



# Medical Act 1983

## 1983 CHAPTER 54

### <sup>F1</sup>PART IIIA

#### LICENCE TO PRACTISE AND REVALIDATION

##### *Supplementary provisions*

#### **29E Evidence**

- (1) Regulations under section 29A above may make provision for a licensing authority—
- (a) to refuse to grant a licence to practise to a medical practitioner;
  - (b) to withdraw a licence to practise from a medical practitioner; or
  - (c) to refuse to restore a licence to practise to a medical practitioner,
- in any case where the medical practitioner does not provide the licensing authority with such evidence or information as the authority may reasonably request for any of the purposes specified in subsection (2) below.

- (2) The purposes are those of—
- (a) determining whether to grant a licence to practise to the practitioner;
  - (b) revalidation of the practitioner;
  - (c) determining whether to withdraw a licence to practise from the practitioner; and
  - (d) determining whether to restore a licence to practise to the practitioner.

[<sup>F1</sup>(2A) Regulations under section 29A above may include provision for or in connection with requiring a medical practitioner to supply information to a licensing authority (including information about his prospective, current or past employment as a medical practitioner) which, in the opinion of the licensing authority, will assist it in determining when and how to revalidate him.]

- (3) For the purpose of carrying out any function under sections 29A to 29D above in relation to a medical practitioner, a licensing authority may require—
- (a) any medical practitioner (other than that practitioner); or

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- (b) any other person,  
who, in the opinion of the authority, is able to supply information, or produce any document, which appears relevant to the discharge of any such function, to supply such information or produce such a document.
- (4) For the purpose of reviewing procedures relating to—
- (a) revalidation; or
  - (b) the grant, withdrawal or restoration of a licence to practise,
- a licensing authority may require any medical practitioner or other person to supply information or produce any document.
- (5) Nothing in subsection (3) or (4) above shall require or permit any disclosure of information which is prohibited by or under any other enactment.
- (6) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, a licensing authority may, in exercising its functions under subsection (3) or (4) above, require that the information be put into a form which is not capable of identifying that individual.
- (7) In determining for the purposes of subsection (5) above whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, it shall be assumed that the disclosure is required by or under this section.
- (8) Subsections (3) and (4) do not apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the relevant court (within the meaning of section 40(5) below).
- (9) In this section “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.

#### Textual Amendments

- F1** S. 29E(2A) inserted (19.7.2006, 3.12.2012 in so far as not already in force as notified in the London Gazette dated 2.11.2012) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **66**

#### Modifications etc. (not altering text)

- C1** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, **Sch. Regulations reg. 5(8)**
- C2** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, **Sch. Regulations reg. 3(6)**
- C3** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, **Sch. Regulations reg. 6(12)**

### [<sup>F2</sup>29EA] Disclosure by a licensing authority of information relating to revalidation

- (1) This section applies where—

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- (a) a medical practitioner participates in a revalidation pilot scheme and the medical practitioner’s revalidation under the scheme ceases before evaluation of the practitioner’s fitness to practise is complete; or
  - (b) a medical practitioner’s revalidation under this Part ceases before any decision is made as to—
    - (i) the practitioner holding, or continuing to hold, a licence to practise; or
    - (ii) the making of any change to the General Practitioner Register or the Specialist Register in respect of the practitioner.
- (2) If the licensing authority considers it to be in the public interest to do so, the licensing authority may disclose any relevant information about the medical practitioner to—
- (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland or the Welsh Ministers; and
  - (b) any person of whom the licensing authority is aware—
    - (i) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine, or
    - (ii) with whom the practitioner has an arrangement to provide such services.
- (3) In this section—
- “relevant information”, in relation to a medical practitioner, means information arising in the course of or otherwise in connection with such revalidation of the practitioner as is mentioned in subsection (1)(a) or (b); and
- “revalidation pilot scheme” means any voluntary pilot scheme for the purpose of determining when and how revalidation under this Part will operate (whether in relation to all medical practitioners or medical practitioners of any description).]

