

Status: Point in time view as at 19/07/2006.

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SCHEDULES

SCHEDULE 1

Section 1.

THE GENERAL MEDICAL COUNCIL AND ITS COMMITTEES, AND THE BRANCH COUNCILS

PART I

CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

General

- 1 (1) The General Council shall consist of—
- (a) elected members;
 - (b) appointed members; and
 - (c) nominated members.
- (2) The numbers of elected members, appointed members and nominated members shall be such that the number of the elected members exceeds the number of the appointed and nominated members.
- [^{F1}(3) The General Council shall consist of no more than 35 members.]

Textual Amendments

- F1** Sch. 1 para. 1(3) 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), **4(2)** (with Sch. 2)

Elected members

- 2 (1) Elections of elected members shall be conducted in accordance with an electoral scheme under this paragraph providing for the election of members for the following four constituencies, that is to say—
- (a) England, the Channel Islands and the Isle of Man;
 - (b) Wales;
 - (c) Scotland; and
 - (d) Northern Ireland.
- [^{F2}(1A) The provision that may be made by an electoral scheme includes provision for any of the constituencies listed in sub-paragraph (1)(a) to (d) above to be divided into two or more separate constituencies.]
- (2) An electoral scheme shall be made, with the approval of the Privy Council, by the General Council after consultation with such bodies as appear to the General Council to be representative of medical practitioners.

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- (3) An electoral scheme under sub-paragraph (2) above may be amended by the General Council with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.
- [^{F3}(4) The persons qualified to elect the elected members for any constituency shall be those who, on a date determined in accordance with the electoral scheme—
- (a) are resident in the constituency for which the election is held;
 - (b) [^{F4}are fully registered or provisionally registered; and]
 - (c) are holders of licences to practise.]
- [^{F5}(5) A person shall not be qualified to be elected as an elected member unless he—
- (a) [^{F6}is fully registered or provisionally registered; and]
 - (b) holds a licence to practise.
- (5A) An electoral scheme shall make provision for the disclosure to those qualified to vote at an election of information (including information concerning fitness to practise) relating to a person seeking election.]
- (6) For the purposes of this paragraph, a person shall be taken to be resident at his address in the register.

Textual Amendments

- F2** Sch. 1 para. 2(1A) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), **arts. 1(2)(c), 4(3)(a)** (with transitional provisions in [Sch. 2](#))
- F3** Sch. 1 para. 2(4) substituted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), **arts. 1(2)(c), 4(3)(b)** (with transitional provisions in [Sch. 2](#))
- F4** Sch. 1 para. 2(4)(b) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), **art. 1(2)(b)(c)(3), 16(a)**
- F5** Sch. 1 para. 2(5)(5A) substituted for Sch. 1 para. 2(5) (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), **arts. 1(2)(c), 4(3)(c)** (with transitional provisions in [Sch. 2](#))
- F6** Sch. 1 para. 2(5)(a) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), **art. 1(2)(b)(c)(3), 16(b)**

Appointed members

- 3 [^{F7}(1) Appointed members shall be chosen by such bodies as are designated for the time being as appointing bodies by an Order in Council under section 1 of this Act.
- (2) A person shall not be qualified to be chosen as an appointed member unless he—
 - (a) [^{F8}is fully registered or provisionally registered; and]
 - (b) holds a licence to practise.]
 - (3) An Order in Council under section 1 of this Act may give an appointing body the power to choose more than one appointed member or to choose an appointed member in combination with another appointing body or bodies.

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Textual Amendments

- F7** Sch. 1 para. 3(1)(2) substituted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(4)** (with transitional provisions in [Sch. 2](#))
- F8** Sch. 1 para. 3(2)(a) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **16(c)**

Nominated members

- 4 (1) Nominated members shall be nominated by [^{F9}the Privy Council].
- (2) One member at least shall be nominated for England, for Wales, for Scotland and for Northern Ireland.
- [^{F10}(3) A nominated member shall be a person who is neither fully registered nor a holder of any qualification registrable under this Act.]

Textual Amendments

- F9** Words in Sch. 1 para. 4(1) substituted (19.10.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 12 para. 2(2)**; S.I. 2004/2626, art. 2
- F10** Sch. 1 para. 4(3) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(5)** (with transitional provisions in [Sch. 2](#))

- [^{F11}4ZA(1) This paragraph applies if, under section 187 of the Health and Social Care (Community Health and Standards) Act 2003, the Secretary of State has given a direction to a Special Health Authority to exercise any function of a Minister of the Crown relating to the making of appointments to a body mentioned in that section.
- (2) The Privy Council may direct the Special Health Authority to exercise to the extent specified in the direction its functions under paragraph 4 in relation to the nomination of persons to be nominated members of the Council.]

Textual Amendments

- F11** Sch. 1 para. 4ZA inserted (19.10.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 12 para. 2(3)**; S.I. 2004/2626, art. 2

[^{F12}Suspension or removal from office of members

Textual Amendments

- F12** Sch. 1 paras. 4A, 4B and cross-headings inserted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(6)** (with transitional provisions in [Sch. 2](#))

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- 4A (1) The General Council shall by rules make provision for the suspension or removal from office of a member by the General Council in such circumstances as may be specified in the rules.
- (2) Rules under sub-paragraph (1) above shall provide for an elected member or an appointed member to be removed from office if he ceases—
- (a) to be registered; or
 - (b) to hold a licence to practise.
- (3) Standing orders of the General Council shall make provision for the procedure by which a member may be suspended or removed from office.
- (4) No rules under sub-paragraph (1) above shall come into force until approved by order of the Privy Council.

Registration of members' private interests

- 4B (1) The General Council must establish and maintain a system for the declaration and registration of private interests of members of the Council.
- (2) The General Council must publish entries recorded in the register of members' private interests.]

Supplementary

- 5 An Order in Council under section 1 of this Act may contain such incidental, consequential, transitional or supplementary provisions as appear to Her Majesty to be necessary or expedient.
- 6 (1) Subject to sub-paragraph (2) below, a person shall not be qualified to be a member of the General Council if he has attained the age of seventy years.
- (2) The General Council may by rules provide that sub-paragraph (1) above shall have effect with the substitution of such age less than seventy years as is specified in the rules.
- (3) No rules under sub-paragraph (2) above shall come into force until approved by order of the Privy Council.
- [^{F137} (1) Notwithstanding paragraph 1(2) above, an Order in Council under section 1 of this Act—
- (a) may make provision permitting elections to fill casual vacancies among the elected members to be held together, but
 - (b) may not permit a casual vacancy among the elected members to be left unfilled for a period exceeding six months, except in accordance with paragraph (c) below, and
 - (c) may make provision that a casual vacancy among the elected members need not be filled if the unexpired term of the elected member giving rise to the vacancy is less than twelve months.
- (2) In sub-paragraph (1) above the “unexpired term” means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would have expired.]

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Textual Amendments

F13 Sch. 1 para. 7 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), 4(7) (with transitional provisions in Sch. 2)

- 8 No recommendation shall be made to Her Majesty to amend or revoke an Order in Council under section 1 of this Act so far as it relates to the appointing bodies except in pursuance of a representation made to the Privy Council by the General Council.

PART II

INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

[^{F14}Incidental powers and duties]

Textual Amendments

F14 Italic heading immediately preceding Sch. 1 para. 9 substituted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), 15(7)(a) (with transitional provisions in Sch. 2)

- 9 It shall be within the capacity of the General Council as a corporation to do such things and enter into such transactions as are in their opinion incidental or conducive to the performance of their functions under this Act, including the borrowing of money.

- [^{F159A} In exercising their functions, the General Council shall co-operate wherever appropriate and reasonably practicable with public authorities or other bodies or persons concerned with—
- (a) the employment (whether or not under a contract of service) of registered medical practitioners;
 - (b) the education of medical practitioners, prospective medical practitioners or other health care professionals;
 - (c) the regulation of other health or social care professions; or
 - (d) the regulation of health services.

Textual Amendments

F15 Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), 15(7)(a) (with transitional provisions in Sch. 2)

- 9B (1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or
 - (b) would constitute or be punishable as a contempt of court.

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- (3) In sub-paragraph (2) above “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

F15 Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in [Sch. 2](#))

- 10 For the purpose of enabling the General Council to compile or assist in the compilation of statistics relating to medical practice and practitioners the Council may from time to time issue to persons registered under this Act (otherwise than under section 18) requests for information on matters which in the opinion of the Council are relevant for that purpose.
- 11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under [^{F16}section [^{F17}21A or 22][^{F17}21B or 21C]] of this Act.

Textual Amendments

F16 Words in Sch. 1 para. 11 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(3)** (with transitional provisions in [Sch. 2](#))

F17 Words in Sch. 1 para. 11 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **42**

Proceedings of the General Council

- 12 The validity of any proceedings of the General Council shall not be affected by any vacancy among the members of the Council or by any defect in the election, appointment or nomination of a member of the Council.
- [^{F18}13 The quorum of the General Council shall be prescribed by Her Majesty by Order in Council made under section 1 of this Act.]

Textual Amendments

F18 Sch. 1 para. 13 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(8)** (with transitional provisions in [Sch. 2](#))

- 14 All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the person who presides at the meeting shall, in addition to his vote as a member of the Council, have a casting vote.
- 15 (1) The General Council may by standing order make provision with respect to the meetings and proceedings of and the discharge of their functions by the Council and any committees of the Council, with respect to the composition of committees of the Council and with respect to the functions of the officers of the Council.

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- (2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.
- (3) This paragraph does not apply in relation to the statutory committees other than the Education Committee [^{F19}nor shall standing orders be made under it in relation to the discharge of the Council's functions under section 39 of this Act or in relation to any committee to which those functions may be delegated].

