



# Medical Act 1983

## 1983 CHAPTER 54

### PART I

#### PRELIMINARY

##### *The General Medical Council*

#### **1 The General Medical Council.**

- (1) There shall continue to be a body corporate known as the General Medical Council (in this Act referred to as “the General Council”) having the functions assigned to them by this Act.
- (2) The General Council shall be constituted as provided by Her Majesty by Order in Council under this section subject to the provisions of Part I of Schedule 1 to this Act.
- (3) There shall continue to be four committees of the General Council known as the Education Committee, the Preliminary Proceedings Committee, the Professional Conduct Committee and the Health Committee (in this Act referred to as “the statutory committees”) constituted in accordance with Part III of Schedule 1 to this Act and having the functions assigned to them by this Act.
- (4) Schedule 1 to this Act shall have effect with respect to the General Council, its branch councils and committees, its proceedings, its officers and its accounts.

#### **2 Registration of medical practitioners.**

- (1) There shall continue to be kept by the registrar of the General Council (in this Act referred to as “the Registrar”) two registers of medical practitioners registered under this Act containing the names of those registered and the qualifications they are entitled to have registered under this Act.
- (2) The two registers referred to are “the register of medical practitioners” consisting of four lists, namely—
  - (a) the principal list,

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- (b) the overseas list,
  - (c) the visiting overseas doctors list, and
  - (d) the visiting EEC practitioners list,
- and “the register of medical practitioners with limited registration”.
- (3) Medical practitioners shall be registered as fully registered medical practitioners or provisionally or with limited registration as provided in Parts II and III of this Act and in the appropriate list of the register of medical practitioners or in the register of medical practitioners with limited registration as provided in Part IV of this Act.

## PART II

### MEDICAL EDUCATION AND REGISTRATION: PERSONS QUALIFYING IN THE UNITED KINGDOM AND ELSEWHERE IN THE EEC.

#### **3 Registration by virtue of primary United Kingdom or primary European qualifications.**

Subject to the provisions of this Act any person who—

- (a) holds one or more primary United Kingdom qualifications and has passed a qualifying examination and satisfies the requirements of this Part of this Act as to experience; or
- (b) being a national of any member State of the Communities, holds one or more primary European qualifications,

is entitled to be registered under this section as a fully registered medical practitioner.

#### **4 Qualifying examinations and primary United Kingdom qualifications.**

- (1) Subject to the provisions of this Part of this Act, a qualifying examination for the purposes of this Part of this Act is an examination held by any of the bodies or combinations of bodies specified in subsection (2) below for the purpose of granting one or more primary United Kingdom qualifications.
- (2) The bodies and combinations of bodies entitled to hold qualifying examinations are—
- (a) any of the Universities of Oxford, Cambridge, London, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Newcastle, Bristol, Nottingham, Southampton, Leicester, Wales, Glasgow, Aberdeen, Edinburgh, Dundee or the
  - (b) a combination of the Royal College of Physicians of London and the Royal College of Surgeons of England;
  - (c) a combination of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh and the Royal College of Physicians and Surgeons of Glasgow;
  - (d) the Society of Apothecaries of London;
  - (e) with the approval and under the directions of the Education Committee, a combination of any two or more of the bodies specified in paragraphs (b), (c) and (d) above.
- (3) In this Act “primary United Kingdom qualification” means any of the following qualifications, namely—

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- (a) the degree of bachelor of medicine or bachelor of surgery granted by any university in the United Kingdom;
  - (b) licentiate of the Royal College of Physicians of London [<sup>F1</sup>or the Royal College of Surgeons of England] or the Royal College of Physicians of Edinburgh or the Royal College of Surgeons of Edinburgh or the Royal College (formerly Royal Faculty) of Physicians and Surgeons of Glasgow;
  - (c) membership of the Royal College of Surgeons of England [<sup>F1</sup>granted before the coming into force of section 1 of the Medical Qualifications (Amendment) Act 1991];
  - (d) licentiate in medicine and surgery of the Society of Apothecaries of London.
- (4) Any two or more of the universities and other bodies specified in subsection (3) above may, with the approval and under the directions of the Education Committee, unite or co-operate in conducting examinations held for the purpose of granting primary United Kingdom qualifications.

#### Textual Amendments

**F1** Words in s. 4(3)(b) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\)](#), [s. 1\(a\)](#); [S.I. 1992/804, art. 2](#)

Words in s. 4(3)(c) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\)](#), [s. 1\(b\)](#); [S.I. 1992/804, art. 2](#)

## 5 General functions of the Education Committee in relation to medical education in the United Kingdom.

- (1) The Education Committee shall have the general function of promoting high standards of medical education and co-ordinating all stages of medical education.
- (2) For the purpose of discharging that function the Education Committee shall—
  - (a) determine the extent of the knowledge and skill which is to be required for the granting of primary United Kingdom qualifications and secure that the instruction given in universities in the United Kingdom to persons studying for such qualifications is sufficient to equip them with knowledge and skill of that extent;
  - (b) determine the standard of proficiency which is to be required from candidates at qualifying examinations and secure the maintenance of that standard; and
  - (c) determine patterns of experience which may be recognised as suitable for giving to those engaging in such employment as is mentioned in section 10(2) below general clinical training for the purposes of the practice of their profession.
- (3) The determinations of the Education Committee under subsection (2) above shall be embodied in recommendations which may be directed to all or any of the universities or other bodies concerned with medical education.
- (4) In this Act—
 

“the prescribed knowledge and skill” means knowledge and skill of the extent for the time being determined under subsection (2)(a) above and embodied in recommendations under subsection (3) above;

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“the prescribed standard of proficiency” means the standard of proficiency for the time being determined under subsection (2)(b) above and embodied in recommendations under subsection (3) above;

“a prescribed pattern of experience” means any pattern of experience for the time being determined under subsection (2)(c) above and embodied in recommendations under subsection (3) above.

## **6 Further powers of the Education Committee.**

- (1) A university or other body in the United Kingdom granting any primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below shall from time to time, when so required by the Education Committee, furnish the Committee with such information as the Committee may require as to—
  - (a) the courses of study and examinations to be gone through in order to obtain the qualification;
  - (b) the ages at which such courses of study and examinations are required to be gone through;
  - (c) the age at which the qualification is granted; and
  - (d) generally the requisites for obtaining the qualification.
- (2) For the purpose of securing the maintenance of the prescribed standard of proficiency the Education Committee may appoint such number of inspectors as they may determine, and the inspectors shall attend, as the Committee may direct, all or any of the qualifying examinations held by any university or other body specified in section 4(3) above.
- (3) Any person deputed for the purpose by the Education Committee may attend and be present at any examination held in the United Kingdom which has to be gone through in order to obtain a primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below.
- (4) Inspectors appointed under subsection (2) above shall not interfere with the conduct of any examination, but it shall be their duty to report to the Education Committee their opinion as to the sufficiency of every examination which they attend, and any other matters relating to such examinations which the Committee may require them to report.
- (5) The Education Committee shall forward a copy of every report of the inspectors to the body or each of the bodies who held the examination to which the report relates and shall also forward a copy of the report, together with any observations on it made by the said body or bodies, to the Privy Council.

