

## SCHEDULE 1

Article 2(1)

### Amendments to the Medical Act 1983

#### Amendment of section 1

1. In section 1 (the General Medical Council), for subsection (2) substitute the following subsection—

“(2) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of Schedule 1 to this Act.”

#### Amendment of section 2

2. In section 2(1) (registration of medical practitioners), in subsection (2)—

(a) for “three lists, namely” substitute “the following lists”; and

(b) after paragraph (a) insert the following paragraph—

“(aa) if anyone is registered under section 18A, the emergency powers doctors list.”

#### Amendment of section 4

3. In section 4(2) (qualifying examinations and primary United Kingdom qualifications)—

(a) for subsections (1) and (2) substitute the following subsections—

“(1) Subject to the provisions of this Part of this Act, a qualifying examination for the purposes of this Part of this Act is an examination held for the purpose of granting one or more primary United Kingdom qualifications by any one of the bodies or combinations of bodies in the United Kingdom which are included in a list maintained by the General Council of the bodies and combinations of bodies entitled to hold such examinations.

(1A) The General Council may from time to time amend the list.

(1B) The list maintained under subsection (1) shall be published in such manner as the General Council see fit.

(1C) The General Council shall only include in the list maintained under subsection (1) bodies or combinations of bodies that require from candidates at examinations a standard of proficiency that conforms to the prescribed standard of proficiency.

(1D) If the General Council have formed the provisional opinion that a body or combination of bodies included in the list maintained under subsection (1) should be removed from the list, they shall notify that opinion in writing to the body or combination of bodies concerned and shall allow them a reasonable opportunity to respond before determining whether or not to remove the body or combination of bodies from the list.”;

(b) in subsection (3)(a), for “any university in the United Kingdom” substitute “a body or combination of bodies included in the list maintained under subsection (1)”;

(c) in subsection (4), for “universities and other bodies specified in subsection (3) above” substitute “bodies and combinations of bodies included in the list maintained under subsection (1)”;

(d) after subsection (4) insert the following subsection—

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(1) Section 2 has been amended by [S.I. 1996/1591](#), [2002/3135](#) and [2006/1914](#).

(2) Section 4 has been amended by the Medical Qualifications (Amendment) Act [1991 \(c. 38\)](#), section 1, and by [S.I. 1996/1591](#), [2000/1841](#), [2004/1947](#), [2007/1386](#) and [2008/1037](#).

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“(4A) If a body or combination of bodies is removed from the list maintained under subsection (1), primary United Kingdom qualifications granted by that body or combination of bodies during the period in respect of which it was on the list are still to be considered primary United Kingdom qualifications after that removal.”

#### **Amendment of section 5**

**4.** In section 5(3) (general functions of the Education Committee in relation to medical education in the United Kingdom)—

- (a) in subsection (2)(a), for “in universities” substitute “in or under the direction of bodies or combinations of bodies”; and
- (b) in subsection (3A), for “universities or other bodies” (in both places) substitute “bodies or combinations of bodies”.

#### **Amendment of section 6**

**5.** In section 6 (further powers of the Education Committee)—

- (a) in subsection (1), for “university or other body” substitute “body or combination of bodies”;
- (b) in subsection (2), for “university or body specified in section 4(3) above” substitute “body or combination of bodies included in the list maintained under section 4(1)”; and
- (c) in subsection (5), omit the words from “and shall also” to the end of that subsection.

#### **Amendment of section 7**

**6.** In section 7 (power to appoint visitors of medical schools)—

- (a) in subsection (1)—
  - (i) omit “, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in any such directions,”; and
  - (ii) for “university or other body specified in section 4(3) above” substitute “body or combination of bodies included in the list maintained under section 4(1)”; and
- (b) in subsection (3)—
  - (i) for “university or other body” substitute “body or combination of bodies”, and
  - (ii) after “that body” insert “or combination of bodies”; and
- (c) omit subsection (4).