#### Textual Amendments

- F2** S. 29EA inserted (30.4.2010 for specified purposes, 3.12.2012 for specified purposes immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 13**; S.I. 2010/1182, art. 2; S.I. 2012/2686, arts. 1(3), 2(a)(iv)

## 29F Appeals

- (1) If a licensing authority decides under this Part—
- (a) to refuse to grant a licence to practise to a medical practitioner;
  - (b) to withdraw a licence to practise from a medical practitioner; or
  - (c) to refuse to restore a licence to practise to a medical practitioner,
- the practitioner may appeal to a Registration Appeals Panel.

[<sup>F3</sup>(1A) If a licensing authority decides under—

- (a) [<sup>F4</sup>section 44C(8)] to refuse to grant a licence to practise to a medical practitioner; or
- (b) [<sup>F5</sup>section 44C(9)(a)] to withdraw a licence to practise from a medical practitioner,

the practitioner may appeal to a Registration Appeals Panel.]

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- (2) Schedule 3B (which provides for the procedures to be followed before a Registration Appeals Panel) shall apply in relation to any appeal under subsection (1) [<sup>F6</sup>or (1A)] above.
- (3) A decision under this Part to withdraw a licence to practise from a medical practitioner shall not be carried into effect—
- (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
  - (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.

#### Textual Amendments

- F3** S. 29F(1A) inserted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I., 8.8.2014 in so far as not already in force as notified in the London Gazette dated 8.8.2014) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **68(a)**
- F4** Words in s. 29F(1A)(a) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 1(2)** (with Sch. 3 paras. 2-5)
- F5** Words in s. 29F(1A)(b) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 1(2)** (with Sch. 3 paras. 2-5)
- F6** Words in s. 29F(2) inserted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I.) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **68(b)**

## 29G Guidance

- (1) The General Council may publish guidance for medical practitioners relating to the information and documents to be provided, and any other requirements to be satisfied—
- [<sup>F7</sup>(za) for securing the grant of a licence to practise;]
- (a) for the purposes of revalidation; or
  - (b) for securing restoration of a licence to practise.
- [<sup>F8</sup>(1A) The information and documents to be provided, and other requirements to be satisfied, may relate to—
- (a) standards set by a prescribed person or body; or
  - (b) documents issued by a prescribed person or body.]
- (2) [<sup>F9</sup>In preparing any guidance under subsection (1)(a)] in relation to revalidation, the General Council shall take into account such similarities as there may be between any information or documents to be provided, or any other requirements to be satisfied—
- (a) for the purposes of revalidation; and
  - (b) for the purposes of any scheme for the appraisal of medical practitioners which applies within [<sup>F10</sup>any of the UK health services].
- [<sup>F11</sup>(2A) The General Council must publish guidance relating to the evidence, information or documents to be provided for the purposes of demonstrating that a medical practitioner has the necessary knowledge of English.]

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<sup>F12</sup>(3) .....

#### Textual Amendments

- F7** S. 29G(1)(za) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(2)**; S.I. 2009/2200, art. 2
- F8** S. 29G(1A) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(3)**; S.I. 2009/2200, art. 2
- F9** Words in s. 29G(2) substituted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(4)**; S.I. 2009/2200, art. 2
- F10** Words in s. 29G(2)(b) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 3(a)**; S.I. 2010/478, art. 2(b)
- F11** S. 29G(2A) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **4(2)** (with arts. 11, 12)
- F12** S. 29G(3) omitted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 3(b)**; S.I. 2010/478, art. 2(b)

## 29H Notices

- (1) This section applies to any notice required to be given to a medical practitioner under—
- section 29B or 29D above; or
  - paragraph 6 or 7 of Schedule 3B to this Act.
- (2) Any such notice may be so given—
- by delivering it to him;
  - by leaving it at his proper address;
  - by sending it by a registered post service; or
  - by sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (3) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, a medical practitioner's proper address shall be—
- his address in the register; or
  - if the conditions in subsection (4) below are satisfied, his last known address.
- (4) The conditions are that—
- the practitioner's last known address differs from his address in the register; and
  - it appears to the body or person giving the notice that a letter sent to the practitioner at his last known address is more likely to reach him.
- (5) For the purposes of this section—
- the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
  - so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.

