
STATUTORY INSTRUMENTS

2003 No. 833

The National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 4) Order 2003

Saving provisions

4.—(1) The amendments made by the provisions specified in article 3 shall not have effect in relation to cases where—

- (a) a person has made an appeal pursuant to the provisions specified in paragraph (2) within the appeal period, but where that appeal has not been finally determined before 1st April 2003; or
- (b) a person's appeal period has not ended before 1st April 2003 (in relation to a decision notified to that person before that date) and where there is a right of appeal in relation to that decision pursuant to the provisions specified in paragraph (2).

(2) The provisions specified for the purposes of paragraph (1) are those where there is an appeal to—

- (a) Her Majesty in Council or the Privy Council (as the case may be), pursuant to—
 - (i) section 40 of the Medical Act 1983⁽¹⁾,
 - (ii) section 29 or section 44 of the Dentists Act 1984⁽²⁾,
 - (iii) section 23 of the Opticians Act 1989⁽³⁾,
 - (iv) section 10 or section 31 of the Osteopaths Act 1993⁽⁴⁾, or
 - (v) section 10 or section 31 of the Chiropractors Act 1994⁽⁵⁾; or
- (b) the Court of Session in Scotland, the High Court of Justice in Northern Ireland or the High Court of Justice in England and Wales (as the case may be), pursuant to—
 - (i) section 29 of the Osteopaths Act 1993, or
 - (ii) section 29 of the Chiropractors Act 1994.

(3) In paragraph (1), “appeal period” means the period within which a person is permitted to appeal against a decision to—

- (a) Her Majesty in Council or the Privy Council (as the case may be), pursuant to the provisions specified in paragraph (2)(a); or
- (b) the Court of Session in Scotland, the High Court of Justice in Northern Ireland or the High Court of Justice in England and Wales (as the case may be), pursuant to the provisions specified in paragraph (2)(b).

(1) 1983 c. 54; section 40 was amended by the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 8 and S.I.2000/1803, articles 2 and 8.
(2) 1984 c. 24; section 29 was amended by S.I. 2001/3926, articles 2 and 10.
(3) 1989 c. 44.
(4) 1993 c. 21; section 31 was amended by the Chiropractors Act 1994 (c. 17), Schedule 2, paragraph 8.
(5) 1994 c. 17.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