Textual Amendments

F19 Words in Sch. 1 para. 15(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(a)**

Officers of the General Council

- 16 (1) The General Council shall elect from among their number a president of the General Council and may so elect a chairman and a treasurer or treasurers of the General Council.
- (2) ^{F20} . . . any chairman or treasurer elected in pursuance of sub-paragraph (1) above shall be elected for a term not extending beyond the expiration of the term for which he has been elected, chosen or nominated to be a member of the General Council.
- (3) The General Council shall appoint a person to be registrar of the Council and may appoint such deputy and assistant registrars of the Council as the Council think fit and where a deputy or assistant registrar is authorised by the Registrar to act for him in any matter, any reference in this Act to the Registrar [^{F21}or in a direction or delegation to him under sub-paragraph (4) below,] shall include a reference to that deputy or assistant where the reference relates to that matter.
- [^{F22}(4) Subject to paragraph 6 of Schedule 4 to this Act, the Registrar shall, in addition to the functions specifically mentioned in this Act, have such other functions as the General Council may think fit to direct him to perform or delegate to him (whether or not in rules or standing orders).]

Textual Amendments

- F20** Words in Sch. 1 para. 16(2) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(i)** (with transitional provisions in Sch. 2)
- F21** Words in Sch. 1 para. 16(3) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(ii)** (with transitional provisions in Sch. 2)
- F22** Sch. 1 para. 16(4) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(iii)** (with transitional provisions in Sch. 2)

Financial provisions

- [^{F23}17 There shall be paid to the members of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow, including payments for duties undertaken as trustees of the Council.]

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Textual Amendments

F23 Sch. 1 para. 17 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(c)** (with transitional provisions in [Sch. 2](#))

- 18 (1) Any fees or other sums payable by virtue of this Act in connection with registration under this Act shall be paid to the General Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees and sums, or from the sale of registers, or otherwise.
- (2) The General Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts (including records of the evidence furnished by branch councils under paragraph 28 below), and their accounts for each financial year of the Council shall be audited by auditors appointed by the Council.
- [^{F24}(3) No person shall be appointed auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (4) As soon as may be after the accounts of the General Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors on them, and the Privy Council shall lay a copy of the accounts and of any report of the auditors on the accounts before each House of Parliament.

Textual Amendments

F24 Sch. 1 para. 18(3) substituted by [S.I. 1991/1997, reg. 2, Sch. para.50](#) (with [reg. 4](#))

PART III

COMMITTEES OF THE GENERAL MEDICAL COUNCIL

^{F25}*[Education Committee*

Textual Amendments

F25 Sch. 1 paras. 19-24 and cross-headings substituted (1.7.2003 for the purposes notified in the London Gazette dated 1.7.2003, 7.7.2004 the purposes notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)** (with transitional provisions in [Sch. 2](#))

- 19 Subject to the power of the Committee under paragraph 25 below to co-opt members, the composition of the Education Committee shall be such as the General Council think fit.

Interim Orders Panels

- 19A Subject to the restrictions on membership specified in paragraph 23 below and to the power of the Panel under paragraph 25 below to co-opt members, an Interim

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Orders Panel shall be constituted as provided by rules made under this paragraph by the General Council.

[^{F26}Registration Decisions Panels][^{F26}Registration Panels]

Textual Amendments

F26 Words in Sch. 1 para. 19B heading substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(1)(b)**

19B Subject to the power of the Panel under paragraph 25 below to co-opt members, a [^{F27}Registration Decisions Panel][^{F27}Registration Panel] shall be constituted as provided by rules made under this paragraph by the General Council.

Textual Amendments

F27 Words in Sch. 1 para. 19B substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

Registration Appeals Panels

19C Subject to the restrictions on membership specified in paragraph 23 below and to the power of the Panel under paragraph 25 below to co-opt members, a Registration Appeals Panel shall be constituted as provided by rules made under this paragraph by the General Council.

Investigation Committee

19D Subject to the power of the Committee under paragraph 25 below to co-opt members, the Investigation Committee shall be constituted as provided by rules made under this paragraph by the General Council.

Fitness to Practise Panels

19E Subject to the restrictions on membership specified in paragraph 23 below and to the power of the Panel under paragraph 25 below to co-opt members, a Fitness to Practise Panel shall be constituted as provided by rules made under this paragraph by the General Council.

Supplementary

23 Rules under paragraphs 19A, 19C and 19E above shall secure that—

- (a) only persons who are not members of the General Council shall be members of an Interim Orders Panel, a Registration Appeals Panel or a Fitness to Practise Panel;
- (b) a person who sits as a member of an Interim Orders Panel or Fitness to Practise Panel that has made an interim order in proceedings on any case shall not sit as a member of a Fitness to Practise Panel in any subsequent proceedings in that case; and

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- (c) a person who is a member of the Investigation Committee or a ^{F28}Registration Decisions Panel^{F28}Registration Panel may not at the same time be a member of an Interim Orders Panel, a Registration Appeals Panel or a Fitness to Practise Panel.

Textual Amendments

F28 Words in Sch. 1 para. 23(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

23B Rules under paragraph 19A, 19B, 19C, 19D or 19E above may make provision as to quorum.

24 Rules under paragraph 19A, 19B, 19C, 19D or 19E above shall not come into force until approved by order of the Privy Council.]

25 (1) Without prejudice to the preceding provisions of this Part of this Schedule the General Council may constitute ^{F29}... one or more committees.

^{F30}(1A) Any committee of the General Council may consist of or include persons who are not members of the Council.]

^{F31}(2) [^{F32}Subject to and in accordance with paragraph 23 above,] a Committee of the General Council may, if authorised to do so by the General Council, co-opt such persons (whether or not members of the Council) as the Committee think fit.]

(3) The General Council may delegate to any committee of the Council such of the Council's functions as they think fit but the determination of the remuneration payable to visitors appointed by the Education Committee under section 7(1) [^{F33}or 13(1)]^{F33}or 10A(6)] of this Act or to inspectors appointed by that Committee under section 6(2) of this Act shall be subject to the approval of the General Council.

^{F34}(4) Except where rules made by virtue of paragraph 23B above make provision as to quorum in the case of any of the statutory committees, the quorum of a committee of the General Council shall be such as the Council may from time to time determine.

(5) There shall be paid to the members of the committees of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow.]

Textual Amendments

F29 Words in Sch. 1 para. 25(1) 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), **5(4)(a)** (with Sch. 2)

F30 Sch. 1 para. 25(1A) 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), **5(4)(b)** (with Sch. 2)

F31 Sch. 1 para. 25(2) substituted (3.8.2000) by [S.I. 2000/1803](#), art. **15(f)**

F32 Words in Sch. 1 para. 25(2) inserted (7.7.2004 as notified in the London Gazette dated 2.7.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(c)** (with Sch. 2)

F33 Words in Sch. 1 para. 25(3) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **34**

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- F34** Sch. 1 para. 25(4)(5) substituted for Sch. 1 para. 25(4) (1.7.2003 in so far as it relates to new para. 25(5), as notified in the London Gazette dated 1.7.2003, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(d)** (with Sch. 2)

PART IV

THE BRANCH COUNCILS

- 26 (1) There shall continue to be a branch council for England, for Wales, for Scotland and for Northern Ireland.
- [^{F35}(2) The branch council for each area shall be constituted as provided by the General Council.
- (2A) Some or all members of a branch council may be persons who are not members of the General Council.]
- (3) The General Council may delegate to a branch council such of the functions of the General Council [^{F36}(other than those conferred by section 39 of this Act)] as the General Council think fit.

Textual Amendments

- F35** Sch. 1 para. 26(2)(2A) substituted (17.12.2002) for Sch. 1 para. 26(2) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(d)** (with transitional provisions in Sch. 2)
- F36** Words in Sch. 1 para. 26(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(b)**

- 27 Each branch council shall appoint a registrar of the council but the person appointed to be registrar of the General Council—
- (a) shall also be registrar of the branch council for England; and
- (b) may also be registrar of all or any of the other branch councils.
- 28 The General Council shall furnish each branch council with such sums as the branch council may require for defraying any expenses incurred by the branch council with the approval of the General Council; and each branch council shall furnish the General Council with such evidence as the General Council may reasonably require of all payments made by the branch council out of sums furnished by the General Council.
- [^{F37}29 There shall be paid to the members of the branch councils such remuneration and such travelling, subsistence or other expenses as the General Council may allow.]

Textual Amendments

- F37** Sch. 1 para. 29 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(e)** (with transitional provisions in Sch. 2)

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F38}SCHEDULE 2

Section 17.

PRIMARY EUROPEAN QUALIFICATIONS

Textual Amendments

F38 Sch. 2 substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), 9(5), **Sch. 4 Pt. I**

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	1.	Urkunde über die Verleihung des akademischen Grades Doktor der gesamten Heilkunde (bzw. Doctor medicinae universae, Dr.Med.univ.)	1. Medizinische Fakultät einer Universität 2. Österreichische Ärztekammer
	2.	Diplom über die spezifische Ausbildung zum Arzt für Allgemeinmedizin bzw. Facharzt Diplom	
Belgium	— Diploma van arts — Diplôme de docteur en médecine	1.	De universiteiten/ les universités
		2.	De bevoegde Examencommissie van de Vlaamse Gemeenschap/ le Jury compétent d'enseignement de la

Status: Point in time view as at 19/07/2006.

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
		Communauté française	
[^{F39} Cyprus	Προστοπονητικό Εγγραφή ς Ιατρου	Ιατρικό Συμβούλιο]	
[^{F39} Czech Republic	Diplom o ukoncěni studia ve studijním programu vs'eobecne le'kar'stvi' (doktor mediciny, MUDr.)	Le'ka'ř'ska' fakulta univerzity v C'eske' republice	Vysve'dcěni' o sta'tni' rigoro'zni' zkous'ce]
Denmark	Bevis for bestået lægevidenskabelig embedseksamen	Medicinsk universitetsfakultet	1. Autorisation som læge, udstedt af Sundhedsstyrelsen og 2. Tilladelse til selvstændigt virke som læge (dokumentation for gennemført praktisk uddannelse), udstedt af Sundhedssty- relsen
[^{F39} Estonia	Diplom arstite aduse õppekava la'ibimise kohta	Tartu U'likool]	
Finland	Lääketieteen lisansiaatin tutkinto/medicine licentiatexamen	1. Helsingin yliopisto / Helsingforsuollon universitet 2. Kuopion yliopisto 3. Oulun yliopisto 4. Tampereen yliopisto 5. Turun yliopisto	Todistus lääkäriin perusterveyden- lisäkoulutuksesta/ examensbevis om tilläggsutbildning för läkare inom primärvården
France	Diplôme d'Etat de docteur en médecine	Universités	

Status: Point in time view as at 19/07/2006.