## **7 Power to appoint visitors of medical schools.**

- (1) The Education Committee may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in any such directions, places where instruction is given to medical students under the direction of any university or other body specified in section 4(3) above.
- (2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee as to the sufficiency of the instruction given in the places

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which they visit and as to any other matters relating to the instruction which may be specified by the Committee either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.

- (3) On the receipt of any report of a visitor under subsection (2) above the Education Committee shall send a copy of the report to the university or other body under whose direction the instruction is given, and on the receipt of the copy that body may, within such period of not less than one month as the Committee may have specified at the time they sent the copy of the report, make to the Committee observations on the report or objections to it.
- (4) As soon as may be after the expiration of the period specified under subsection (3) above the Education Committee shall send a copy of the report and of any observations on it or objections to it duly made, together with the Committee's comments on the report and on any such observations or objections, to the Privy Council.

## **8 Power to add further qualifying examinations.**

- (1) If it appears to the Education Committee that the standard of proficiency required from candidates at examinations held or to be held by any university or combination of universities in the United Kingdom for the purpose of granting one or more primary United Kingdom qualifications does or will conform to the prescribed standard of proficiency, the Committee may represent to the Privy Council that it is expedient that those examinations should become qualifying examinations for the purposes of this Part of this Act.
- (2) Her Majesty may by Order in Council give effect to any representations made to the Privy Council under subsection (1) above, and any such Order may make such amendments in section 4(2) above as are necessary for giving effect to the Order.

## **9 Powers of Privy Council where standards not maintained.**

- (1) If at any time it appears to the Education Committee that the course of study and examinations to be gone through in order to obtain a primary United Kingdom qualification are not such as to equip persons going through the course and examinations with the prescribed knowledge and skill, the Committee may make representations to that effect to the Privy Council.
- (2) On any representations under subsection (1) above the Privy Council may, if they see fit, order that a qualification granted, after such time as may be specified in the order, in pursuance of the course of study and examinations to which the order relates shall not be a qualification registrable under section 16 below.
- (3) Where an order is made under subsection (2) above, no person shall be entitled to be registered under this Part of this Act by virtue of any qualification specified in the order and granted after such time as may be so specified.
- (4) If at any time it appears to the Education Committee that the standard of proficiency required from candidates at any qualifying examination does not conform to the prescribed standard of proficiency, the Committee shall make representations to that effect to the Privy Council.
- (5) Where representations are made under subsection (4) above the Privy Council, if they think fit, after considering the representations and any objections to them made by any university or other body to which they relate, may by order declare that the

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examinations held by that university or body shall be deemed not to be qualifying examinations for the purposes of this Part of this Act.

- (6) A qualification granted on the passing of an examination to which an order under subsection (5) above relates, and granted while the order is in force, shall not entitle the holder of the qualification to be registered under this Part of this Act.
- (7) An order under this section—
- (a) if made under subsection (2) above, may be revoked by Her Majesty with the advice of the Privy Council if it is made to appear to Her Majesty, upon further representations from the Education Committee or otherwise, that the university or other body to which the order relates has made effectual provision, to the satisfaction of the Committee, for the improvement of the course of study or examinations to which the order relates or the mode of conducting those examinations;
  - (b) if made under subsection (5) above, may be revoked by Her Majesty with the advice of the Privy Council if upon further representation from the Education Committee or from any university or other body to which the order relates it seems to Her Majesty expedient so to do;

but the revocation of an order made under subsection (2) above shall not entitle any person to be registered by virtue of a qualification granted before the revocation.

## **10 Experience required for full registration by virtue of primary United Kingdom qualifications.**

- (1) The following are the requirements as to experience mentioned in section 3(a) above.
- (2) A person must, after passing a qualifying examination, have been engaged for the prescribed period in employment in a resident medical capacity in one or more approved hospitals or approved institutions and have obtained a certificate under this section.
- (3) A person who has been employed as mentioned in subsection (2) above may apply to his examining body for a certificate under this section, and if that body are satisfied—
  - (a) that during the time he has been so employed he has been engaged in at least two branches of medicine prescribed for the purposes of this paragraph for the minimum period prescribed for each branch;
  - (b) that the combination of posts which he has held while so employed was such as to provide him with the experience required by a prescribed pattern of experience recognised by that body as applicable to persons for whom they are the examining body; and
  - (c) that his service while so employed has been satisfactory,
 they shall grant him a certificate in the prescribed form that they are so satisfied.
- (4) Where, on an application in that behalf, a person satisfies the General Council that by reason of lasting physical disability he will be or has been prevented from embarking on, or completing, any period of experience of the practice of a branch of medicine prescribed for the purposes of this section the Council may if they think fit direct that the applicant may for the purposes of this section count in lieu thereof experience of the practice of some other prescribed branch of medicine (whether or not one in the practice of which he has already had experience for those purposes) acquired in the same manner and for the same period, or, as the case may be, for so much of that period as will have remained uncompleted.

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- (5) Where the General Council give a direction under subsection (4) above as respects any person they shall give notice of the direction to his examining body.

## 11 Provisions supplementary to s. 10, etc.

- (1) Subsections (2) to (4) below shall have effect for the construction of section 10 above and the following provisions of this Part of this Act.
- (2) References to a person's examining body shall be construed as follows—
- (a) where he claims registration by virtue of a qualification granted on passing an examination held by two or more bodies jointly, such references shall be construed as references to those bodies acting jointly;
  - (b) subject as aforesaid, such references shall be construed as references to the body granting the qualification by virtue of which he claims registration or, where he is entitled to claim registration by virtue of two or more qualifications, such references shall be construed as references to the body granting such of those qualifications as he may choose.
- (3) References to employment in a resident medical capacity shall be construed as references to employment in the practice of any branch of medicine prescribed for the purposes of section 10 above where the person employed is resident in the hospital or institution where he is employed or conveniently near to it and is by the terms of his employment required to be so resident.
- (4) In the provisions mentioned in subsection (1) above—
- “approved”, in relation to a hospital or institution, means approved for the time being for the purposes of this section by any university or other body specified in section 4(3) above as providing experience required by one or more prescribed patterns of experience; and
- “prescribed” (except in the expression “prescribed pattern of experience”) means prescribed by regulations of the Education Committee.
- (5) Regulations of the Education Committee under subsection (2) of section 10 above shall not have effect until approved by order of the Privy Council.
- (6) The Privy Council may approve regulations of the Education Committee made under subsection (2) of section 10 above either as submitted to them or with such modifications as appear to them requisite; but where the Privy Council propose to approve any regulations under that subsection subject to modifications they shall notify to the Education Committee the modifications they propose to make and consider any observations of the Committee on the proposed modifications.

