



# Medical Act 1983

## 1983 CHAPTER 54

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 50 Default powers of Privy Council.

- (1) If at any time it appears to the Privy Council that—
  - (a) the Education Committee have failed to secure the maintenance of the prescribed standard of proficiency at examinations; or
  - (b) the General Council or the Education Committee ought to exercise any power, perform any duty, or do any act or thing vested in, imposed on or authorised to be done by them, by any provision of this Act except section 7, 10, 11, 12, [F1 13 or] 32(1) to (3) or (7) to (9) F2... or paragraph 7 of Schedule 4 to this Act, the Privy Council may notify their opinion to the General Council or that Committee as the case requires.
- (2) If the General Council fail to comply with any directions of the Privy Council relating to a notification given under subsection (1) above, the Privy Council may themselves give effect to those directions, and for that purpose may exercise any power vested in the General Council or do any act or thing authorised to be done by that Council and may of their own motion do any act or thing which under this Act they are authorised to do in pursuance of a representation or suggestion from the General Council.
- (3) Subsection (2) above shall apply to the Education Committee as it applies to the General Council.

#### Textual Amendments

- F1** Words in s. 50(1)(b) substituted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(3)** (with Sch. 2)
- F2** Words in s. 50(1)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(3)** (with Sch. 2)

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## **51 Exercise of powers to make Orders in Council and other orders.**

- (1) Any power of the Privy Council to make orders under the provisions of this Act (except section 9(2) and (5)) shall be exercisable by statutory instrument.
- (2) Except as provided in subsection (3) below, any statutory instrument containing an Order in Council or order of the Privy Council under any provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an Order in Council under section 8(2) above or an order of the Privy Council under section 31(10) or 32(8) above or an order under section 11(5) above, but no order under section 11(5) above shall be made unless a draft of it has been laid before Parliament and has been approved by a resolution of each House of Parliament.

## **52 Exercise of powers of Privy Council.**

- (1) Any power vested in the Privy Council by this Act may be exercised by any two or more of the lords and others of the Council.
- (2) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

## **[<sup>F3</sup>52A Annual reports**

- (1) The General Council shall publish at least once in each calendar year a statistical report which indicates the efficiency and effectiveness of the arrangements the Council has put in place to protect the public from persons whose fitness to practise is impaired, together with the General Council's observations on the report.
- (2) The General Council—
  - (a) within such time as may be specified by the Privy Council, shall submit a report to it on the General Council's exercise of its functions during the period specified by the Privy Council; and
  - (b) thereafter shall submit such a report once in each year in respect of the period since its last such report.
- (3) The Privy Council shall lay before each House of Parliament a copy of the report submitted by the Council under subsection (2) above.]

### **Textual Amendments**

**F3** S. 52A inserted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(4)** (with Sch. 2)

## **53 Proof of certain instruments.**

- (1) A copy of any instrument mentioned in subsection (2) below which—

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- (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Council, or
- (b) is certified to be a true copy by the Registrar or by any other person appointed by the General Council, either in addition to or in place of the Registrar, to certify any such instrument,

shall be admissible in evidence.

(2) The instruments referred to in subsection (1) above are—

- (a) any order of the Privy Council under section 9 above;
- (b) regulations made by the General Council under section 31 or 32 above;
- (c) an order of the Professional Conduct Committee [<sup>F4</sup>, the Committee on Professional Performance] or the Health Committee under section 38 above; and
- (d) a direction of the General Council under section 39 above.

#### Textual Amendments

**F4** Words in s. 53(2)(c) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 11**; S.I. 1997/1315, **art. 2**

## 54 Saving for certain occupations.

Nothing in this Act shall prejudice or in any way affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges or employment of duly licensed apothecaries in Northern Ireland, so far as the occupation, trade or business extends to selling, compounding or dispensing medicines.

## 55 Interpretation.

<sup>F5</sup>(1) In this Act—

“acceptable overseas qualification” has the meaning given by section 22(4) above;

“additional qualification” has the meaning given by section 16(2) above;

“appointed member” means a member of the General Council chosen by a university or other body designated as an appointing body by an Order in Council under section 1 above;

“appointing body” means a university or other body having, by virtue of an Order in Council under section 1 above, power to choose an appointed member or members of the General Council;

[<sup>F6</sup>“Directive 93/16/EEC” has the meaning given by section 5(4) above;]

“disqualifying decision” has the meaning given by section 44(2) above;

[<sup>F6</sup>“the EEA Agreement” and “EEA State” have the meanings given by section 3(3) above;]

“elected member” means a member of the General Council elected under paragraph 2 of Schedule 1 to this Act;

[<sup>F7</sup>“exempt person” has the meaning given in section 19(2) above;]

<sup>F8</sup> . . .