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Germany	1.	Zeugnis über die Ärztliche Prüfung	1. Bescheinigung über die Ableistung der Tätigkeit als Arzt im Praktikum
	2.	Zeugnis über die Ärztliche Staatsprüfung und Zeugnis über die Vorbereitungszeit als Medizinalassistent, soweit diese nach den deutschen Rechtsvorschriften noch für den Abschluss der ärztlichen Ausbildung vorgesehen war	2. –
Greece	Πτυχίο Ιατρικής	1)	Ιατρική Σχολή Πανεπιστημίου
		2)	Σχολή Επιστημών Υγείας, Τμέμα Ι ^{F40} Ιατρικής Πανεπιστημίου
[^{F39} Hungary	A' Itala' nos orvos okleve'l (doctor medicinae universae, abbrev.: dr.med.univ.)	Egyetem]	
Iceland	Lækningaleyfi	Heilbrigðis-og tryggingamálaráðuneyti	
Ireland	Primary qualification	Competent examining body	Certificate of experience

Status: Point in time view as at 19/07/2006.

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
Italy	Diploma di laurea in medicina e chirurgia	Università	Diploma di abilitazione all'esercizio della medicina e chirurgia
[^{F39} Latvia	a rsta diploms	Universita tes tipa augstskola]	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Schedule		Certificate on the completed practical training issued by the competent authorities
[^{F39} Lithuania	Auks tojo mokslo diplomas, nurodantis suteikta gydytojo kvalifikacija	Universitetas	Internatu ros paz yme jimas, nurodantis suteikta, medicinos gydytojo profesine, kvalifikacija]
Luxembourg	Diplôme d'Etat de docteur en médecine, chirurgie et accouchements	Jury d'examen d'Etat	Certificat de stage
[^{F39} Malta	Lawrja ta' Tabib tal Medic'ina u l Kirurg'ija	Universita `ta' Malta	C`ertifikat ta' reg`istrazzjoni mahrug`mill- Kunsill Mediku]
Netherlands	Getuigschrift van met goed gevolg afgelegd artsexamen	Faculteit Geneeskunde	
Norway	Vitnemål for fullført grad <i>candidata/candidatus medicinae</i> , short form: <i>cand. med.</i>	Medisinsk universitetsfakultet	Bekreftelse på praktisk tjeneste som lege utstedt av kompetent offentlig myndighet.
[^{F39} Poland	Dyplom ukon `czenia studio `w wyz`szych na kierunku lekarskim z tytułem "lekarza"	1. Akademia Medyczna 2. Uniwersytet Medyczny 3. Collegium Medicum Uniwersytetu Jagiellon`skiego	Lekarski Egzamin Pan`stwowy]
Portugal	Carta de Curso de licenciatura em medicina	Universidades	Diploma comprovativo da conclusão do internato geral

Status: Point in time view as at 19/07/2006.

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Country	Title of qualification	Awarding body	Certificate accompanying qualification
			emitido pelo Ministério da Saúde
[^{F39} Slovakia	Vysokos'kolsky' diplom o udeleni' akademicke'ho titulu "doktor mediciny" ("MUDr.")	Vysoka' s'kola]	
[^{F39} Slovenia	Diploma, s katero se podeljuje strokovni naslov "doktor medicine/doktorica medicine"	Univerza]	
Spain	Título de Licenciado en Medicina y Cirugía	Ministerio de Educación y Cultura/ El rector de una Universidad	
Sweden	Läkarexamen	Universitet	Bevis om praktisk utbildning som utfärdas av Socialstyrelsen
Switzerland	Titulaire du diplôme fédéral de médecin, eidgenössisch diplomierter Arzt, titolare di diploma federale di medico	The Département fédéral de l'intérieur.]	

Textual Amendments

- F39** Words in Sch. 2 inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(6)(b)**
- F40** Word in Sch. 2 substituted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(6)(a)**

SCHEDULE 3

Section 33.

REGISTRATION: SUPPLEMENTARY PROVISIONS

Preliminary

- 1 (1) Subject to the following provisions of this Schedule, any right to registration of persons under [^{F41}section 3, 15 or 15A] of this Act or of qualifications under

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section 16 or 26 of this Act shall be conditional on the making of such an application, supported by such evidence, as is required by this Schedule.

- (2) Nothing in this Schedule applies to anything done in pursuance of a direction under section 41 of this Act for restoration to the register.

Textual Amendments

F41 Words in Sch. 3 para. 1(1) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(a\)](#)

To which registrar application to be made

- 2 (1) The following applications shall be made to the registrar of one of the branch councils, that is to say—
- (a) applications for registration of persons under [^{F42}section 3(1)(a)] [^{F43}, 15 or 15A] of this Act; and
 - (b) applications under section 16 of this Act (other than applications for registration of primary European qualifications where the applicant was registered under [^{F44}section 3(1)(b)] of this Act by virtue of those qualifications).
- (2) The following applications shall be made to the Registrar, that is to say—
- (a) applications for registration of persons under [^{F45}section 3(1)(b)] of this Act and for the registration of the qualifications of those persons by virtue of which they were entitled to be registered under that paragraph;
 - ^{F46}(b)
 - (c) applications under section 26 of this Act.
- (3) In the following provisions of this Schedule “the appropriate registrar”, in relation to an application for registration, means the registrar to whom, in accordance with this paragraph, the application is made.

Textual Amendments

F42 Words in Sch. 3 para. 2(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\)\(h\), 9\(4\)\(a\), 15\(1\)](#) (with transitional provisions in Sch. 2)

F43 Words in Sch. 3 para. 2(1)(a) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(b\)](#)

F44 Words in Sch. 3 para. 2(1)(b) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\), 9\(4\)\(b\)](#) (with transitional provisions in Sch. 2)

F45 Words in Sch. 3 para. 2(2)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\), 9\(4\)\(c\)](#) (with transitional provisions in Sch. 2)

F46 Sch. 3 para. 2(2)(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\(2\)\(3\), 9\(4\)\(d\)](#) (with Sch. 2)

Proof of qualifications

- 3 (1) Subject to sub-paragraph (2) below, a person making an application for registration under [^{F47}section 3, 15 or 15A] of this Act or an application under section 16 of this Act for the registration of the primary United Kingdom or primary European qualifications he holds when he is registered under those sections shall produce or send to the appropriate registrar the document conferring or evidencing the

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qualification by virtue of which the application is made together with a statement of his name and address and such other particulars (if any) as may be required for registration.

- (2) Any university in the United Kingdom or any other body specified in section 4(3) of this Act may from time to time send to the Registrar or the registrar of a branch council lists certified under that body's seal of the persons who have been granted qualifications by the body stating the qualifications and addresses of the persons included in the list, and a registrar—
- (a) may for the purposes of this Act treat any such list sent to that registrar as sufficient evidence of the entitlement of any person mentioned in it to the qualification or qualifications which he is stated in it to have been granted; and
 - (b) on an application for registration under ^[F47]section 3, 15 or 15A] of this Act or an application under section 16 of this Act for the registration of primary United Kingdom qualifications held on registration under those sections may issue a certificate of registration under paragraph 5 below to a person mentioned in any such list sent to that registrar as having been granted a primary United Kingdom qualification without the document mentioned in sub-paragraph (1) above being produced or sent to him.

^[F48](3) ^[F49]Where an application is made for registration under section 3(1)(b) of this Act (whether by a national of an EEA State or a person treated as such a national), the appropriate registrar shall take no account of any document issued in accordance with article 11 or 12 of Directive 93/16/EEC which is received by him more than three months after the date of its issue.]]

Textual Amendments

- F47** Words in Sch. 3 para. 3(1)(2)(b) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(c\)](#)
- F48** Sch. 3 para. 3(3) inserted (10.7.1996) by [S.I. 1996/1591, reg. 7, Sch. 2 para. 14\(1\)](#)
- F49** Sch. 3 para. 3(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\), art. 1\(2\)\(b\)\(c\)\(3\), 53](#)

- 4 A registrar shall not register any qualification, whether on first registration of a person or by way of addition, unless he is satisfied that the person claiming the qualification is entitled to it; but if a registrar to whom an application for registration of a qualification is made determines that he is not so satisfied, the applicant may appeal to the General Council.

Issue of certificates of registration

- 5 ^[F50](1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under ^[F51]section 3, 15 or 15A] of this Act the appropriate registrar, if satisfied that the applicant is entitled to be registered in accordance with the application—
- (a) shall issue to the applicant the certificate of registration required by this paragraph; and
 - (b) ^{F52}... shall do so before the end of the requisite period.

(1A) ^[F53]In this paragraph] “the requisite period” means—

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- (a) the period of three months beginning with the date on which the appropriate registrar received all the documents enabling him to be satisfied of the applicant's entitlement to be registered in accordance with the application, or
- [^{F54}(b) in a case to which Directive 93/16/EEC applies, such longer period as is permitted by article 15 of that Directive.]]
- (2) On registering a person under section 19, 21, [^{F55}21A, 22 and 25 or 27][^{F55}21B, 21C, 27A or 27B] of this Act the Registrar shall issue to the applicant the certificate of registration required by this paragraph.
- (3) Subject as aforesaid, on an application for the registration of a qualification under section 16 or 26 of this Act, the appropriate registrar if satisfied that the applicant is entitled to have the qualification registered in accordance with the application shall issue to the applicant the certificate of registration required by this paragraph.
- (4) A certificate of registration under this paragraph must be in the form prescribed by regulations under section 31 of this Act for entries in the register [^{F56}in question] and shall state the name of the applicant and such other particulars as may be prescribed by the regulations.
- [^{F57}(4A) A certificate of registration required to be issued under sub-paragraph (2) or (3) above shall be issued before the end of the requisite period.]