#### **Repeal of section 8**

**7.** Omit section 8(4) (power to add further qualifying examinations).

#### **Repeal of section 9**

**8.** Omit section 9 (powers of the Privy Council where standards are not maintained).

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(3) Section 5 has been amended by S.I. 1996/1591, 2003/3148, 2004/1947, 2006/1914 and 2007/3101.

(4) Section 8 has been amended by S.I. 2006/1914.

## Amendment of section 16

9. In section 16 (registration of qualifications), in subsection (1)(5), after “15A above” insert “or 18A below”.

## New section 18A

10. After section 18 (visiting medical practitioners from relevant European States), insert the following section—

### **“Temporary registration with regard to emergencies involving loss of human life or human illness etc.**

**18A.**—(1) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this section, the Registrar may register under this section—

- (a) a person as a fully registered medical practitioner, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a fully registered medical practitioner with regard to the emergency; or
- (b) the persons comprising a specified group of persons as fully registered medical practitioners, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as fully registered medical practitioners with regard to the emergency.

(2) The Registrar may register under this section by virtue of subsection (1)(b) all of the persons comprising a specified group of persons without first identifying each person in the group.

(3) The registration of a person under this section is subject to such conditions as the Registrar may specify, and the Registrar may at any time vary the conditions to which a person’s registration under this section is subject (including by adding to the conditions or revoking any conditions).

(4) The registration of any person registered under this section by virtue of subsection (1)(b) as one of a specified group may be subject to the same conditions as the registration of other members of the group, or it may be subject to different conditions.

(5) A person’s registration under this section shall cease to have effect if revoked by the Registrar, which—

- (a) the Registrar must do if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to advise the Registrar as mentioned in subsection (1) no longer exist;
- (b) the Registrar may do for any other reason at any time, including where the Registrar has grounds for suspecting that the person’s fitness to practise may be impaired.

(6) The registration of a person registered under this section by virtue of subsection (1)(b) as one of a specified group may be revoked without revoking the registration of the other members of the group, or it may be revoked by virtue of a decision to revoke the registration of all the members of the group.

(7) Part 5 of this Act, apart from sections 35, 35A(1) and (4) to (8) and 35B(2) and (3), shall not apply to persons registered under this section.

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(5) Subsection (1) has been amended by [S.I. 2000/3041](#) and [2002/3135](#).

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(8) If a person breaches any condition to which the person’s registration under this section is subject, anything done by the person in breach of that condition is to be treated as not being done by a registered medical practitioner.

(9) For the purposes of this section, “emergency” means an emergency of the type described in section 19(1)(a) of the Civil Contingencies Act 2004<sup>(6)</sup> (meaning of “emergency”), read with subsection (2)(a) and (b) of that section.”

### **Amendment of section 30**

**11.** In section 30 (the registers), in subsection (1)<sup>(7)</sup>, after paragraph (a) insert the following paragraph—

“(aa) in the emergency powers doctors list, the names of persons from time to time registered under section 18A;”.

### **New section 30A**

**12.** After section 30, insert the following section—

#### **“The register: emergency powers doctors list**

**30A.**—(1) Notwithstanding any other provision of this Act, the Registrar is not under an obligation to make any entry in the register in respect of any person registered by virtue of section 18A(1)(b) until the Registrar has been able to ascertain the person’s name and address.

(2) The Registrar may make available information identifying any group of persons registered by virtue of section 18A(1)(b) in such manner as the Registrar sees fit.”

### **Amendment of section 32**

**13.** In section 32 (registration fees), in subsection (5)<sup>(8)</sup>, after “registration” insert “in the emergency powers doctors list or”.

### **Amendment of section 35A**

**14.** In section 35A<sup>(9)</sup> (General Council’s power to require disclosure of information), in subsection (1)—

- (a) after “their committees” insert “or the Registrar”; and
- (b) after “fitness to practise” insert “, or for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of section 18A(1)(b),”.

