

Status: Point in time view as at 01/08/2007.

Changes to legislation: Medical Act 1983, Part II is up to date with all changes known to be in force on or before 03 June 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)

SCHEDULES

SCHEDULE 1

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

PART II

INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

[^{F1}Incidental powers and duties]

Textual Amendments

- F1** 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.
- [^{F2}9A 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

- F2** 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—

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- (a) prohibited by any enactment; or
 - (b) would constitute or be punishable as a contempt of court.
- (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

F2 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 [^{F3}section [^{F4}21A or 22][^{F4}21B or 21C]] of this Act.

Textual Amendments

F3 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](#))

F4 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.
- [^{F5}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

F5 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

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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.

- (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 [^{F6}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

- F6** 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) ^{F7} . . . 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 [^{F8}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.
- [^{F9}(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

- F7** 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)
- F8** 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)
- F9** 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)

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Financial provisions

- [^{F10}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.]

Textual Amendments

F10 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.
- [^{F11}(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

F11 Sch. 1 para. 18(3) substituted by [S.I. 1991/1997](#), reg. 2, **Sch. para.50** (with [reg. 4](#))

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