Textual Amendments

- F50** Sch. 3 para. 5(1) replaced by paras. 5(1)(1A) (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 14(2)**
- F51** Words in Sch. 3 para. 5(1) substituted (4.12.2000) by S.I. 2000/3041, reg. 4(7)(c)
- F52** Words in Sch. 3 para. 5(1)(b) omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of **The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135)**, arts. 1(2)(3), **9(5)(a)** (with Sch. 2)
- F53** Words in Sch. 3 para. 5(1A) substituted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by **The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135)**, arts. 1(2)(3), **9(5)(b)(i)** (with Sch. 2)
- F54** Sch. 3 para. 5(1A)(b) substituted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by **The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135)**, arts. 1(2)(3), **9(5)(b)(ii)** (with Sch. 2)
- F55** Words in Sch. 3 para. 5(2) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, art. 1(2)(b)(c)(3), **43**
- F56** Words in Sch. 3 para. 5(4) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, art. 1(2)(b)(c)(3), **17(a)**
- F57** Sch. 3 para. 5(4A) inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by **The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135)**, arts. 1(2)(3), **9(5)(d)** (with Sch. 2)

Entry in or alteration of a register

- 6 (1) Without prejudice to sub-paragraph (2) below, the particulars stated in any certificate of registration issued under paragraph 5(1) or (3) above shall be deemed for all purposes to have been duly registered on the date of issue of the certificate except in so far as they were actually registered before that date, and references in this Act to registration shall be construed accordingly.
- (2) On issuing a certificate of registration under paragraph 5(1) or (3) above the appropriate registrar shall—

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) if he is the registrar of a branch council (but is not also the Registrar), with all convenient speed send a copy of the certificate certified under his hand to the Registrar, who shall forthwith cause an appropriate entry or alteration to be made in the register [^{F58}in question]; or
- (b) if he is the Registrar, forthwith cause an appropriate entry or alteration to be made in the register [^{F59}in question].
- (3) An entry or alteration made in [^{F60}a register][^{F60}the register] in pursuance of this paragraph shall bear the same date as the certificate of registration by virtue of which it is made.

Textual Amendments

- F58** Words in Sch. 3 para. 6(2)(a) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(i)**
- F59** Words in Sch. 3 para. 6(2)(b) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(i)**
- F60** Words in Sch. 3 para. 6(3) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(ii)**

Visiting [^{F61}EEA practitioners]

Textual Amendments

- F61** Words in the heading to Sch. 3 para. 7 substituted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 14(3)**

- 7 (1) No application shall be required for registration under section 18 of this Act.
- (2) The Registrar may issue certificates of registration to visiting [^{F62}EEA practitioners].

Textual Amendments

- F62** Words in Sch. 3 para. 7(2) substituted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 14(3)**

[^{F63}SCHEDULE 3A

Section 34B

REGISTRATION APPEALS

Textual Amendments

- F63** Sch. 3A inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(2)** (with Sch. 2)

Status: Point in time view as at 19/07/2006.

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Modifications etc. (not altering text)

- C1** Sch. 3A extended (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(6)**

Interpretation

- 1 In this Schedule—
- “appealable registration decision” shall be construed in accordance with paragraph 2 below;
 - “person concerned” means the person in respect of whom an appealable registration decision is made or, as the case may be, an applicant to whom paragraph 3(2) below applies;
 - “person making the decision” means—
 - (a) in relation to a decision on an application made under paragraph 2 of Schedule 3 to this Act, the appropriate registrar as defined in subparagraph (3) of that paragraph;
 - (b) in relation to a decision under ^{F64}section 18, 44 or 44A^{F64} section 18, 39, 44, 44B or 44C of this Act, the Registrar; and
 - (c) in any other case, the General Council; and
 - “the requisite period” has the meaning given by paragraph 5(1A) of Schedule 3 to this Act.

Textual Amendments

- F64** Words in Sch. 3A para. 1 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(a)**

Appealable registration decisions

- 2 (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
- (a) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 3 of this Act as a fully registered medical practitioner (registration by virtue of primary United Kingdom or primary European qualifications);
 - (b) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15 of this Act (provisional registration);
 - (c) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15A of this Act (provisional registration for EEA nationals);
 - (d) a decision on an application made under Schedule 3 to this Act not to register a qualification under section 16(1) of this Act (registration of qualifications);
 - (e) a decision that a person shall not, or shall no longer, be registered under section 18 of this Act (visiting EEC practitioners);

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- (f) a decision not to direct that a person shall be registered under section 19(1) of this Act (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.);
 - (g) a decision not to direct that a person shall be registered provisionally under section 21(2) of this Act (provisional registration);
 - (h) [^{F65}a decision not to direct that a person shall be registered under section 21A(1) of this Act (full registration for eligible specialists and qualified general practitioners) as a fully registered medical practitioner;]
 - (i) [^{F66}a decision under section 22 of this Act (limited registration of persons by virtue of overseas qualifications)—
 - (i) not to direct that a person shall be registered, or registered for a further period, as a medical practitioner with limited registration, or
 - (ii) defining the limits of a person’s registration;]
 - (j) [^{F66}a decision under section 24(2) of this Act giving a direction for erasure;]
 - (k) [^{F66}a decision not to direct under section 25 of this Act (full registration of persons with limited registration) that a person be registered as a fully registered medical practitioner;]
 - [^{F67}(ka) a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
 - (kb) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);]
 - (l) a decision not to register a qualification under section 26(1) [^{F68}or (2)] of this Act (registration of qualifications);
 - (m) [^{F69}a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to any conditions specified in a direction that a person be registered under that section;
 - (ma) a decision under section 27B of this Act (special purpose registration)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to the conditions specified in a direction that a person be registered under that section;]
 - [^{F70}(mb) a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register;]
 - (n) a decision under section 44 of this Act (effect of disqualification in another member State on registration in the United Kingdom)—
 - (i) under subsection (1) or (7), not to register a person, or
 - (ii) under subsection (3), to remove a person’s name from the register;
 - (o) [^{F71}a decision under section 44B of this Act (fitness to practise matters prior to registration) to refuse to register a person or to erase a person’s name from the register;]
 - [^{F72}(p) a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.]
- (2) But a decision is not an appealable registration decision for the purposes of this Schedule if it is a decision to refuse registration to a person, or to erase a person’s name from the register, by reason only that the person failed to—

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) pay the prescribed fee for registration;
- (b) make an application as required under this Act; or
- (c) produce a certificate obtained under section 10 of this Act.

Textual Amendments

- F65** Sch. 3A para. 2(1)(h) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [44\(a\)\(i\)](#)
- F66** Sch. 3A para. 2(1)(i)-(k) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [18\(a\)](#)
- F67** Sch. 3A para. 2(1)(ka)(kb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [44\(a\)\(ii\)](#)
- F68** Words in Sch. 3A para. 2(1)(l) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [18\(b\)](#)
- F69** Sch. 3A para. 2(1)(m)(ma) substituted for Sch. 3A para. 2(1)(m) (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [44\(a\)\(iii\)](#)
- F70** Sch. 3A para. 2(1)(mb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [63\(b\)](#)
- F71** Sch. 3A para. 2(1)(o) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [54](#)
- F72** Sch. 3A para. 2(1)(p) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [71](#)

Notice of appealable registration decisions

- 3 (1) Where an appealable registration decision is made, the person making the decision shall give the person concerned notice of—
- (a) the decision;
 - (b) the reasons for the decision; and
 - (c) the person's right to appeal under paragraph 4 below.
- (2) Failure to notify an applicant of a decision made in respect of an application for registration under section 3, ^[F73]19, 21A or 22^[F73]15, 15A, 19 or 21^[F73] of this Act within the requisite period shall be treated as a decision from which the applicant may appeal under paragraph 4 below.

Textual Amendments

- F73** Words in Sch. 3A para. 3(2) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [44\(b\)](#)

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Appeals from appealable registration decisions

- 4 (1) A person in respect of whom an appealable registration decision has been made may appeal against the decision to a Registration Appeals Panel.
- (2) An appeal under sub-paragraph (1) above shall be made by giving notice of appeal to the Registrar.
- (3) Any such notice of appeal must be given before the end of the period of 28 days beginning with the date on which notice of the decision was given under paragraph 3(1) above.
- This sub-paragraph is subject to any extension of time under paragraph 7 below.
- (4) In the case of an appeal by virtue of paragraph 3(2) above, notice of appeal must be given before the end of the period of 28 days following the end of the requisite period.
- (5) Where a decision to erase or remove a medical practitioner from the register is an appealable registration decision, the decision 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.
- (6) Any rules made under paragraph 3 of Schedule 3B to this Act shall apply in relation to an appeal under this Schedule as they apply in relation to an appeal under section 29F of this Act.
- (7) Paragraphs 2 and 7 of Schedule 4 to this Act shall apply in relation to proceedings under this Schedule before a Registration Appeals Panel as they apply to proceedings before a Fitness to Practise Panel.
- (8) In disposing of an appeal under this paragraph, a Registration Appeals Panel may determine to—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision which could have been made by the person making the decision;
 - (d) remit the case to the person making the decision to dispose of in accordance with the directions of the Registration Appeals Panel,
- and a Panel may make such order as to costs (or, in Scotland, expenses) as they think fit.
- (9) A Registration Appeals Panel shall, as soon as reasonably practicable—
- (a) give the person concerned, and the person making the decision, notice of the Panel's determination on an appeal under sub-paragraph (1) above and of the reasons for that determination; and
 - (b) if that determination is not a determination under sub-paragraph (8)(b) above, give the person concerned notice of his right of appeal under paragraph 5 below.