## 12 Special provisions as to employment in health centres.

- (1) For the purposes of sections 10 and 11 above, “institution” includes a health centre if, and only if, it is a centre provided under sections 2 and 3 of the <sup>M1</sup>National Health Service Act 1977, section 36 of the <sup>M2</sup>National Health Service (Scotland) Act 1978, or Article 5 of the <sup>M3</sup>Health and Personal Social Services (Northern Ireland) Order 1972.
- (2) Employment in such a centre shall not be treated as employment for the purposes of sections 10 and 11 above unless it is either—
- (a) employment by a fully registered medical practitioner in the provision of general medical services under Part II of the National Health Service Act

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1977, Part II of the National Health Service (Scotland) Act 1978 or Part VI of the said Order of 1972; or

- (b) employment in the provision of the services of specialists or other services provided for out-patients in a health centre provided as mentioned in subsection (1) above.
- (3) The Education Committee may by regulations provide that the period of employment in a health centre which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.

#### Marginal Citations

- M1** 1977 c. 49.
- M2** 1978 c. 29.
- M3** S.I. 1972/1265 (N.I.14).

### 13 Power to appoint visitors of approved hospitals.

- (1) The Education Committee may, if they think fit, appoint persons to visit any approved hospital or approved institution.
- (2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee on the extent to which the general clinical training given by employment in a resident medical capacity in the hospital or institution is such as to provide the experience required by one or more prescribed patterns of experience.
- (3) If the Education Committee are of the opinion that—
  - (a) an approved hospital or an approved institution does not provide experience required by any prescribed pattern of experience; or
  - (b) a pattern of experience recognised as applicable to persons by their examining body is not a prescribed pattern of experience; or
  - (c) a combination of posts which is accepted by their examining body as providing persons who have held the posts comprised in the combination with the experience required by a prescribed pattern of experience does not in fact provide that experience,

then the Committee shall notify their opinion to the university or body concerned and that university or body shall have regard to that opinion in discharging their functions under sections 10 and 11 above.

### 14 Alternative requirements as to experience in certain cases.

- (1) On an application made to them by a person to whom this section applies, the General Council may direct that, as an alternative to the requirements as to experience specified in section 10 above, it shall be sufficient for the applicant to satisfy the General Council that he has acquired experience of the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under the said section 10.
- (2) This section applies to any person who claims registration under section 3 above and—



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- (a) claims such registration by virtue of a qualification granted before 1st January 1953; or
- (b) is the holder of a primary United Kingdom qualification and also of a qualification granted outside the United Kingdom which is recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of knowledge and skill corresponding with the prescribed knowledge and skill.

## 15 Provisional registration.

- (1) This section shall have effect for enabling persons wishing to obtain certificates under section 10 above to be employed as mentioned in subsection (2) of that section.
- (2) A person who, apart from any requirement as to experience, would by virtue of any qualification or qualifications held by him be entitled to be registered under section 3 above shall be entitled to be registered provisionally under this section.
- (3) A person provisionally registered under this section shall be deemed to be registered under section 3 above as a fully registered medical practitioner so far as is necessary to enable him to be engaged in employment in a resident medical capacity in one or more approved hospitals or approved institutions but not further.

VALID FROM 04/12/2000

### [15A <sup>F2</sup>Provisional registration for EEA nationals

- (1) This section shall have effect for enabling a national of an EEA State to be employed for the purpose of enabling him to acquire the clinical experience under appropriate supervision which he needs in order to obtain a primary European qualification.
- (2) A national of an EEA State who, but for the acquisition of suitable clinical experience, has completed the training required for a primary European qualification, shall be entitled to be registered provisionally under this section.
- (3) Any person who—
  - (a) is not a national of an EEA State; but
  - (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68<sup>M4</sup>, or any other enforceable Community right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,
 shall be treated for the purposes of subsections (1) and (2) as if he were such a national.
- (4) Subsection (3) of section 15 above shall apply for the purposes of this section as it applies for the purposes of that.
- (5) For the purposes of subsection (2), a person has completed the training required for a primary European qualification, but for the acquisition of suitable clinical experience, where he has obtained a medical degree which guarantees that he has fulfilled the requirements of Article 23, paragraph 1(a), (b) and (c) of Directive 93/16/EEC<sup>M5</sup>.

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#### **Textual Amendments**

**F2** S. 15A inserted (4.12.2000) by [S.I. 2000/3041](#), [reg. 3](#)

#### **Marginal Citations**

**M4** OJ No. L257, 19.10.68, p. 1.

**M5** OJ No. L165, 7.7.93, p. 1.

## **16 Registration of qualifications.**

- (1) A person registered under section 3 above or section 15 above shall be entitled to have registered the primary United Kingdom qualification or qualifications or primary European qualification or qualifications which he holds when he is so registered and also—
  - (a) any other primary United Kingdom qualification or qualification specified in Schedule 2 to this Act which he obtains after registration;
  - (b) subject to subsection (3) below, any additional qualification which the Education Committee determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
  - (c) any recognised overseas qualification or other qualification which is for the time being registrable by virtue of section 26(1)(b) below which he holds when he is registered or obtains thereafter.
- (2) In this Act “additional qualification” means any qualification granted in a member State of the Communities other than a primary United Kingdom qualification or a qualification specified in Schedule 2 to this Act.
- (3) If the Education Committee determine that any such qualification as is mentioned in paragraph (b) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

## **17 Primary qualifications obtained in other member States of the Communities.**

- (1) A primary European qualification for the purposes of this Part of this Act is—
  - (a) any European qualification listed in Schedule 2 to this Act which is acquired in a member State of the Communities on or after the date on which it implemented the second Medical Directive and is not evidence of training commenced by the holder before that date;
  - (b) subject to compliance with subsection (2) below, any qualification obtained in a member State of the Communities before the date on which it implemented the second Medical Directive or on or after that date where training of which that qualification is evidence commenced before that date.
- (2) For compliance with this subsection in the case of any qualifications, either—
  - (a) they must be such that the Registrar is satisfied with respect to them (by means of a certificate of the medical authorities of the member State of the Communities in which they were acquired or otherwise) that they accord with the standards laid down by the second Medical Directive; or

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- (b) evidence of them must be accompanied by a certificate of the medical authorities of any member State of the Communities that the holder has lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.
- (3) In subsection (2) above, references to the medical authorities of a member State of the Communities are references to the authorities and bodies designated in accordance with the first Medical Directive or the second Medical Directive.
- (4) In this Act—
- “the first Medical Directive” means Council Directive No. [75/362/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, and
- “the second Medical Directive” means Council Directive No. [75/363/EEC](#) concerning the co-ordination of provisions in respect of activities of doctors;
- and for the purposes of subsection (1) above a member State [<sup>F3</sup>other than Spain or Portugal] is to be regarded as having implemented the second Medical Directive on the date notified to the Commission of the European Communities as that on which it did so [<sup>F4</sup>and Spain and Portugal are to be regarded as having implemented it on 1st January 1986].

