
Changes to legislation: Data Protection Act 2018, Cross Heading: Medical Act 1983 (c. 54) is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

SCHEDULES

SCHEDULE 19

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF PRIMARY LEGISLATION

Medical Act 1983 (c. 54)

- 19 The Medical Act 1983 is amended as follows.
- 20 (1) Section 29E (evidence) is amended as follows.
- (2) In subsection (5), after “enactment” insert “ or the GDPR ”.
- (3) For subsection (7) substitute—
- “(7) In determining for the purposes of subsection (5) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”
- (4) In subsection (9), at the end insert—
- ““the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”
- 21 (1) Section 35A (General Medical Council's power to require disclosure of information) is amended as follows.
- (2) In subsection (4), after “enactment” insert “ or the GDPR ”.
- (3) For subsection (5A) substitute—
- “(5A) In determining for the purposes of subsection (4) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”
- (4) In subsection (7), at the end insert—

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- ““the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”
- 22 In section 49B(7) ([Directive 2005/36](#): designation of competent authority etc.), after “Schedule 4A” insert “—
- “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.
- 23 In section 55(1) (interpretation), omit the definition of “Directive [95/46/EC](#)”.
- 24 (1) Paragraph 9B of Schedule 1 (incidental powers of the General Medical Council) is amended as follows.
- (2) In sub-paragraph (2)(a), after “enactment” insert “ or the GPDR ”.
- (3) After sub-paragraph (3) insert—
- “(4) In this paragraph, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).”
- 25 (1) Paragraph 5A of Schedule 4 (professional performance assessments and health assessments) is amended as follows.
- (2) In sub-paragraph (8), after “enactment” insert “ or the GDPR ”.
- (3) For sub-paragraph (8A) substitute—
- “(8A) In determining for the purposes of sub-paragraph (8) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this paragraph.”
- (4) After sub-paragraph (13) insert—
- “(14) In this paragraph, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”
- 26 (1) The table in Schedule 4A (functions of the General Medical Council as competent authority under [Directive 2005/36](#)) is amended as follows.
- (2) In the entry for Article 56(2), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.
- (3) In the entry for Article 56a(4), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)