



# Professions Supplementary to Medicine Act 1960

1960 CHAPTER 66 8 and 9 Eliz 2

*Miscellaneous*

## 10 Power to extend or restrict application of Act.

- (1) If the Council considers it appropriate, after consulting any existing boards appearing to the Council to be concerned,—
- (a) that this Act should be extended to a profession which appears to the Council to be supplementary to medicine and is not mentioned in section one of this Act; or
  - (b) that having regard to changes in the activities usually carried on by persons practising a profession mentioned in the said section one, this Act should cease to extend to that profession; or
  - (c) that, in view of the amalgamation or proposed amalgamation of a profession mentioned in the said section one with another profession or other professions (whether so mentioned or not), a single board with a name appropriate for the amalgamated professions should be established under this Act; or
  - (d) that, in view of a proposal to exercise powers under this section with respect to any profession or for any other reason, the functions of a board should be altered so as to give to it, or withdraw from it, functions with respect to persons of any description.

the Council shall make a recommendation to that effect to the Privy Council.

- (2) If the Privy Council, after consulting any existing boards appearing to them to be concerned, agree with a recommendation under the foregoing subsection they may, subject to the following subsections, by order provide that this Act shall have effect—
- (a) in a case falling within paragraph (a) or (b) of the foregoing subsection, as if the profession in question were, or as the case may be, were not mentioned in subsection (2) of section one of this Act;
  - (b) in a case falling within paragraph (c) of the foregoing subsection, as if in the said subsection (2) for the name or names of such of the professions there

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mentioned as are specified by the order there were substituted a different name so specified;

- (c) in any case, as if in the First Schedule to this Act there were made such alterations, additions or omissions as may be specified by the order;

and the order may contain such transitional, incidental and supplementary provisions (including in a case falling within paragraph (b) or (c) of the foregoing subsection provision for winding up any existing board and its committees) as the Privy Council consider expedient.

- (3) No order shall be made under this section unless a draft of the order has been laid before Parliament and approved by resolution of each House.
- (4) The Privy Council shall exercise their powers under this section so as to secure that—
- (a) the number of boards for the time being established under this Act does not exceed twelve; and
  - (b) the number of the representative members of each board exceeds by one the number of the other members of the board; and
  - (c) the number of the members of the Council required by the First Schedule to this Act to be registered medical practitioners is equal to the number of the representative members of the Council;

and in this subsection “representative member” has the same meaning as in that Schedule.

## **11 Default powers of the Privy Council.**

- (1) If it appears to the Privy Council, either in consequence of representations made to them or for any other reason, that the Council or a board has failed either generally or in a particular case to do, or to do satisfactorily, any thing which under this Act that body has power or a duty to do, the Privy Council may if they think fit, subject to subsection (3) of this section, direct that body to do that thing in such manner and within such period as may be specified by the directions; and any such directions shall be enforceable by mandamus on the application of the Privy Council.
- (2) Instead of proceeding to enforce such directions by mandamus, the Privy Council may if they think fit—
  - (a) in the case of directions to a board, order the Council to give effect to the directions; or
  - (b) in any case, themselves give effect to the directions and recover from the Council as a simple contract debt any expenses certified by them to have been incurred in doing so.
- (3) The power to give directions under this section shall not include power to give directions with respect to a board’s functions under section three of this Act.
- (4) Any expenses of the Privy Council under this section shall be defrayed out of moneys provided by Parliament, and any sums received by the Privy Council under this section shall be paid into the Exchequer.

## **12 Exercise of powers conferred on the Privy Council.**

- (1) For the purpose of exercising any powers conferred by this Act on the Privy Council, the quorum of the Privy Council shall be three.

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- (2) Any document purporting to be—
- (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made; and
  - (b) signed by the clerk of the Privy Council or by any other person authorised by the Privy Council in that behalf,
- shall be evidence of the fact that the instrument was so made and of the terms of the instrument.
- (3) Any power to make an order conferred on the Privy Council by a provision of this Act shall—
- (a) include power to vary or revoke the order by a subsequent order under that provision; and
  - (b) be exercisable by statutory instrument.

### 13 Notices, etc.

- (1) In this Act the expression “notice” means a notice in writing.
- (2) Any notice or other document authorised or required to be served under this Act may, without prejudice to any other method of service but subject to any provision to the contrary in rules under this Act, be served by post; and for the purpose of the application to this subsection of [<sup>F1</sup>section 7 of the <sup>M1</sup>Interpretation Act 1978] (which relates to service by post) the proper address of a person to whose registration such a document relates shall be his address on the relevant register.

#### Textual Amendments

**F1** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

#### Marginal Citations

**M1** [1978 c. 30.](#)

### 14 Short title, extent and commencement.

- (1) This Act may be cited as the Professions Supplementary to Medicine Act 1960.
- (2) It is hereby declared that this Act extends to Northern Ireland, . . . <sup>F2</sup>
- (3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint, and different days may be appointed for different provisions.

#### Textual Amendments

**F2** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 6 Pt. I](#)

#### Modifications etc. (not altering text)

**C1** Power of appointment conferred by s. 14(3) fully exercised: [S. I. 1961/1201](#), 1962/828, 1651, 1963/1044, 1964/927

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