#### Textual Amendments

- F3** Words inserted by [S.I. 1986/23, art. 2\(2\)\(a\)](#)
- F4** Words added by [S.I. 1986/23, art. 2\(2\)\(a\)](#)

## 18 Visiting EEC practitioners.

- (1) If he complies with the requirements of this section it shall be lawful for a person who is a national of any member State of the Communities and lawfully established in medical practice in a member State of the Communities other than the United Kingdom on visiting the United Kingdom to render medical services there temporarily without first being registered under the foregoing provisions of this Part or under Part III of this Act.
- (2) Such a person intending so to render services shall provide the Registrar with—
- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate or certificates issued by the competent authority or body and bearing a date not less recent than 12 months prior to the date on which it is provided, which shows—
- (i) that he is lawfully practising medicine in a member State other than the United Kingdom, and
- (ii) that he holds medical qualifications which member States are required by the first Medical Directive to recognise;
- and for the purposes of this subsection “the competent authority or body” means the authority or body designated by the member State concerned as competent for the purposes of Article 16(3) of that Directive.
- (3) In an urgent case the declaration to be provided under paragraph (a) of subsection (2) above may be provided after the services have been rendered, but where it is so

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provided it shall be provided as soon as possible thereafter and in any event not more than 15 days after the date on which the practitioner first rendered such services.

- (4) Where a person complies with the requirements of subsection (2) above, the Registrar shall register him under this section in the register of medical practitioners as a visiting EEC practitioner for such period or periods as, having regard to the particulars given in the declaration referred to in subsection (2)(a) above, he considers appropriate.
- (5) Registration of a person as a visiting EEC practitioner shall cease if—
  - (a) he becomes established in medical practice in the United Kingdom; or
  - (b) he renders, save in a case of urgency, medical services in the United Kingdom otherwise than in accordance with a declaration made by him under subsection (2)(a) above.

### PART III

#### REGISTRATION OF PERSONS QUALIFYING OVERSEAS

#### **19 Full registration of persons by virtue of recognised overseas qualifications**

- (1) Where a person satisfies the Registrar—
  - (a) that he holds one or more recognised overseas qualifications;
  - (b) that he has the necessary knowledge of English; and
  - (c) that he is of good character,
 and satisfies the requirements of section 20 below as to experience, that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.
- (2) In this Act a “recognised overseas qualification” means any qualification granted outside the United Kingdom and for the time being recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of knowledge and skill corresponding with the prescribed knowledge and skill and as having been granted by virtue of the passing of an examination at which the standard of proficiency required corresponds with the prescribed standard of proficiency.

#### **20 Experience required for full registration by virtue of recognised overseas qualifications.**

- (1) The following are the requirements as to experience mentioned in section 19(1) above.
- (2) The General Council must be satisfied that the person claiming registration—
  - (a) has been employed as mentioned in subsection (2) of section 10 above and while so employed has held a combination of posts which was such as to provide him with the experience required by one of the prescribed patterns of experience and satisfies the conditions specified in paragraphs (a) and (c) of subsection (3) of that section; or
  - (b) has acquired experience in the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under the said section 10.

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- (3) Subsections (4) and (5) of the said section 10 shall apply to a person prevented from embarking on, or completing, a period of experience required for the purposes of this section as it applies to a person prevented from embarking on, or completing, a period of experience required for the purposes of that section.

## 21 Provisional registration.

- (1) The following provisions shall have effect for enabling persons wishing to satisfy the General Council of the matters specified in section 20(2)(a) above to be employed as mentioned in section 10(2) above.
- (2) A person who satisfies the Registrar of the matters specified in paragraphs (a), (b) and (c) of section 19(1) above may apply to the General Council to be registered provisionally under this section and, if the Council think fit so to direct, that person shall be so registered.
- (3) A person provisionally registered under this section shall be deemed to be registered under section 19 above as a fully registered medical practitioner so far as is necessary to enable him to be engaged in employment in a resident medical capacity (within the meaning of section 11 above) in one or more approved hospitals or approved institutions (within the meaning of that section) but not further.

VALID FROM 17/12/2002

### <sup>F5</sup>21A Full registration for eligible specialists and qualified general practitioners

- (1) Where a person satisfies the Registrar—
- (a) that he holds an acceptable overseas qualification other than a primary European qualification;
  - (b) that he is an eligible specialist or a qualified general practitioner;
  - (c) that he is of good character; and
  - (d) that he has the necessary knowledge of English or is an exempt person,
- that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.
- (2) In subsection (1)(b) above—
- “eligible specialist” means a person—
- (a) who—
    - (i) has specialist medical qualifications awarded outside the United Kingdom in a medical specialty in which the United Kingdom awards a CCST, and
    - (ii) has satisfied the competent authority that those qualifications are equivalent to a CCST; or
  - (b) who—
    - (i) has specialist medical qualifications awarded outside the United Kingdom in a specialty in which the United Kingdom does not award a CCST, or
    - (ii) has knowledge of or experience in any medical specialty derived from academic or research work,

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and has satisfied the competent authority that these give him a level of knowledge and skill consistent with practice as a consultant in that specialty in the National Health Service; and

“qualified general practitioner” means a person who has been awarded a Certificate of Equivalent Experience by the Joint Committee on Postgraduate Training for General Practice.

(3) In this section—

“CCST” means a Certificate of Completion of Specialist Training; and

“competent authority” means the competent authority for the purpose of article 9(2) and (3) of the European Specialist Medical Qualifications Order 1995.]

#### Textual Amendments

**F5** S. 21A inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(5)** (with transitional provisions in [Sch. 2](#))

## 22 Limited registration of persons by virtue of overseas qualifications.

(1) Subject to sections 23(5) and 24 below, where a person satisfies the Registrar—

- (a) that he has been selected for employment in the United Kingdom or the Isle of Man as a medical practitioner in one or more hospitals or other institutions approved by the General Council for the purposes of this section;
- (b) that he holds, has held, or has passed the examination necessary for obtaining some acceptable overseas qualification or qualifications;
- (c) that he has the necessary knowledge of English;
- (d) that he is of good character; and
- (e) that he has the knowledge and skill, and has acquired the experience, which is necessary for practice as a medical practitioner registered under this section and is appropriate in his case,

he shall, if the General Council think fit so to direct, be registered under this section as a medical practitioner with limited registration.

(2) In this Act “limited registration” means registration under this section limited in accordance with subsection (5) below in respect of the period for which and the employment for the purposes of which it has effect.