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## 29J Miscellaneous

- (1) Regulations under section 29A above may provide for the charging of a fee to a medical practitioner in respect of the cost of—
- (a) his revalidation; or
  - (b) the consideration of any application made by him for restoration of a licence to practise.
- [<sup>F13</sup>(2) Any sum payable by a medical practitioner under subsection (1) above—
- (a) may be recovered by the General Council; or
  - (b) where regulations by virtue of subsection (2B) below are in force, may instead be recovered by a prescribed person or body in such cases or circumstances, and to such extent, as may be prescribed.
- (2A) In England and Wales or Northern Ireland, any such sum shall be recoverable summarily as a civil debt.
- (2B) Regulations under section 29A above may specify requirements to be satisfied by medical practitioners (or medical practitioners of a prescribed description) by reference to standards which are—
- (a) set by a prescribed person or body (“C”); and
  - (b) endorsed by the General Council.
- (2C) If regulations under section 29A above make provision by virtue of subsection (2B), they may also—
- (a) provide for C to carry out revalidation of any medical practitioner to whom the regulations apply;
  - (b) require a medical practitioner or any other person (including another medical practitioner) to provide any evidence, information or document which C may reasonably request for or in connection with revalidation of a medical practitioner;
  - (c) provide for the powers of a licensing authority in section 29E(1)(a) to (e) above to be exercisable in relation to a medical practitioner in connection with any refusal or failure by the practitioner to provide C with such information;
  - (d) make provision equivalent to section 29E(5) to (9) above as to the disclosure of such information to C (with appropriate modifications);
  - (e) provide for C to make reports and recommendations to the licensing authority about a medical practitioner in connection with revalidation by C; and
  - (f) make other provision as to the procedure to be followed for or in connection with revalidation by C.
- (2D) Nothing in subsection (2C) permits regulations to be made giving C power to make any decision as to—
- (a) a medical practitioner holding, or continuing to hold, a licence to practise; or
  - (b) the making of any change to the General Practitioner Register or the Specialist Register in respect of a medical practitioner.]

[<sup>F14</sup>(2E) Regulations under section 29A may make provision in connection with determining whether a medical practitioner has demonstrated the necessary knowledge of English; and the regulations may in particular—

    - (a) provide for the licensing authority to require a person to undertake an assessment to demonstrate whether the person has the necessary knowledge of English;

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- (b) require a person to provide any evidence, information or document which the licensing authority may reasonably request for the purpose of demonstrating whether the person has the necessary knowledge of English but the regulations may not require, or enable the licensing authority to request, evidence or information demonstrating that the practitioner's knowledge of English exceeds the necessary knowledge of English;
  - (c) provide for the powers of the licensing authority in section 29E(1)(a) and (b) to be exercisable in relation to a person in connection with any refusal or failure by the person to provide the licensing authority with such information;
  - (d) make provision equivalent to section 29E(5) to (9) as to the disclosure of such information to the licensing authority (with appropriate modifications).]
- (3) Regulations under section 29A above may make different provision for different purposes, cases or circumstances [<sup>F15</sup>or different areas].
- (4) Regulations under section 29A above shall not have effect until approved by order of the Privy Council.
- (5) Before making regulations under section 29A above, the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.

#### Textual Amendments

- F13** S. 29J(2)-(2D) substituted for s. 29J(2) (9.9.2009 for specified purposes) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), [Sch. 1 para. 16\(2\)](#); S.I. 2009/2200, art. 2
- F14** S. 29J(2E) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), [5\(2\)](#) (with arts. 11, 12)
- F15** Words in s. 29J(3) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), [Sch. 1 para. 16\(3\)](#); S.I. 2009/2200, art. 2

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