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C2** Sch. 3A para. 4 extended (30.9.2005 as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), art. 1(2)(3), **23(2)**

Appeals from a Registration Appeals Panel

- 5 (1) Where—
- (a) a Registration Appeals Panel determines an appeal under paragraph 4 above; and
 - (b) the Panel’s determination is any determination other than a determination under paragraph 4(8)(b) above to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notice of the determination was given to him under paragraph 4(9), appeal against the determination to the relevant court.
- (2) In this paragraph, “the relevant court” means the county court or, in Scotland, the sheriff.
- (3) In sub-paragraph (2) above, “the sheriff” means the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the address of the person concerned; or
 - (b) which would have been so shown if the person concerned were registered.
- (4) On an appeal under this paragraph from a Registration Appeals Panel, the relevant court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the determination appealed against;
 - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Panel;
 - (d) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of the case in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

Notices

- 6 (1) Any notice required to be given under paragraph 3 or 4(9) above to the person concerned may be given—
- (a) by delivering it to him;
 - (b) by leaving it at his proper address;
 - (c) by sending it by a registered post service; or
 - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.

Status: Point in time view as at 19/07/2006.

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- (2) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, the proper address of the person concerned shall be—
- (a) the address—
 - (i) which is shown in the register as his address, or
 - (ii) which would have been so shown if he were registered; or
 - (b) if the conditions in sub-paragraph (3) below are satisfied, his last known address.
- (3) The conditions are that—
- (a) the last known address of the person concerned differs from the address mentioned in sub-paragraph (2)(a) above; and
 - (b) it appears to the body or person giving the notice that a letter sent to the person concerned at his last known address is more likely to reach him.
- (4) For the purposes of this paragraph—
- (a) 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
 - (b) 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.

Modifications etc. (not altering text)

- C3** Sch. 3A para. 6 applied (1.4.2005) by [The General Medical Council \(Registration Appeals Panels Procedure\) Rules Order of Council 2005 \(S.I. 2005/400\)](#), Sch. rules 1, **13(1)**
- C4** Sch. 3A para. 6 applied (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(7)**

Extension of time for appealing

- 7 Where—
- (a) any notice required by paragraph 3(1) above to be given to the person concerned is given by sending it to him by post; and
 - (b) the Registrar is satisfied, on the application of that person, that he did not receive the notice within the period of 14 days beginning with the day on which the person making the decision gave the decision to which the notice relates, the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(2) above.]

Status: Point in time view as at 19/07/2006.

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[^{F74}SCHEDULE 3B

Section 29F

LICENCE TO PRACTISE AND REVALIDATION: APPEALS

Textual Amendments

F74 Sch. 3B inserted (24.1.2005 for the insertion of Sch. 3B para. 3(1)-(3)(5)-(8) as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **11** (with Sch. 2)

Manner of, and time for, appealing

- 1 (1) A medical practitioner who wishes to appeal to a Registration Appeals Panel under section 29F of this Act against a decision of a licensing authority must give written notice of appeal to the Registrar.
- (2) Any such notice of appeal must be given within the period of 28 days beginning with the day on which the practitioner is given notice of the decision of the licensing authority.
- (3) Sub-paragraph (2) above is subject to paragraph 2 below.

Extension of time for appealing

- 2 Where—
 - (a) any notice required by section 29B or 29D to be given to a medical practitioner by the Registrar is given by sending it to him by post; and
 - (b) the Registrar is satisfied, on the application of the practitioner, that the practitioner did not receive the notice within the period of 14 days beginning with the day on which the licensing authority gave the decision to which the notice relates,the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 1 above.

Rules as to procedure and evidence

- 3 (1) The General Council shall make rules as to—
 - (a) the procedure to be followed; and
 - (b) the rules of evidence which are to apply,in proceedings before a Registration Appeals Panel.
- (2) Rules made under this paragraph shall include provision—
 - (a) securing that notice of the time and place of any hearing is given, at such time and in such manner as may be specified in the rules, to the medical practitioner to whom the proceedings relate;
 - (b) securing that any party to proceedings before a Registration Appeals Panel shall, if he so requires, be entitled to be heard by the Panel;
 - (c) enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules; and

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) requiring proceedings to be held in public [^{F75}if the medical practitioner to whom the proceedings relate so requests], unless and to the extent that the rules provide otherwise.
- (3) In sub-paragraph (2) above, “party”, in relation to any proceedings, means—
 - (a) the medical practitioner to whom the proceedings relate; or
 - (b) the Solicitor to the General Council.
- (4) Paragraphs 2 and 7 of Schedule 4 to this Act shall apply in relation to proceedings before a Registration Appeals Panel as they apply in relation to proceedings before a Fitness to Practise Panel.
- (5) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (6) The Privy Council may approve such rules—
 - (a) as submitted to them; or
 - (b) subject to such modifications as appear to them to be requisite.
- (7) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
 - (a) notify the General Council of the modifications they propose to make; and
 - (b) consider any observations which the General Council may make on the modifications.
- (8) Before making rules under this paragraph 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

F75 Words in Sch. 3B para. 3(2)(d) omitted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I.) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), 67

References to the Investigation Committee

- 4 (1) Where a matter—
 - (a) arises in the course of proceedings relating to a medical practitioner before a Registration Appeals Panel; and
 - (b) ought, in the opinion of the Panel, to be investigated by the Investigation Committee,
 sub-paragraph (2) below applies.
- (2) In any such case, the Registration Appeals Panel may—
 - (a) adjourn the proceedings; and
 - (b) give a direction to the Registrar to refer the matter to the Investigation Committee.

Status: Point in time view as at 19/07/2006.

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Powers of Registration Appeal Panels disposing of an appeal

- 5 In disposing of an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, the determinations that may be made by a Registration Appeals Panel are—
- (a) if the appeal is against a decision to refuse to grant a licence to practise, that a licence to practise should, or (as the case may be) should not, be granted to the practitioner;
 - (b) if the appeal is against a decision to withdraw a licence to practise, that a licence to practise should, or (as the case may be) should not, be withdrawn from the practitioner; or
 - (c) if the appeal is against a decision to refuse to restore a licence to practise, that a licence to practise should, or (as the case may be) should not, be restored to the practitioner,
- and a Panel may make such orders as to costs (or, in Scotland, expenses) as they think fit.

Successful appeals

- 6 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should be granted to the medical practitioner;
 - (b) that a licence to practise should not be withdrawn from the medical practitioner; or
 - (c) that a licence to practise should be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar informing him of the determination and directing him accordingly—
- (a) to grant the licence;
 - (b) not to withdraw the licence; or
 - (c) to restore the licence.
- (3) The Registrar shall give notice of the determination to the medical practitioner.
- (4) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

Unsuccessful appeals

- 7 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should not be granted to the medical practitioner;
 - (b) that a licence to practise should be withdrawn from the medical practitioner; or
 - (c) that a licence to practise should not be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar—
- (a) informing him of the determination; and
 - (b) if the determination is that a licence to practise should be withdrawn from the medical practitioner, directing him to withdraw the licence.

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The Registrar shall give the medical practitioner notice of—
 - (a) the determination; and
 - (b) his right under paragraph 8 below to appeal against the determination.
- (4) Any direction under sub-paragraph (2)(b) above has effect subject to section 29F(3) of this Act (no implementation pending appeal).
- (5) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

Further appeal to court against determination within paragraph 7

- 8 (1) Where, on an appeal under section 29F of this Act by a medical practitioner, a Registration Appeals Panel makes a determination falling within sub-paragraph (1) of paragraph 7 above, the practitioner may appeal against the determination.
- (2) Any such appeal must be made within the period of 28 days beginning with the day on which the practitioner is given notice under paragraph 7 above of the determination of the Registration Appeals Panel.
- (3) Any such appeal must be made to a county court or, in Scotland, to the sheriff.
- (4) In sub-paragraph (3) above “the sheriff” means the sheriff in whose sheriffdom is situated the address—
 - (a) which is shown in the register as the practitioner’s address; or
 - (b) which would be so shown, if the practitioner were registered.
- (5) On appeal under this paragraph from a Registration Appeals Panel, the county court or the sheriff may—
 - (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against; or
 - (c) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of in accordance with the directions of the court (or the sheriff),

and may make such orders as to costs (or, in Scotland, expenses) as it (or he) thinks fit.]

[^{F76}SCHEDULE 4

Section 43

PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE,
INTERIM ORDERS PANELS AND FITNESS TO PRACTISE PANELS

Textual Amendments

- F76** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)

Status: Point in time view as at 19/07/2006.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Procedure of and evidence before the Investigation Committee,
Interim Orders Panels and Fitness to Practise Panels*

- 1 (1) Subject to the provisions of this paragraph, the General Council shall make rules for the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels with respect to—
- (a) the reference of cases to the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel; and
 - (b) the procedure to be followed and rules of evidence to be observed in proceedings before that Committee or such a Panel.
- (2) Rules made under this paragraph in connection with the consideration by the Investigation Committee of whether to warn a person regarding his future conduct or performance under section 35C(6) above shall include provision—
- (a) securing that notice shall be given to this effect to the person concerned;
 - (b) securing that the person concerned shall be entitled to make representations in writing to the Committee;
 - (c) securing that if the Committee determines that there should be an oral hearing, the person concerned shall, if he so requires, be entitled to be heard by the Committee;
 - (d) enabling the person concerned to be represented before the Committee by counsel or a solicitor, or (if the rules so provide and he so elects) by a person of such other description as may be specified in the rules; and
 - (e) securing that notice be served on the person concerned of any decision taken in relation to him by the Committee.
- [^{F77}(2A) Rules made under this paragraph in connection with the consideration by the Investigation Committee of an allegation may include provision—
- (a) for enabling the Committee, in such circumstances as may be specified in the rules, to agree with the person concerned that he will comply with such undertakings as the Committee considers appropriate; and
 - (b) with respect to the procedure to be followed where any such undertakings are breached.]