(3) No person shall be registered under this section for a period, or for periods which amount in the aggregate to a period, exceeding five years; and in this Act the “permitted period”, in relation to an applicant for registration under this section, means—

- (a) if he has not previously been registered under this section, five years;
- (b) if he has previously been so registered, the amount by which five years exceeds the period or aggregate of periods for which he has been so registered.

(4) In this Act an “acceptable overseas qualification” means any qualification granted outside the United Kingdom and for the time being accepted by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of the knowledge and skill requisite for the practice of medicine under the supervision of a person who is registered as a fully registered medical practitioner.

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- (5) The limits of a person's registration under this section shall be defined in the direction by virtue of which he is registered in accordance with the following provisions, that is to say—
- (a) the direction shall specify a period, not exceeding his permitted period, as the period for which his registration is to have effect; and
  - (b) the direction shall specify the particular employment or the descriptions of employment for the purposes of which he is registered under this section;
- and, subject to subsection (6) below and to section 24(1) and (2) below, that person's registration shall have effect for the period and for the purposes of the particular employment or the descriptions of employment specified in the direction.
- (6) Where a direction specifies a particular employment as the employment for the purposes of which a person is registered under this section and that employment terminates before the end of the period specified in the direction by virtue of subsection (5)(a) above, the registration of the person under this section shall cease to have effect when that employment terminates.
- (7) A person registered under this section shall be treated as registered under section 19 above as a fully registered medical practitioner in relation to the following matters, namely—
- (a) any employment in which he is engaged during the currency of his registration, being the particular employment or employment of a description for the purposes of which he is registered; and
  - (b) things done or omitted in the course of that employment; and
  - (c) any other thing incidental to his work in that employment which, by virtue of any enactment, may not lawfully or validly be done except by a fully registered medical practitioner;
- but in relation to other matters he shall be treated as not so registered.
- (8) A person registered under this section shall not, while engaged in the particular employment or in employment of a description for the purposes of which he is registered, work otherwise than under the supervision of a person who is registered as a fully registered medical practitioner.

### **23 Limited registration: supplementary provisions.**

- (1) An applicant for limited registration shall specify in his application the particular employment or the descriptions of employment for the purposes of which he wishes to be registered and shall give such other particulars as the General Council may require.
- (2) What knowledge and skill, and what experience, is necessary for practice as a medical practitioner registered under section 22 above shall be determined by the General Council in relation to each branch of medicine and to practice therein in the descriptions of employment for the purposes of which persons apply for registration under that section.
- (3) For the purpose of section 22(1)(e) above, the knowledge and skill, and the experience, which is appropriate in the case of an applicant for registration under that section means, subject to subsections (4) and (5) below, the knowledge and skill, or the experience, determined under this section which appears to the Registrar to be appropriate to the particular employment or the descriptions of employment for which the applicant desires to be registered.

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- (4) The General Council may, in the case of any particular application for limited registration, give to the Registrar a direction determining what knowledge and skill, or what experience, determined by the Council under subsection (2) above for the purposes of section 22(1)(e) above is appropriate in the case of the applicant having regard to the particular employment or descriptions of employment for the purposes of which the applicant wishes to be registered or the Council considers they may grant limited registration.
- (5) The General Council may, in the case of any applicant or applicants of any description, give to the Registrar a direction exempting the applicant, or applicants of that description, from compliance with the requirements of section 22(1)(e) above as to knowledge and skill, or as to experience, or both.

#### **24 Limited registration: erasure.**

- (1) The General Council may, on an application being made to them containing such particulars as they may require by a person who is registered with limited registration, direct that his name shall be erased from the register on his own application on such day as they may specify in the direction; but the fact that a person's name has been erased under this subsection shall be disregarded by the Council in deciding whether or not to grant limited registration for a further period to that person.
- (2) If it appears to the General Council, having regard to his performance in a relevant employment, that a person registered under section 22 above does not in fact possess the appropriate knowledge and skill, the Council may, subject to subsection (4) below, if they think fit, direct that his name shall be erased from the register.
- (3) In subsection (2) above, in relation to a person registered under section 22 above—
  - (a) “a relevant employment” means a particular employment or an employment of a description for the purposes of which he is or has been so registered; and
  - (b) “the appropriate knowledge and skill” means the knowledge and skill which was required in his case in pursuance of subsection (1)(e) of that section in connection with the application for registration under that section by virtue of which he is so registered.
- (4) No person's name shall be erased from the register under subsection (2) above unless—
  - (a) the Registrar has served on him a notification of the grounds on which the Council are considering exercising their powers under that subsection; and
  - (b) the Council have afforded him an opportunity of making representations to them in the matter;

and paragraph 8 of Schedule 4 to this Act shall apply to a notification required to be served by this subsection as it applies to the notifications required to be served by the provisions mentioned in that paragraph.

#### **25 Full registration of persons with limited registration.**

A person who is or has been registered with limited registration may, on satisfying the Registrar that he is of good character, apply to the General Council to be registered fully by virtue of this section; and if the Council think fit so to direct, having regard to the knowledge and skill shown and the experience acquired by the applicant, he shall be registered under section 19 above as a fully registered medical practitioner.



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## 26 Registration of qualifications.

- (1) A person registered under section 19 or 21 above shall be entitled to have registered the recognised overseas qualification or qualifications which he holds when he is so registered and also—
  - (a) any recognised overseas qualification which he obtains after registration;
  - (b) subject to subsection (3) below, any qualification granted outside the United Kingdom (other than a recognised overseas qualification) which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
  - (c) subject to subsection (3) below, any additional qualification which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter; and
  - (d) any primary United Kingdom qualification or primary European qualification which he holds when he is registered or obtains thereafter.
- (2) A person registered with limited registration under section 22 above shall be entitled to have registered the acceptable overseas qualification or qualifications which he holds when he is so registered and, if such a person is subsequently registered under section 19 above by virtue of section 25 above, he shall on being so registered be entitled to have registered, apart from the qualifications mentioned in subsection (1) above, the acceptable overseas qualification or qualifications by virtue of which he was granted limited registration.
- (3) If the General Council determine that any such qualification as is mentioned in paragraph (b) or (c) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

## 27 Temporary full registration for visiting overseas specialists.

- (1) A person who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services of a specialist nature may apply to the General Council to be registered temporarily as a fully registered medical practitioner and if the Council are satisfied—
  - (a) that he holds one or more recognised overseas qualifications or acceptable overseas qualifications;
  - (b) that he possesses special knowledge of and skill in a particular branch or branches of medicine; and
  - (c) that the medical services he is to provide lie within that branch or one or more of those branches of medicine,they may, if they think fit, direct that he shall be registered under this section as a fully registered medical practitioner for such period as they may specify in the direction.
- (2) No person shall be fully registered under this section for a period exceeding twelve months.
- (3) At the expiration of the period specified in a direction under subsection (1) above the registration of the person to whom the direction applies shall cease to have effect.