### **Amendment of section 35C**

**15.** In section 35C<sup>(10)</sup> (functions of the Investigation Committee), in subsection (2), omit “or” at the end of paragraph (d) and after paragraph (e) insert—

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<sup>(6)</sup> 2004 c.36.

<sup>(7)</sup> Section 30(1) has been amended by S.I. 1996/1591, 2000/3041, 2002/3135 and 2006/1914.

<sup>(8)</sup> Section 32(5) was amended by S.I. 1996/1591 and 2007/3101.

<sup>(9)</sup> Section 35A is as substituted by S.I. 2002/3135 and thereafter amended by S.I. 2006/1914.

<sup>(10)</sup> Section 35C is as substituted by S.I. 2002/3135.

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- “(f) the Independent Barring Board including the person in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006<sup>(11)</sup> or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007<sup>(12)</sup>); or
- (g) the Scottish Ministers including the person in the children’s list or the adults’ list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007<sup>(13)</sup>).”

#### **Amendment of section 49B**

**16.** In section 49B<sup>(14)</sup> (the Directive: designation of competent authority etc.), in subsection (4), for “specified in section 4(2)” substitute “included in the list maintained under section 4(1)”.

#### **Amendment of section 51**

- 17.** In section 51<sup>(15)</sup> (exercise of powers to make Orders in Council and other orders)—
- (a) in subsection (1), omit “(except section 9(2) and (5))”; and
  - (b) omit paragraph (a) of subsection (3) (together with the “or” following it).

#### **Substitution of section 52A**

**18.** For section 52A<sup>(16)</sup> (annual reports) substitute the following section—

##### **“Annual reports, statistical reports and strategic plans**

**52A.—**(1) The General Council shall publish, by such date in each year as the Privy Council shall specify—

- (a) a report on the exercise of their functions which includes a description of the arrangements that the General Council have put in place to ensure that they adhere to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006<sup>(17)</sup>);
- (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council have put in place to protect members of the public from persons who are provisionally registered or fully registered and whose fitness to practise is impaired, together with the General Council’s observations on the report; and
- (c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.

(2) The General Council shall submit copies of the reports and the plan published under subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament.”

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<sup>(11)</sup> 2006 c.47.

<sup>(12)</sup> S.I. 2007/1351 (N. I. 11).

<sup>(13)</sup> 2007 asp 14.

<sup>(14)</sup> Section 49B was inserted by S.I. 2007/3101.

<sup>(15)</sup> Section 51 has been amended by S.I. 2006/1914.

<sup>(16)</sup> Section 52A was inserted by S.I. 2002/3135.

<sup>(17)</sup> 2006 c.3.

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### **Amendment of section 53**

**19.** In section 53(18) (proof of certain instruments), in subsection (2), omit paragraph (a).

### **Amendment of section 55**

**20.** In section 55 (interpretation), in subsection (1)—

- (a) in the definition of “fully registered person”(19), after “14A,” insert “18A,”; and
- (b) omit the definitions of “appointed member”, “appointing body”, “elected member” and “nominated member”.

### **Amendment of Schedule 1**

**21.**—(1) Schedule 1 (the General Medical Council and its committees, and the branch councils) is amended in accordance with the provisions of this paragraph.

(2) For Part 1(20) (constitution of the General Medical Council) substitute the following Part—

## **“Part 1**

### **Constitution of the General Medical Council**

#### ***Membership: general***

**1A.**—(1) The General Council shall consist of—

- (a) registrant members, that is members who—
  - (i) are fully registered or provisionally registered, and
  - (ii) hold licences to practise; and
- (b) lay members, that is members who—
  - (i) are not and never have been provisionally registered or fully registered,
  - (ii) were at no time registered with limited registration under section 22 prior to its repeal, and
  - (iii) do not hold qualifications which would entitle them to apply for provisional or full registration under this Act.

(2) The members of the General Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

(4) Before the Privy Council gives a direction to the Appointments Commission under section 60(1) of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the General Council, the Privy Council shall consult the General Council.