“fully registered person” means a person for the time being registered under [<sup>F9</sup>section 3, 19, 21A, 25 or 27] above as a fully registered medical practitioner, or under section 18 above as a visiting [<sup>F10</sup>EEA practitioner], and—

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- (a) so far as mentioned in subsection (3) of section 15 <sup>[F11]</sup>(including that subsection as applied by section 15A(4)) or 21 above, but not further, includes a person for the time being provisionally registered;
- (b) in relation to such employment and such things as are mentioned in paragraphs (a), (b) and (c) of subsection (7) of section 22 above, but not in relation to other matters, includes a person for the time being registered under that section with limited registration;

and “fully registered” shall be construed accordingly;

“the General Council” means the General Medical Council;

“limited registration” has the meaning given by section 22(2) above;

“national”, in relation to a <sup>[F10]</sup>EEA State], has the same meaning as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

“the necessary knowledge of English”, in relation to an applicant for registration under this Act, means the knowledge which, in the interests of himself and his patients, is necessary for the practice of medicine in the United Kingdom;

“nominated member” means a member of the General Council nominated by Her Majesty under paragraph 4 of Schedule 1 to this Act;

“the permitted period”, in relation to limited registration, has the meaning given by section 22(3) above;

“the prescribed knowledge and skill” has the meaning given by section 5(4) above;

“a prescribed pattern of experience” has the meaning given by section 5(4) above;

“the prescribed standard of proficiency” has the meaning given by section 5(4) above;

“primary European qualification” shall be construed in accordance with section 17 above;

“primary United Kingdom qualification” has the meaning given by section 4(3) above;

<sup>[F12]</sup>“professional performance” includes a medical practitioner’s professional competence;]

“provisionally registered” means provisionally registered under section 15 <sup>[F13]</sup>, 15A] or 21 above;

“qualification”, except where the context otherwise requires, means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted in respect of any branch or branches of medicine by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;

<sup>F14</sup>

“the register” means the register of medical practitioners, except that, in relation to a person registered with limited registration, it means the register of medical practitioners with limited registration;

“the Registrar” has the meaning given by section 2(1) above but subject to sub-paragraph (3) of paragraph 16 of Schedule 1 to this Act;

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[<sup>F15</sup>“revalidation” has the meaning given in section 29A above;]

<sup>F16</sup>  
...

“the statutory committees” means the committees specified in section 1(3) above.

[<sup>F17</sup>(2) In relation to anything done before the adoption by the Council of Directive 93/16/EEC, references in this Act to that Directive, or to any provision of that Directive, shall be construed as references to, or to the corresponding provision of, the following Directives as for the time being amended, namely—

- (a) Council Directive No.75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine; and
- (b) Council Directive No.75/363/EEC concerning the coordination of provisions in respect of activities of doctors.]

#### Textual Amendments

- F5** S. 55 renumbered as s. 55(1) (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(1)
- F6** Definition in s. 55(1) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(2)(a)(b)
- F7** S. 55(1): definition of "exempt person" inserted (17.12.2002) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(h), 15(6)(c) (with transitional provisions in Sch. 2)
- F8** Definition in s. 55(1) repealed (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(2)(c)(f)
- F9** In s. 55(1) in definition of "fully registered person" words substituted (17.12.2002) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(h), 15(6)(b) (with transitional provisions in Sch. 2)
- F10** Words in s. 55(1) substituted (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(2)(d)(e)
- F11** In s. 55(1) in para. (a) of definition of "fully registered person" words inserted (4.12.2000) by S.I. 2000/3041, reg. 4(6)(a)
- F12** S. 55(1): definition of "professional performance" inserted (17.12.2002) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(h), 15(6)(c) (with transitional provisions in Sch. 2)
- F13** In s. 55(1) in definition of "provisionally registered" word inserted (4.12.2000) by S.I. 2000/3041, reg. 4(6)(b)
- F14** In s. 55(1) definition of "recognised overseas qualification" omitted (17.12.2002) by virtue of The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(h), 15(6)(a) (with transitional provisions in Sch. 2)
- F15** S. 55(1): definition of "revalidation" inserted (17.12.2002) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(h), 15(6)(c) (with transitional provisions in Sch. 2)
- F16** Definition in s. 55(1) repealed (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(2)(c)(f)
- F17** S. 55(2) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 13(3)

## 56 Consequential amendments, repeals, transitional provisions and savings.

- (1) Schedule 5 (consequential amendments) and Schedule 6 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals); and in Schedule 6 “the 1956 Act” and “the <sup>M1</sup>1978 Act” mean the <sup>M2</sup>Medical Act 1956 and the <sup>M3</sup>Medical Act 1978 respectively.
- (2) Subject to subsection (1) above, the enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.

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- (3) The instruments specified in Part II of Schedule 7 to this Act are hereby revoked to the extent specified in the third column of that Part, but the re-enactment of Articles 4, 7 and 8 of the <sup>M4</sup>Medical Qualifications (EEC Recognition) Order 1977 in provisions of this Act shall be without prejudice to the validity of those Articles, and any question as to the validity of them shall be determined as if the re-enacting provision of this Act were contained in a statutory instrument made under the powers under which that Order was made.

**Marginal Citations**

- M1** 1978 c. 30.  
**M2** 1956 c. 76.  
**M3** 1978 c. 12.  
**M4** S.I. 1977/827.

**57 Short title, commencement and extent.**

- (1) This Act may be cited as the Medical Act 1983.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to Northern Ireland.

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