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## 28 The Review Board for Overseas Qualified Practitioners.

- (1) There shall continue to be a body known as the Review Board for Overseas Qualified Practitioners (in this Act referred to as the “Review Board”) constituted in accordance with the following provisions of this section and having the functions conferred on them by section 29 below.
- (2) The Review Board shall consist of—
  - (a) a chairman and a deputy chairman, not being members of the General Council, appointed by the President of the General Council having regard to the recommendation of such body or bodies concerned with post-graduate medical education in England and Wales, in Scotland and in Northern Ireland, as the Council may by rules prescribe;
  - (b) such number of other members as the Council may by rules prescribe, being members of the General Council and including at least—
    - (i) one elected member,
    - (ii) one appointed member, and
    - (iii) one member who is or has been registered under Part III of the <sup>M6</sup>Medical Act 1956, under section 18 or 22 of the <sup>M7</sup>Medical Act 1978 or under section 19 or 22 above.
- (3) There shall be paid to the members of the Review Board such fees and such travelling, subsistence or other allowances as the General Council may allow.
- (4) The General Council shall provide the Review Board with office accommodation and secretarial assistance for the discharge of their functions.
- (5) The General Council may by rules make provision with respect to the quorum and procedure of the Review Board.
- (6) No rules under this section shall come into force until approved by order of the Privy Council.

### Marginal Citations

- M6** 1956 c. 76.  
**M7** 1978 c. 12.

## 29 Functions of the Review Board.

- (1) Any person in whose case a decision falling within subsection (2) below is made by the General Council may require the Registrar to state in writing the reasons for the decision and, subject to subsection (3) below, may apply to the Review Board for that decision to be reviewed by the Board.
- (2) The following are the decisions referred to in subsection (1) above, namely—
  - (a) a refusal to direct by virtue of section 19 above that a person be registered under that section as a fully registered medical practitioner;
  - (b) a refusal to direct that a person be registered provisionally under section 21 above;
  - (c) in a case where at the date of the refusal a person had been registered with limited registration for a period, or for periods which amount in the aggregate to a period, of not less than three years and six months, a refusal to direct by

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- virtue of section 25 above that he be registered under section 19 above as a fully registered medical practitioner;
- (d) in the case of a person who is or has been registered with limited registration for a period, a refusal to direct under section 22(1) above that he be granted limited registration for a further period; and
- (e) a direction under section 24(2) above that a person's name be erased from the register of medical practitioners with limited registration.
- (3) A person in whose case a decision falling within subsection (2) above is made shall not be entitled to apply to the Review Board for the decision to be reviewed where—
- (a) the decision is such a refusal as is referred to in paragraph (a) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person does not satisfy the requirements of section 20 above as to experience; or
- (b) the decision is such a refusal as is referred to in paragraph (a) or (b) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that no qualification which the person claims to hold is a recognised overseas qualification; or
- (c) the decision is such a refusal as is referred to in paragraph (a), (b), (c) or (d) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person has failed to satisfy him that he has the necessary knowledge of English.
- (4) On completing a review under this section of any decision, the Review Board shall determine whether in their opinion the decision ought to stand and shall notify their opinion to the President of the General Council or to such other member of the Council as the Council may appoint to act for the purposes of this subsection; and the President or member so appointed may, if having regard to the Board's opinion he thinks fit, direct that the decision be reversed.

VALID FROM 17/12/2002

## **[<sup>F6</sup>PART IIIA**

### **LICENCE TO PRACTISE AND REVALIDATION**

#### **Textual Amendments**

- F6** Pt. IIIA inserted (17.12.2002 for s. 29G(1)(a)(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(g), **10** (with transitional provisions in Sch. 2)

#### *Duty of General Council to make regulations*

#### **29A Regulations as to licence to practise and revalidation**

- (1) Any reference in this Act to a “licence to practise” is a reference to a licence granted under and in accordance with this Part to a medical practitioner by a licensing authority.

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- (2) The General Council shall make regulations with respect to licences to practise.
- (3) The provisions made by regulations under subsection (2) above must include provision for or in connection with each of the matters specified in subsection (4) below.
- (4) Those matters are—
  - (a) grant of a licence to practise;
  - (b) refusal of a licence to practise;
  - (c) withdrawal of a licence to practise; and
  - (d) revalidation of a medical practitioner of a prescribed description as a condition of his continuing to hold a licence to practise.
- (5) In this Part—
 

“licensing authority” means—

  - (a) the Registrar;
  - (b) a Registration Decisions Panel;
  - (c) such other committee of the General Council as may be prescribed; or
  - (d) such other officer of the General Council as may be prescribed;

“prescribed” means prescribed by regulations made by the General Council under subsection (2) above; and

“revalidation” means evaluation of a medical practitioner’s fitness to practise.

*Grant, refusal and withdrawal of licence*

**29B Grant, refusal and withdrawal of licence**

- (1) Regulations under section 29A above shall provide for a licence to practise to be granted to a medical practitioner—
  - (a) on first registration under this Act as a medical practitioner with either full registration or limited registration;
  - (b) on being provisionally registered under this Act; and
  - (c) in such other cases or circumstances as may be prescribed.
- (2) Regulations under section 29A above shall provide for the withdrawal of a licence to practise from a medical practitioner—
  - (a) where the practitioner has failed to comply with prescribed requirements of regulations under section 29A above;
  - (b) where the licence to practise was fraudulently procured or otherwise incorrectly granted;
  - (c) where the medical practitioner requests that the licence to practise be withdrawn; and
  - (d) in such other cases or circumstances as may be prescribed.
- (3) Regulations under section 29A above shall make provision as to the procedure to be followed in connection with the grant or refusal, or the withdrawal, of a licence to practise by a licensing authority.
- (4) If a licensing authority decides—
  - (a) to refuse to grant a licence to practise to a medical practitioner; or

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(b) to withdraw a licence to practise from a medical practitioner, the Registrar shall give the practitioner notice in accordance with subsection (5) below.

(5) The notice required by subsection (4) above is notice of—

- (a) the decision;
- (b) the reasons given for the decision by the licensing authority concerned; and
- (c) the practitioner’s right of appeal under section 29F below.

(6) Section 29H below applies in relation to a notice under subsection (4) above.

### **29C Referral to the Investigation Committee**

(1) Regulations under section 29A above shall provide that where, in the course of revalidation, it appears to a licensing authority that the fitness to practise of the medical practitioner concerned may be impaired, the authority may refer the matter to the Investigation Committee.

(2) If a matter is referred to the Investigation Committee in accordance with subsection (1) above, the licensing authority shall take no further action until the matter has been considered—

- (a) by the Investigation Committee; or
- (b) if it is referred by that Committee to a Fitness to Practise Panel, by such a Panel, and has been referred back to the authority.