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(18) Section 53 has been amended by [S.I. 2002/3135](#).

(19) The definition of “fully registered person” has been amended by [S.I. 1996/1591](#), [2000/3041](#), [2002/3135](#) and [2006/1914](#).

(20) Part I has been amended by: the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 12, paragraph 2; the Health Act 2006 (c.28), Schedule 8, paragraph 26, and Schedule 9; and by [S.I. 2002/3135](#) and [2006/1914](#).

***Matters for the order of the Privy Council under section 1(2)***

- 1B.**—(1) An order under section 1(2) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the General Council;
  - (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
  - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;
  - (d) the appointment of a chair of the General Council and the chair’s term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
  - (e) deputising arrangements in respect of the chair;
  - (f) the quorum of the General Council; and
  - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.
- (3) An order under section 1(2) may include provision with regard to—
- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
  - (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
  - (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of their members in standing orders, and for those standing orders to provide for—
    - (i) that education and training to be the responsibility of another body, and
    - (ii) those requirements to be set and varied by that body from time to time;
  - (d) the attendance of members of the General Council at meetings of the General Council;
  - (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
  - (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as president of the General Council on the day before the first order of the Privy Council under section 1(2) comes into force.
- (4) An order under section 1(2) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

***Registration of members’ private interests***

- 1C.**—(1) The General Council must maintain a system for the declaration and registration of private interests of their members.
- (2) The General Council must publish in such manner as they see fit entries recorded in the register of members’ private interests.”

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(3) For paragraph 9A (which relates to the General Council’s general duties of co-operation) substitute the following paragraph—

“**9A.**—(1) In exercising their functions, the General Council shall—

(a) have proper regard for—

(i) the interests of persons using or needing the services of provisionally or fully registered medical practitioners in the United Kingdom, and

(ii) any differing interests of different categories of provisionally or fully registered medical practitioners;

(b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—

(i) the employment (whether or not under a contract of service) of provisionally or fully registered medical practitioners,

(ii) the education or training of medical practitioners or other health care professionals,

(iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,

(iv) the regulation of health services, and

(v) the provision, supervision or management of health services.

(2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a medical practitioner which apply in England, Scotland, Wales or Northern Ireland.

(3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(21), other than the General Council.”

(4) Omit paragraph 12 (which relates to the validity of proceedings of the General Council) and paragraph 13(22) (which relates to the quorum of the General Council).

(5) In paragraph 14 (which relates to voting at General Council meetings), for “presides at” substitute “chairs”.

(6) In paragraph 15 (which relates to provisions in standing orders of the General Council)—

(a) after sub-paragraph (1) insert the following sub-paragraph—

“(1A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2).”; and

(b) in sub-paragraph (3), for “This paragraph” substitute “Sub-paragraph (1)”.

(7) In paragraph 16(23) (officers of the General Council), for sub-paragraphs (1) and (2) substitute the following sub-paragraph—

“(1A) Standing orders of the General Council may make provision with regard to the appointment of a treasurer of the General Council.”

(8) After paragraph 23B(24) (which relates to quora of panels and the Investigation Committee) insert the following paragraph—

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(21) 2002 c.17.

(22) Paragraph 13 was substituted by S.I. 2002/3135.

(23) Paragraph 16 was amended by S.I. 2002/3135.

(24) Paragraph 23B was inserted by S.I. 2002/3135.



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“**23C.** Rules under any of the paragraphs mentioned in paragraph 23B may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the General Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the panels or the committee to which those paragraphs relate, including any function relating to tenure of office or suspension or removal from office.”

### **Amendment of Schedule 3**

**22.** In Schedule 3 (registration: supplementary provisions), in paragraph 3(**25**), in subparagraph (2), for “university in the United Kingdom or any other body specified in section 4(3)” substitute “body or combination of bodies included in the list maintained under section 4(1)”.

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(25) Paragraph 3 has been amended by S.I. 1996/1519, 2000/3041 and 2006/1914.