(3) Rules made under this paragraph in connection with the consideration by an Interim Orders Panel or a Fitness to Practise Panel of the making of an interim suspension order or an order for interim conditional registration under section 41A above, or in connection with the review of such an interim order, shall include provision—

 - (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whom the proceedings relate;
 - (b) securing that a person in relation to whom an order has been made shall, if he so requires, be entitled to be heard by the Panel on each occasion on which they review the order;
 - (c) enabling the person in relation to whom the order has been made to be represented before the Panel by counsel or a solicitor, or (if the rules so provide and he so elects) by a person of such other description as may be specified in the rules;
 - (d) for service on the person to whom the proceedings relate of notice of any decision taken in relation to him by the Panel; and

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- (e) determining when proceedings before the Panel are to be held in public and when in private (including provision securing that they are to be held in public if the person to whom the proceedings relate so requests).
- (4) Rules made under this paragraph in connection with any other proceedings before a Fitness to Practise Panel shall include provision—
- (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (b) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by a Panel;
 - (c) enabling any party to the proceedings to be represented before the Panel by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (d) [^{F78}in relation to conduct, conviction or determination proceedings,] for proceedings before a Panel to be held in public unless and to the extent that the rules provide otherwise; [^{F79}and
 - (e) in relation to health or performance proceedings, requiring proceedings before a Panel to be held in public if the person concerned so requests unless and to the extent that the rules provide otherwise.]
- (5) Rules made under this paragraph shall specify the relevant date for the purposes of sections 35A and 35B of this Act.
- (6) Before making rules under this paragraph the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the General Council requisite to be consulted.
- (7) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (8) The Privy Council may approve such rules—
- (a) as submitted to them; or
 - (b) subject to such modifications as appear to them to be requisite.
- (9) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
- (a) notify the General Council of the modifications they propose to make; and
 - (b) consider any observations which the General Council may make on the modifications.
- (10) [^{F80}In this paragraph—
- “conduct proceedings” means proceedings involving an allegation of a kind mentioned in section 35C(2)(a) above;
 - “performance proceedings” means proceedings involving an allegation of a kind mentioned in section 35C(2)(b) above;
 - “conviction proceedings” means proceedings involving an allegation of a kind mentioned in section 35C(2)(c) above;
 - “health proceedings” means proceedings involving an allegation of a kind mentioned in section 35C(2)(d) above; and
 - “determination proceedings” means proceedings involving an allegation of a kind mentioned in section 35C(2)(e) above.]

Status: Point in time view as at 19/07/2006.

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Textual Amendments

- F77** Sch. 4 para. 1(2A) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [57\(1\)\(a\)](#)
- F78** Words in Sch. 4 para. 1(4)(d) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [57\(1\)\(b\)](#)
- F79** Sch. 4 para. 1(4)(e) and preceding word omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [57\(1\)\(c\)](#)
- F80** Sch. 4 para. 1(10) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [57\(1\)\(d\)](#)

- 2 (1) For the purpose of proceedings in England or Wales or in Northern Ireland before—
- (a) the Investigation Committee;
 - (b) an Interim Orders Panel; or
 - (c) a Fitness to Practise Panel,
- the Committee or Panel may administer oaths, and any party to the proceedings may issue a writ of subpoena ad testificandum or duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- (2) Section 36 of the Supreme Court Act 1981 or section 67 of the Judicature (Northern Ireland) Act 1978 (which provide a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to proceedings before the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.
- (3) For the purpose of proceedings before the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel in Scotland, the Committee or Panel may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court—
- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee or Panel and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
 - (b) to grant warrant for the recovery of documents; and
 - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.
- 3 Where—
- (a) several sittings of the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel or the General Council are required to enable the Committee, a Panel or the Council to dispose of a case; or
 - (b) on an appeal to the relevant court under section 40 of this Act, the case is remitted to the Registrar for him to refer the case to a Fitness to Practise

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Panel or to the General Council for the Panel or the Council to dispose of the case in accordance with directions given by the court, the validity of the proceedings on the case before the Committee, Panel or Council, as the case may be, shall not be called into question by reason only that members of the Committee, Panel or Council who were present at a former meeting were not present at a later meeting of the Committee, Panel or Council or that members present at a later meeting were not present at a former meeting of the Committee, Panel or Council, as the case may be.

Reference and transfer of cases to the Investigation Committee

- 3A (1) Where in the course of any proceedings before a Fitness to Practise Panel, the Panel are of the opinion that a matter arises which ought to be investigated by the Investigation Committee or considered by another Fitness to Practise Panel—
 - (a) that Panel may give a direction to that effect to the Registrar; and
 - (b) that matter shall be referred by the Registrar to that Committee, or another Fitness to Practise Panel.
- (2) Nothing in sub-paragraph (1) above shall prevent that Fitness to Practise Panel from considering that matter itself, whether or not it has reached a decision in the proceedings.

F76 Reference and transfer of cases to the Health Committee

F764

F76 Preliminary proceedings

F765

Professional Performance Assessments

- 5A (1) The General Council may make rules—
 - (a) authorising the giving of directions by any of—
 - (i) the Investigation Committee,
 - (ii) a Fitness to Practise Panel,
 - (iii) such other persons as may be specified in the rules,
 requiring an assessment of the standard of a registered person’s professional performance to be carried out;
 - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.
- (2) An assessment carried out by virtue of this paragraph shall be carried out by an Assessment Team in accordance with rules under this paragraph; and the rules shall, in particular, provide—
 - (a) for the constitution and proceedings of Assessment Teams;
 - (b) for the procedures to be followed by such Teams in carrying out assessments; and
 - (c) for the procedures to be followed following the making of a report by an Assessment Team.

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- (2A) An assessment of the standard of a registered person's professional performance may include an assessment of his professional performance at any time prior to the assessment and may include an assessment of the standard of his professional performance at the time of the assessment.
- (3) Rules under this paragraph may authorise a Fitness to Practise Panel to make directions of a kind which may be made under section 35D of this Act, for the suspension of, or the attachment of conditions to a person's registration, where the person fails to comply with reasonable requirements imposed by an Assessment Team for the purposes of carrying out an assessment of the standard of his professional performance in accordance with a direction made under rules under this paragraph.
- (3A) Rules under this paragraph may provide for the Investigation Committee to give a direction to the Registrar that a case be referred, or for the Registrar to refer a case, to a Fitness to Practise Panel for the purposes of that Panel making a direction under paragraph (3) above.
- (5) An appeal shall lie to the relevant court (within the meaning of section 40(5) of this Act) from any direction of a Fitness to Practise Panel given by virtue of sub-paragraph (3) above, and on an appeal under this sub-paragraph the relevant court may—
- (a) quash the direction;
 - (b) substitute for the direction any other direction which the Panel could have made; or
 - (c) remit the case to the Registrar for him to refer it to a Fitness to Practise Panel to be disposed of in accordance with the court's directions,
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (6) An Assessment Team, for the purposes of carrying out an assessment of the standard of a person's professional performance—
- (a) may require the production of, inspect and take copies of any records (in whatever form they are held) arising out of or relating to the person's professional practice; and
 - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the Team in legible form.
- (7) A person who, without reasonable excuse, obstructs an Assessment Team in the execution of their powers under sub-paragraph (6) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Nothing in this paragraph shall require or permit any disclosure of information which is prohibited by or under any other enactment; but where information is held in a form in which the prohibition operates by reason of the fact that the information is capable of identifying an individual, an Assessment Team may, in exercising their powers under sub-paragraph (6) above, require that the information be put into a form in which it is not capable of identifying an individual.
- (8A) In determining for the purposes of sub-paragraph (8) 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

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section 35(1) of that Act, it shall be assumed that the disclosure is required under this paragraph.

- (9) Sub-paragraphs (6) and (7) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.
- 5B (1) A justice of the peace (including, in Scotland, a sheriff) may issue a warrant under this paragraph if satisfied by the evidence on oath of at least two members of an Assessment Team that there are reasonable grounds for suspecting that the team will require a warrant for the purposes of carrying out an assessment required by virtue of rules made under paragraph 5A above.
- (2) A warrant under this paragraph shall authorise one or more members of the Assessment Team (who must, if so required, produce documents identifying themselves) together with any constables—
- (a) to enter any building specified in the warrant, but not a dwelling-house, using such force as is reasonably necessary for the purpose; and
 - (b) to search the premises for the purposes of the exercise of the powers under paragraph 5A(6) above.
- (3) A warrant under this paragraph shall continue in force until the end of the period of 21 days beginning with the day on which it is issued.
- (4) A person who intentionally obstructs the exercise of any rights conferred by a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Proceedings for erasure of entries fraudulently or incorrectly made

- 6 ^{F81}(1) The General Council shall make rules with respect to the discharge by the Council of their functions under section 39 of this Act.
- (2) If the Council delegate their functions under that section to a Fitness to Practise Panel or other committee, rules shall make provision with respect to the discharge of those functions by the Panel or committee.
- (3) Sub-paragraph (6) and (7) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.]

Textual Amendments

F81 Sch. 4 para. 6 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [57\(2\)](#)

Legal assessors

- 7 (1) For the purposes of advising—
- (a) the Investigation Committee where it is considering giving a warning to a person;
 - (b) an Interim Orders Panel; or
 - (c) a Fitness to Practise Panel,

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on questions of law arising in proceedings before them, there shall in all such proceedings be an assessor to the Panel who shall be appointed by the General Council and shall be—

- (i) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,
- (ii) an advocate or solicitor in Scotland of at least 10 years' standing, or
- (iii) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.

- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.
- (3) The Lord Chancellor or, in relation to proceedings in Scotland, the Secretary of State may make rules as to the functions of assessors appointed under this paragraph, including without prejudice to the generality of the powers to make such rules, the function of advising on the drafting of decisions.
- (4) Rules made under this paragraph in connection with proceedings before the Investigation Committee, an Interim Orders Panel or a Fitness to Practise Panel may in particular contain such provisions as appear to the Lord Chancellor or the Secretary of State expedient for—
 - (a) securing that where an assessor advises the Committee or a Panel on any question of law as to evidence, procedure or any other matter specified in the rules, he shall either—
 - (i) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
 - (ii) inform every such party or person of the advice that he has tendered, if the advice is tendered after the Committee or the Panel have begun their deliberations;
 - (b) securing that every such party or person shall be informed if in any case the Committee or the Panel do not accept the advice of the assessor on any such question,
 and may also contain such incidental and supplementary provisions as appear to the Lord Chancellor or the Secretary of State expedient.

- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- (6) The power to make rules under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Service of notifications of decisions

- 8 (1) This paragraph applies to any notice required to be served on a person under section 35C(5), (7) or (8), 35E(1), 39(2), 41(10), 41A(5) or 45(7) of this Act.
- (2) Any such notice may be so served—
 - (a) by delivering it to him;
 - (b) by leaving it at his proper address;
 - (c) by sending it by a registered post service; or

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- (d) 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 paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, a person's proper address shall be—
 - (a) his address in the register; or
 - (b) if the conditions in sub-paragraph (4) below are satisfied, his last known address.
- (4) The conditions are that—
 - (a) the person's last known address differs from his address in the register; and
 - (b) it appears to the Registrar that a letter sent to the person at his last known address is more likely to reach him.
- (5) For the purposes of this paragraph—
 - (a) the serving 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
 - (b) 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.

Modifications etc. (not altering text)

C5 Sch. 4 para. 8 applied (1.11.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(Transitional Provision\) Order of Council 2004 \(S.I. 2004/2610\)](#), arts. 1(1), 2

Extension of time for appealing

- 9 Where—
- (a) any notice required by section 35E(1) or 39(2) of this Act to be served on a person by the Registrar is served on him by sending it by post; and
 - (b) the Registrar is satisfied, on an application of that person, that the person did not receive the notice within 14 days beginning with the day of the giving of the decision to which the notification relates,
- the Registrar may, if he thinks fit, by authorisation in writing extend the time within which an appeal under section 40 of this Act may be brought against the decision.

Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration

- 10 (1) A direction for erasure, for suspension or for conditional registration given by a Fitness to Practise Panel under section 35D of ^{F82}this Act, a] ^{F82}this Act or a] variation by a Fitness to Practise Panel under section 35D(12) ^{F83}or a direction for erasure given by the General Council under section 39 of this Act] shall take effect—
- (a) where no appeal under section 40 is brought against the direction or variation within the time specified in that section, on the expiration of that time;
 - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;

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- (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.
- (2) Where the time for appealing against a direction or variation is extended by an authorisation under paragraph 9 above—
- (a) sub-paragraph (1) shall apply to the direction as if the reference in paragraph (a) to the time specified in section 40 of this Act were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in section 40 of this Act, the direction or variation shall be deemed not to have taken effect on the expiration of that time,
- and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.
- (3) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

Textual Amendments

- F82** Words in Sch. 4 para. 10(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(a)**
- F83** Words in Sch. 4 para. 10(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(b)**

- 11 (1) If, while a person's registration is suspended under section 35D(2) of this Act, a direction is given under subsection (5) or (8)(a) or (c) of that section, the suspension of his registration shall continue to have effect throughout any period which may intervene between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.
- (2) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of suspension for a further period takes effect after the time when, but for sub-paragraph (1) above, the current period of suspension would have ended, that further period shall be treated as having started to run from that time.
- (3) If, while a person's registration is subject to conditions imposed under section 35D(2) of this Act, a direction is given under subsection (10) or (12) of that section the conditions attached to his registration shall continue to attach to it throughout any period which may intervene between the time when, but for this sub-paragraph, his registration would cease to be conditional and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.
- (4) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of conditional registration for a further period takes effect after the time when, but for sub-paragraph (3) above, the current period of conditional registration would have ended, that further period shall be treated as having started to run from that time.

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Recording of directions for suspension or conditional registration

- 12 Where a direction under section 35D of this Act or under rules made by virtue of paragraph 5A(3) of this Schedule for suspension or for conditional registration takes effect in relation to any person the Registrar shall record in the register the fact that that person’s registration is suspended or subject to conditions.

Meaning of “party”

- 13 In this Schedule “party”, in relation to proceedings before the Investigation Committee, an Interim Orders Panel or Fitness to Practise Panel means any person to whose registration the proceedings relate, or the Solicitor to the General Council.]

SCHEDULE 5

Section 56(1).

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

- 1 F84

Textual Amendments

F84 Sch. 5 paras.1, 19 repealed by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(2)(3), **Sch. 6 Pt. I**

Mental Health Act^{M1} 1959

Marginal Citations

M1 [1959 c. 72](#).

- 2 In the definition of “medical practitioner” in section 147(1) of the Mental Health Act 1959 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

Mental Health (Scotland) Act^{M2} 1960

Marginal Citations

M2 [1960 c. 61](#).

- 3 In the definition of “medical practitioner” in section 111(1) of the Mental Health (Scotland) Act 1960 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

- 4 F85

Textual Amendments

F85 Sch. 5 para. 4 repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, **Sch. 7**

Status: Point in time view as at 19/07/2006.

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Medicines Act^{M3} 1968

Marginal Citations

M3 1968 c. 67.

- 5 In section 132(1) of the Medicines Act 1968 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Mines Act (Northern Ireland) 1969

- 6 In section 158(1) of the^{M4}Mines Act (Northern Ireland) 1969, in the definition of “doctor” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Marginal Citations

M4 1969 c. 6 (N.I.).

Nurses and Midwives Act (Northern Ireland)^{M5} 1970

Marginal Citations

M5 1970 c. 11 (N.I.).

- 7 In section 54(1) of the Nurses and Midwives Act (Northern Ireland) 1970, in the definition of “doctor” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Nursing Homes and Nursing Agencies Act (Northern Ireland)^{M6} 1971

Marginal Citations

M6 1971 c. 32 (N.I.).

- 8 In section 20 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Misuse of Drugs Act^{M7} 1971

Marginal Citations

M7 1971 c. 38.

Status: Point in time view as at 19/07/2006.

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- 9 In section 37(1) of the Misuse of Drugs Act 1971 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Health and Personal Social Services (Northern Ireland) Order^{M8} 1972

Marginal Citations

M8 [S.I. 1972/1265 \(N.I. 14\)](#).

- 10 In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972, in the definition of “medical practitioner” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ the Medical Act 1983 ”.

Finance Act^{M9} 1972

Marginal Citations

M9 [1972 c. 41](#).

- 11 In the Finance Act 1972—
- (a) in Schedule 4 in Note (2)(a) to Group 14 and in Schedule 5 in Note (2) to Group 7 for the words “paragraph (3) of Article 7 of the Medical Qualifications (EEC Recognition) Order 1977” and “that Article” there shall be substituted respectively the words “ subsection (3) of section 18 of the Medical Act 1983 ” and “ that section ”; and
 - (b) Note (2)(b) to the said Group 14 and Note (4) to the said Group 7 shall cease to have effect.

Poisons Act^{M10} 1972

Marginal Citations

M10 [1972 c. 66](#).

- 12 In section 11(2) of the Poisons Act 1972 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Births and Deaths Registration (Northern Ireland) Order^{M11} 1976

Marginal Citations

M11 [S.I. 1976/1041 \(N.I. 14\)](#).

Status: Point in time view as at 19/07/2006.

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- 13 In Article 2(2) of the Births and Deaths Registration (Northern Ireland) Order 1976, in the definition of “registered medical practitioner” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Pharmacy (Northern Ireland) Order 1976

- 14 In Article 23 of the ^{M12}Pharmacy (Northern Ireland) Order 1976 for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Marginal Citations

M12 [S.I. 1976/1213 \(N.I. 22\)](#).

Poisons (Northern Ireland) Order ^{M13} 1976

Marginal Citations

M13 [S.I. 1976/1214 \(N.I. 23\)](#).

- 15 In Article 2(2) of the Poisons (Northern Ireland) Order 1976, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

National Health Service Act ^{M14} 1977

Marginal Citations

M14 [1977 c. 49](#).

- 16 In the National Health Service Act 1977—
^{F86}(a)
(b) in section 128(1) for the definition of “medical practitioner” there shall be substituted—

““medical practitioner” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Textual Amendments

F86 Sch. 5 para. 16(a) repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); [S.I. 2004/288](#), art. 6(2)(f) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 5(2)(f) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))

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National Health Service (Scotland) Act^{M15} 1978

Marginal Citations

M15 1978 c. 29.

- 17 In the National Health Service (Scotland) Act 1978—
 - (a) in section 19(7) for the words “section 8(1) or (2) of the Medical Act 1978”, “section 9(1)” and “section 13(3)(b)” there shall be substituted respectively the words “ section 37(1) or (2) of the Medical Act 1983 ”, “ section 38(1) ” and “ section 42(3)(b) ”; and
 - (b) in section 108(1) for the definition of “medical practitioner” there shall be substituted—

““medical practitioner” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Interpretation Act^{M16} 1978

Marginal Citations

M16 1978 c. 30.

- 18 In Schedule 1 to the Interpretation Act 1978, in the definition of “registered medical practitioner”, for the words “the Medical Act 1956” there shall be substituted the words “ the Medical Act 1983 ”.

19 F87

Textual Amendments

F87 Sch. 5 paras.1, 19 repealed by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(2)(3), [Sch. 6 Pt. I](#)

SCHEDULE 6

Section 56.

TRANSITIONAL AND SAVING PROVISIONS

- 1 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 2 Where, apart from this paragraph, anything done under or for the purposes of any enactment which is repealed by this Act would cease to have effect by virtue of that repeal it shall have effect as if it had been done under or for the purposes of the corresponding provision of this Act.
- 3 Notwithstanding the repeal by this Act of section 57(3) of the 1956 Act, anything continued in force by that section shall continue in force following that repeal and so far as it could have been made, given or done under this Act shall have effect as if it had been so made, given or done.

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- 4 The repeal of section 4 of the 1978 Act by this Act shall not affect the operation of [F88 Article] 3 of the M17 Irish Republic (Termination of 1927 Agreement) Order 1979 but after the commencement of this Act, except where the context otherwise requires, the references in [F88 that Article] to provisions of the 1956 Act shall have effect as references to the corresponding provisions of this Act.

Textual Amendments

F88 Words substituted by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), Sch. 5 para. 15

Marginal Citations

M17 S.I. 1979/289.