#### *Restoration of licence*

### **29D Restoration of licence**

(1) The General Council shall make regulations under section 29A above for and in connection with authorising or requiring a licensing authority, in such cases or circumstances as may be prescribed, to restore a licence to practise to a medical practitioner whose licence to practise has been withdrawn.

(2) Regulations by virtue of subsection (1) above shall make provision as to the procedure to be followed in connection with the restoration, or the refusal of the restoration, of a licence to practise by a licensing authority.

(3) If a licensing authority refuses to restore a licence to practise to a medical practitioner, the Registrar shall give the practitioner notice of—

- (a) the decision;
- (b) the reasons given for the decision by the licensing authority concerned; and
- (c) the practitioner’s right of appeal under section 29F below.

(4) Section 29H below applies in relation to a notice under subsection (3) above.

#### *Supplementary provisions*

### **29E Evidence**

(1) Regulations under section 29A above may make provision for a licensing authority—

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- (a) to refuse to grant a licence to practise to a medical practitioner;
  - (b) to withdraw a licence to practise from a medical practitioner; or
  - (c) to refuse to restore a licence to practise to a medical practitioner,
- in any case where the medical practitioner does not provide the licensing authority with such evidence or information as the authority may reasonably request for any of the purposes specified in subsection (2) below.
- (2) The purposes are those of—
- (a) determining whether to grant a licence to practise to the practitioner;
  - (b) revalidation of the practitioner;
  - (c) determining whether to withdraw a licence to practise from the practitioner; and
  - (d) determining whether to restore a licence to practise to the practitioner.
- (3) For the purpose of carrying out any function under sections 29A to 29D above in relation to a medical practitioner, a licensing authority may require—
- (a) any medical practitioner (other than that practitioner); or
  - (b) any other person,
- who, in the opinion of the authority, is able to supply information, or produce any document, which appears relevant to the discharge of any such function, to supply such information or produce such a document.
- (4) For the purpose of reviewing procedures relating to—
- (a) revalidation; or
  - (b) the grant, withdrawal or restoration of a licence to practise,
- a licensing authority may require any medical practitioner or other person to supply information or produce any document.
- (5) Nothing in subsection (3) or (4) above shall require or permit any disclosure of information which is prohibited by or under any other enactment.
- (6) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, a licensing authority may, in exercising its functions under subsection (3) or (4) above, require that the information be put into a form which is not capable of identifying that individual.
- (7) In determining for the purposes of subsection (5) above whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, it shall be assumed that the disclosure is required by or under this section.
- (8) Subsections (3) and (4) do not apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the relevant court (within the meaning of section 40(5) below).
- (9) In this section “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.

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## **29F Appeals**

- (1) If a licensing authority decides under this Part—
  - (a) to refuse to grant a licence to practise to a medical practitioner;
  - (b) to withdraw a licence to practise from a medical practitioner; or
  - (c) to refuse to restore a licence to practise to a medical practitioner,the practitioner may appeal to a Registration Appeals Panel.
- (2) Schedule 3B (which provides for the procedures to be followed before a Registration Appeals Panel) shall apply in relation to any appeal under subsection (1) above.
- (3) A decision under this Part to withdraw a licence to practise from a medical practitioner shall not be carried into effect—
  - (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
  - (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.

## **29G Guidance**

- (1) The General Council may publish guidance for medical practitioners relating to the information and documents to be provided, and any other requirements to be satisfied—
  - (a) for the purposes of revalidation; or
  - (b) for securing restoration of a licence to practise.
- (2) In preparing any such guidance in relation to revalidation, the General Council shall take into account such similarities as there may be between any information or documents to be provided, or any other requirements to be satisfied—
  - (a) for the purposes of revalidation; and
  - (b) for the purposes of any scheme for the appraisal of medical practitioners which applies within the health service, the Scottish health service or the Northern Ireland health service.
- (3) In subsection (2) above—

“the health service” means the health service established in pursuance of the National Health Service Act 1946;

“the Northern Ireland health service” means any service provided in pursuance of Article 4(a) of the Health and Personal Social Services (Northern Ireland) Order 1972; and

“the Scottish health service” means the health service established in pursuance of the National Health Service (Scotland) Act 1947.

## **29H Notices**

- (1) This section applies to any notice required to be given to a medical practitioner under—
  - (a) section 29B or 29D above; or
  - (b) paragraph 6 or 7 of Schedule 3B to this Act.
- (2) Any such notice may be so given—
  - (a) by delivering it to him;

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- (b) by leaving it at his proper address;
  - (c) by sending it by a registered post service; or
  - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (3) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, a medical practitioner's proper address shall be—
- (a) his address in the register; or
  - (b) if the conditions in subsection (4) below are satisfied, his last known address.
- (4) The conditions are that—
- (a) the practitioner's last known address differs from his address in the register; and
  - (b) it appears to the body or person giving the notice that a letter sent to the practitioner at his last known address is more likely to reach him.
- (5) For the purposes of this section—
- (a) the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
  - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.

## **29J     Miscellaneous**

- (1) Regulations under section 29A above may provide for the charging of a fee to a medical practitioner in respect of the cost of—
- (a) his revalidation; or
  - (b) the consideration of any application made by him for restoration of a licence to practise.
- (2) Any sum payable by a medical practitioner under subsection (1) above may be recovered by the General Council and, in England and Wales or Northern Ireland, shall be recoverable summarily as a civil debt.
- (3) Regulations under section 29A above may make different provision for different purposes, cases or circumstances.
- (4) Regulations under section 29A above shall not have effect until approved by order of the Privy Council.
- (5) Before making regulations under section 29A above, the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.]



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## PART IV

### GENERAL PROVISIONS CONCERNING REGISTRATION

#### 30 The registers.

- (1) The register of medical practitioners shall contain—
  - (a) in the principal list the names of persons entitled to be registered under section 3 or 15 above, or directed to be registered under section 19 or 21 above, but not entitled to be included in the overseas list;
  - (b) in the overseas list the names of persons entitled to be registered under section 3 or 15 above, or directed to be registered under section 19 or 21 above, who by virtue of regulations under section 31 below are for the time being entitled to be included in that list by reason of residence overseas;
  - (c) in the visiting overseas doctors list the names of persons from time to time directed to be registered under section 27 above; and
  - (d) in the visiting EEC practitioners list the names of persons entitled to be registered from time to time under section 18 above.
- (2) The register of medical practitioners with limited registration shall contain the names of persons granted limited registration under section 22 above.
- (3) Each register shall also contain the addresses and dates of registration of the persons registered in it, such of their qualifications as they are entitled to have registered under section 16 or 26 above and such other particulars (if any) of those persons as may be prescribed for that register.
- (4) It shall be the duty of the Registrar to keep the registers correct in accordance with the provisions of this Act and regulations made by the General Council, to erase the names of persons who have died, and from time to time to make the necessary alterations in the addresses, qualifications and other registered particulars of registered persons.
- (5) The Registrar may, by letter addressed to any person registered in either register at his address on the register, inquire whether he has changed his address and, if no answer is received to the inquiry within six months from the posting of the letter, may erase from the register the entry relating to that person.
- (6) On registering the death of a person registered in either register, a registrar of births and deaths shall, without charge to the Registrar, send forthwith by post to the Registrar a copy certified under his hand of the entry in the register of deaths relating to the death.
- (7) In this section “prescribed” means prescribed by regulations made under section 31 below.

