

**EXPLANATORY MEMORANDUM TO  
THE MEDICAL ACT 1983 AMENDMENTS (FURTHER TRANSITIONAL  
PROVISIONS) ORDER OF COUNCIL 2007**

**2007 No. 2796**

1. This explanatory memorandum has been prepared by Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1. This Order contains a number of transitional provisions relating to:
    - The abolition of the register of medical practitioners with limited registration
    - The management of fraud and error cases which have not been completed by the date of the implementation of the new provisions
    - The management of certain appeals against removal from the register which have not been completed by the date of the implementation of the new provisions
    - The power of fitness to practise panels to suspend registrants in certain cases, and
    - A temporary change relating to a definition required because amendments relating to indemnity insurance have not been commenced.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1. None.
4. **Legislative Background**
  - 4.1. This Order is the second use of the powers conferred by article 92(1) of the Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (MAMAO). It is being made to tie in with the commencement of a tranche of provisions of the MAMAO on 19 October 2007.
5. **Extent**
  - 5.1. This instrument applies to the United Kingdom.

## **6. European Convention on Human Rights**

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

### Policy

7.1 MAMAO includes provision for the abolition of limited registration for international medical graduates who qualified outside of the EEA. Under these changes, practitioners who are suitably qualified will be granted full registration immediately irrespective of where in the world they obtained their primary medical qualification. However not all of the connected provisions have yet been commenced. Therefore, a temporary change is necessary to an existing section of the Act (section 30(c)) until the new replacement section is commenced.

7.2 It also includes further changes in respect of new fitness to practise procedures. The GMC will have the power to erase from the register a practitioner who is shown, subsequent to registration, to have failed to declare, at registration, an impaired fitness to practise. New provision for cases of fraud and error and those relating to the effect of disqualification or conviction on a doctor's registration will also be introduced. However, there will be a number of cases where the proceedings under the existing system have not been completed by the date on which the new provisions come into force. This Order provides a mechanism for completing consideration of such cases under the existing rules.

7.3 MAMAO will also introduce compulsory indemnity cover for all registrants. These provisions have not yet been commenced. In order to allow the commencement of provisions relating to registration appeals a minor amendment, temporarily removing the references that relate to indemnity insurance, is necessary. These references will be restored when the provisions relating to indemnity are commenced.

7.4 This Order was prepared in consultation with the General Medical Council, which supports the Order.

## **8. Impact**

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as there is no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this instrument.

## **9. Contact**

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