- 5 Nothing in the repeals made by this Act shall affect any registration or entry or note in a register which has effect by virtue of any enactment repealed by this Act.
- 6 References in any enactment, instrument or other document passed or made before 23rd February 1951 to the General Council of Medical Education and Registration of the United Kingdom shall be construed as references to the General Council.
- 7 References (however worded) to the general register kept for the purposes of the 1956 Act in any Act or instrument passed or made before 26th January 1979 shall be construed as references to the register of medical practitioners.
- 8 The reference in section 31(8) of this Act to a person whose name has been erased from the register by virtue of section 30(5) of this Act shall include references to a person whose name has been erased from the register by virtue of section 3(5) of the M18 Medical Act 1969, or section 41(7) of the 1956 Act or the corresponding enactment repealed by that Act.

Marginal Citations

M18 1969 c. 40.

- 9 A person who immediately before the commencement of section 11 of the Medical Act 1969 held an additional qualification within the meaning of section 8 of the 1956 Act as originally enacted shall, if registered under section 3 of this Act or on becoming so registered, be entitled to have the qualification registered; and if he is not registered under section 3 of this Act that qualification shall confer on him the same right to registration under that section as a primary United Kingdom qualification.
- 10 Any reference to infamous conduct in any professional respect in any enactment passed, or in any instrument made, before 1st April 1970 shall, in so far as it relates to the conduct of medical practitioners, be construed as, or as including, a reference to serious professional misconduct.
- 11 (1) In any enactment passed before 1st January 1979 the expression “legally qualified medical practitioner”, or “duly qualified medical practitioner”, or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall, unless the contrary intention appears, be construed to mean a fully registered person.

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- (2) In any enactment passed before 1st January 1979 references (however expressed) to a person registered under the Medical Acts or as a medical practitioner shall, unless the contrary intention appears, be construed as references to a fully registered person.
- 12 Any direction given or order made under sections 32 to 38 of or Schedule 4 to the 1956 Act or section 15 or 16 of the ^{M19}Medical Act 1969 which had taken effect before 1st August 1980 and was in force immediately before that day shall, if it could be given or made under a provision of this Act have effect on and after that day as if given or made under that provision of this Act and sections 36, 38, 40 and 41 of this Act shall apply accordingly.

Marginal Citations

M19 1969 c. 40.

- 13 Any reference in any instrument to the Disciplinary Committee or to any provision repealed by section 6(4)(a) of the 1978 Act shall be construed as a reference to the Professional Conduct Committee or to the provision of this Act which corresponds to that repealed provision.
- 14 ^{M20}Nothing in the transfer of functions which was effected by section 15(7) of the 1978 Act shall be taken to affect the validity of the Period of Employment as House Officers Regulations 1951 and any order approving those regulations may be varied or revoked as if the regulations had been made by the Education Committee.

Marginal Citations

M20 S.I. 1952/2050.

- 15 In relation to any person who was provisionally registered under section 17 of the 1956 Act immediately before section 16 of the 1978 Act came into operation—
- (a) section 15 of the 1956 Act shall continue to have effect as it had immediately before that date;
 - (b) section 10 of this Act shall not have effect; and
 - (c) the remaining provisions of this Act shall have effect as if references to or to the provisions of section 10 of this Act were references to or to the provisions of section 15 of the 1956 Act.
- 16 The decisions within section 29(2) of this Act shall include those which were within subsection (2) of section 28 of the 1978 Act immediately before the commencement of this Act other than those to which subsection (3) of that section applied.
- 17 Section 41 of this Act applies to a person whose name has been erased from the register under section 33 of the 1956 Act or any corresponding enactment repealed by that Act as it applies to a person whose name is erased under section 36 of this Act.
- 18 Until provision is made with respect to proceedings before the Professional Conduct Committee under section 44 of this Act, rules made or having effect as if made under ^{F89}... paragraph 1 of Schedule 4 to this Act, so far as relating to proof of criminal convictions, shall be applied with any necessary modifications to proof of a disqualifying decision.

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Textual Amendments

F89 Words in Sch. 6 para. 18 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 42(3), Sch. 8 para. 15, **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(b)(c) (with art. 4)

- 19 Section 53 of this Act shall apply to a copy of any document to which section 51 of the 1956 Act applied immediately before the commencement of this Act as if such documents were mentioned in subsection (2) of that section.
- 20 (1) A person registered under section 23 of the 1956 Act shall be deemed to be provisionally registered within the meaning of this Act and the definitions in section 55 of this Act of “provisionally registered” and “a fully registered person” shall have effect accordingly.
- (2) Without prejudice to sub-paragraph (1) above—
- (a) sections 30(1)(a) and (b) and 31(4) of this Act shall have effect as if after the words “section 15 above” there were inserted the words “or section 23 of the Medical Act 1956”;
- (b) section 34(4) of this Act shall have effect as if there were inserted at the end the words “or section 23 of the Medical Act 1956”; and
- (c) section 41(3) of this Act shall apply to a person who was provisionally registered under section 23 of the 1956 Act as it applies to a person provisionally registered under section 21 of this Act.
- 21 The re-enactment in paragraph 2(2) of Schedule 1 to this Act of section 1(5) of the 1978 Act shall not oblige the General Council to make a new electoral scheme any earlier than they would otherwise have done so.
- 22 Nothing in this Act shall affect the validity of the standing orders of the General Council in force immediately before 27th September 1979 and those orders shall have effect as if made under paragraph 15 of Schedule 1 to this Act.
- 23 ^{F90}(1) Nothing in this Act shall affect the registration of any person under section 22 of the 1978 Act by virtue of paragraph 4 of Schedule 5 to that Act and any such registration shall have effect as if made under section 22 of this Act, but in the case of a person so registered—
- (a) subsection (3) of section 22 shall not apply, and
- (b) subsections (5) to (8) of that section shall apply with the omission in subsection (5) of the reference to the permitted period and of the reference to section 24(1) of this Act.
- (2) Where a person who is or has been registered with limited registration for a period by virtue of paragraph 4 of Schedule 5 to the 1978 Act applies under section 22 of this Act to be so registered for a further period, the following provisions of that section shall not apply, namely, subsection (3) and, in subsection (5), the reference to the permitted period and to section 24(1) of this Act.
- (3) In relation to persons to whom Part I of Schedule 5 to the 1978 Act applied who are registered with limited registration, this Act shall have effect as if in paragraphs 2(4) and (5) and 3(2) of Schedule 1 for the words “so registered” there were substituted the words “temporarily registered or registered with limited registration”.
- (4) Where immediately before the commencement of this Act any person was treated by virtue of paragraph 7 of Schedule 5 to the 1978 Act (pending applications under section 26 of the 1956 Act) as having applied to be registered under section 22 of the

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1978 Act he shall after the commencement of this Act be treated as having applied to be registered under section 22 of this Act and as having satisfied the Registrar of the matters specified in paragraphs (a) and (b) of subsection (1) of that section.

- (5) Section 29 of this Act shall have effect as if a refusal to direct that a person be registered with limited registration under section 22 of the 1978 Act or section 22 of this Act by virtue of paragraph 4 of Schedule 5 to the 1978 Act were a decision falling within subsection (2) of that section.]

Textual Amendments

F90 Sch. 6 para. 23 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **19**

- 24 (1) Where immediately before the commencement of this Act paragraph 9 of Schedule 5 to the 1978 Act applied to a person, after the commencement of this Act—
- (a) he shall be treated as having been registered under section 19 of this Act as a fully registered medical practitioner; and
 - (b) any qualifications of his registered under section 18 of the 1956 Act shall be treated as having been registered under section 26 of this Act as if they were recognised overseas qualifications.
- (2) Sections 22 and 23 of the 1956 Act shall, notwithstanding their repeal by the 1978 Act, continue to have effect in relation to persons who were registered under section 23 immediately before the repeal; and a person who was so registered shall, on satisfying the General Council of the matters specified in paragraph (a), (b) or (c) of section 22(2) of the 1956 Act, be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have had registered under section 18 of the 1956 Act.
- (3) Where immediately before the commencement of this Act paragraph 11(b) of Schedule 5 to the 1978 Act applied to any person he shall be treated for the purposes of sub-paragraph (2) above as having been registered under section 23 of the 1956 Act immediately before its repeal.
- (4) Where immediately before the commencement of this Act paragraph 12 of Schedule 5 to the 1978 Act applied to any person, he shall be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have registered by virtue of that paragraph.
- (5) Any person who immediately before the commencement of this Act was treated by virtue of paragraph 13 of Schedule 5 to the 1978 Act as registered under section 18 of that Act shall after the commencement of this Act be treated as registered under section 19 of this Act as a fully registered medical practitioner.

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SCHEDULE 7

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 76.	The Medical Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 28.	The Dentists Act 1957.	In section 2(4) the words “subject to the next following subsection”. Section 2(5).
6 & 7 Eliz. 2. c. 58.	The Medical Act 1956 (Amendment) Act 1958.	The whole Act.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 3.
1966 c. 13.	The Universities (Scotland) Act 1966.	In Schedule 6, paragraph 20.
1969 c. 40.	The Medical Act 1969.	The whole Act.
1972 c. 41.	The Finance Act 1972.	In Schedule 4, Note (2)(b) to Group 14. In Schedule 5, Note (4) to Group 7.
1973 c. 48.	The Pakistan Act 1973.	In Schedule 3, paragraph 4(a).
1973 c. 49.	The Bangladesh Act 1973.	In the Schedule, paragraph 12.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b), the reference to paragraph 69 of the National Health Service Reorganisation Act 1973. In Schedule 15, paragraph 14.
1978 c. 12.	The Medical Act 1978.	The whole Act.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 9.
1981 c. 54.	The Supreme Court Act 1981.	In Schedule 5, the entries relating to the Medical Act 1956 and the Medical Act 1978.
1983 c. 41.	The Health and Social Services and Social Security Adjudications Act 1983.	In Schedule 6, paragraph 1.

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PART II

REVOCATION

Reference	Title	Extent of Revocation
S.I. 1977 No. 827.	Medical Qualifications (EEC Recognition) Order 1977.	Articles 3, 4, 7 and 8.
S.I. 1980 No. 872.	General Medical Council (Qualifying Examinations) (University of Leicester) Order 1980.	The whole order.
S.I. 1980 No. 1721.	Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 2.
S.I. 1982 No. 1076.	Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982.	Article 2(1).

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