if the certificate was signed before the commencement of article 12(6) of this Order.

33. The new section 53(2) of the Act shall apply to an order of the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee under the old section 38 of the Act.

34. Subject to paragraph 35, where—

- (a) proceedings are pending before the Committee on Professional Performance; or
- (b) an appeal against a direction of that Committee is pending,

on the date of the commencement of article 15(6)(c) of this Order in so far as it relates to the definition of “professional performance”, the Committee or the court shall dispose of the proceedings as if that provision, in so far as it relates to the definition of “professional performance”, were not in force.

35. An assessment carried out by virtue of the old paragraph 5A of Schedule 4 to the Act after the coming into force of article 15(6)(c) of this Order in so far as it relates to the definition of “professional performance” may include—

- (a) an assessment of a registered person's professional performance at any time prior to the assessment; and
- (b) an assessment of the standard of his professional performance at the time of the assessment.

36. In any case where, as a result of the provisions of this Schedule, a direction or order has been made under the old sections 36 to 39, 41, 44 or 45 of the Act, any further consideration of that case otherwise than by way of an appeal shall be dealt with as if the order or direction had been made under the corresponding new sections of the Act.

37. Until the coming into force of the new section 44A(3) of the Act, if registration is refused or if a person's name is removed from the register in accordance with subsection (1) or (2) of that section—

- (a) the Registrar shall serve notification of the refusal or removal on that person;
- (b) the Registrar shall, on request, state in writing the reasons for the refusal or removal;
- (c) the person may appeal by giving notice to the General Council; and
- (d) any such appeal shall be determined by the General Council or, if the Council have delegated their functions under this paragraph to a committee, by that committee,

and the old paragraph 8 of Schedule 4 to the Act or the new paragraph 8 of Schedule 4 to the Act shall apply to any notification served under sub-paragraph (a) above.

38. The first Regulations made under new section 29A of the Act shall provide, except in prescribed cases or circumstances, that persons who on the date on which any provision of those regulations comes into force are registered under the Act with full or limited registration, shall be granted a licence to practise.