
STATUTORY INSTRUMENTS

2002 No. 3135

The Medical Act 1983 (Amendment) Order 2002

PART V

LICENCE TO PRACTISE AND REVALIDATION

Supplementary

12.—(1) For section 30(3) (the registers) substitute—

“(3) Each register shall also include, in respect of each of the persons entered in it, a statement of the following—

- (a) the person’s address;
- (b) the person’s date of registration;
- (c) whether the person holds a licence to practise or not;
- (d) any qualifications which the person is entitled to have registered under section 16 or 26 above; and
- (e) any other particulars prescribed in the case of a person entered in that register.”.

(2) In section 31(9) (power to make regulations with respect to the registers) for paragraph (b) substitute—

- “(b) for securing that, in such circumstances as may be prescribed, such a person’s name is not so restored unless—
- (i) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit,
 - (ii) the practitioner’s licence to practise is restored in accordance with the regulations, or
 - (iii) both (i) and (ii) are met.”.

(3) In section 31A (voluntary removal from the register), after subsection (1) insert—

“(1A) Regulations under subsection (1)(c) above shall provide that, in such circumstances as may be prescribed, a person’s name is not to be restored to the register unless—

- (a) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit;
- (b) the practitioner’s licence to practise is restored in accordance with the regulations; or
- (c) both (a) and (b) are met.

(1B) In subsection (1A) above, “prescribed” means prescribed under regulations made under subsection (1) above.”.

(4) In section 46 (recovery of fees), in subsections (1) and (3) after the words “fully registered” insert in both places “ and holds a licence to practise ”.

- (5) In section 47 (appointments not to be held except by fully registered practitioners)—
- (a) in subsection (1) for the words from the beginning to “medical officer” substitute—
“ Subject to subsection (2) below, only a person who is fully registered and who holds a licence to practise may hold an appointment as physician, surgeon or other medical officer ”; and
 - (b) in consequence of that amendment, the sidenote to the section becomes “Appointments not to be held except by fully registered medical practitioners who hold licences to practise”.
- (6) In section 48 (certificates invalid if not signed by fully registered practitioner)—
- (a) at the end add “ and holds a licence to practise ”; and
 - (b) in consequence of that amendment, the sidenote to the section becomes “Certificates invalid if not signed by fully registered medical practitioners who hold licences to practise”.
- (7) After section 49 insert—

“49A Penalty for pretending to hold a licence to practise

- (1) If a person who does not hold a licence to practise—
- (a) holds himself out as having such a licence; or
 - (b) engages in conduct calculated to suggest that he has such a licence,
- he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Any penalty to which a person is liable on summary conviction under subsection (1) above may be recovered in Scotland by any person before the sheriff or the district court who may, on the appearance or the default to appear of the accused, proceed to hear the complaint, and where the offence is proved or admitted the sheriff or court shall order the accused to pay the penalty as well as such expenses as the sheriff or court shall think fit.
- (3) Any sum of money arising from conviction and recovery of penalties as mentioned in subsection (2) above shall be paid to the Treasurer of the General Council.”.
- (8) In paragraphs 11(1) and (2) of Schedule 6 (transitional and saving provisions) for “fully registered person” substitute “ registered medical practitioner ”.

Changes to legislation:

There are currently no known outstanding effects for the The Medical Act 1983 (Amendment) Order 2002, Section 12.