#### 31 Power to make regulations with respect to the registers.

- (1) Subject to the provisions of this Act, the General Council may make regulations with respect to the form and keeping of the registers and the making of entries, alterations and corrections in them.
- (2) Regulations under this section may provide for the registers to be kept either by making entries in bound books or by recording the matters in question in any other manner; and if either register is not kept by making entries in bound books, adequate precautions shall be taken for guarding against, and facilitating the discovery of, falsification.

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- (3) Different regulations may be made under this section by virtue of subsection (1) or (2) above in relation to the register of medical practitioners and the register of medical practitioners with limited registration.
- (4) Regulations under this section shall provide for the marking of the register of medical practitioners so as to distinguish those provisionally registered under section 15 above and those provisionally registered under section 21 above.
- (5) Regulations under this section shall, for the purposes of the register of medical practitioners, prescribe—
- (a) the circumstances in which persons are to be treated for the purposes of this Act and of any regulations made by the General Council as residing overseas;
  - (b) the conditions (which may include the making of an application in the prescribed manner) subject to which persons are to be entitled to be included in the overseas list by reason of residence overseas; and
  - (c) the circumstances in which persons are to cease to be entitled to be included in that list;
- but regulations made in pursuance of this subsection shall not provide for a person to be treated for the purposes of this Act as residing overseas unless he resides outside the British Islands.
- (6) Regulations under this section may authorise the Registrar to erase from the overseas list of the register of medical practitioners the name of any person who has ceased to be entitled to be included in it, but any regulations made in pursuance of this subsection shall include provision for entitling a person whose name is erased from that list by virtue of this subsection otherwise than on his own application to appeal within a prescribed period to such committee of the General Council as may be prescribed.
- (7) On any appeal under subsection (6) above, the committee in question, after making such investigation (if any) of the appellant's conduct as they think fit, may if they think fit direct his name to be restored to the overseas list.
- (8) Regulations under this section may make provision with respect to the restoration to the registers or a particular list in the register of medical practitioners in which he was registered of the name of any person whose name has been erased from it by virtue of section 30(5) above or of any regulations made in pursuance of subsection (6) above or section 32(2) below.
- (9) Regulations under this section made by virtue of subsection (8) above may include provision—
- (a) for authorising the Registrar, notwithstanding anything in this Act, to refuse to restore to the register or a particular list in it the name of any such person as is mentioned in that subsection unless he furnishes to the Registrar such evidence of his identity and good character as may be prescribed; and
  - (b) for securing that, in such circumstances as may be prescribed, such a person's name is not so restored unless the General Council or a committee of the Council so direct after making such investigation of his conduct as they think fit;

but nothing in any regulation made in pursuance of this subsection shall apply to the restoration of a person's name to the overseas list of the register of medical practitioners in pursuance of a direction under subsection (7) above.

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(10) Regulations made in pursuance of subsection (5), (6), (8) or (9) above shall not have effect until approved by order of the Privy Council.

(11) In this section “prescribed” means prescribed by regulations under this section.

VALID FROM 18/05/2000

**[<sup>F7</sup>31A Voluntary removal from the register.**

- (1) The General Council may make regulations—
- (a) providing for the erasure by the Registrar from the register of medical practitioners of the name of any person who applies, in the manner prescribed by the regulations, for his name to be erased from the register;
  - (b) providing for the refusal by the Registrar of applications under paragraph (a) above in such cases and circumstances as may be prescribed by the regulations;
  - (c) making provision (including provision requiring the approval of the General Council or of one of the statutory committees) for the restoration to the register of the name of any person whose name has been erased in accordance with regulations made in pursuance of paragraph (a) above.
- (2) Regulations under this section shall not have effect until approved by order of the Privy Council.]

**Textual Amendments**

**F7** S. 31A inserted (18.5.2000) by 1995 c. 51, s. 2; S.I. 2000/1344, art. 2

**32 Registration fees.**

- (1) Subject to the provisions of this Act, the General Council may make regulations with respect to the charging of fees in connection with the making of entries in the register of medical practitioners, and in particular—
- (a) prescribing a fee to be charged on the entry of a name or qualification in the register or on the restoration of any entry to the register;
  - (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person in any year subsequent to the year beginning with the date on which he was first registered;
  - (c) authorising the Registrar, notwithstanding anything in this Act, to refuse to make any entry in, or restore any entry to, the register or a particular list in it until a fee prescribed by regulations under this section has been paid.
- (2) Regulations under this section may authorise the Registrar to erase from the register of medical practitioners the name of—
- (a) any person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed in pursuance of subsection (1) (b) above; or

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- (b) any person who in the manner prescribed by the regulations applies for his name to be erased from the register on the ground that he does not wish to pay or continue to pay fees prescribed in pursuance of subsection (1)(b) above.
- (3) If a person whose name has been erased from the register in accordance with regulations made in pursuance of subsection (2) above at any time pays—
  - (a) such sum (if any) as may be prescribed for the purposes of this subsection by regulations under this section; and
  - (b) the fee (if any) which, if his name had not been so erased, would be due from him in respect of the current year,
 his name shall be restored to the register.
- (4) Regulations under this section shall not provide for any fee to be chargeable in respect of anything done in pursuance of a direction under section 41 below.
- (5) No fee shall be charged in relation to registration as a visiting EEC practitioner and accordingly this section shall not apply in relation thereto.
- (6) Where on an application in that behalf by any person a direction is given—
  - (a) that he be registered with limited registration under section 22 above; or
  - (b) for his name to be erased from the register of medical practitioners with limited registration by virtue of section 24(1) above,
 the General Council may include therein a direction that the right to registration or erasure conferred thereby shall be subject to the payment by him of such fee as may be specified in the direction.
- (7) Regulations under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.
- (8) Regulations under this section shall not have effect until approved by order of the Privy Council.
- (9) For the avoidance of doubt it is hereby declared that in this section “entry” includes an entry by way of alteration of a previous entry.

### **33 Supplementary provisions about registration.**

Schedule 3 to this Act (which contains supplementary provisions about registration) shall have effect.

### **34 The Medical Register and the Overseas Medical Register.**

- (1) The Registrar shall in every year cause to be printed, published and sold, under the direction of the General Council, a publication called “the Medical Register”, being a correct register of all persons appearing in the principal list in the register of medical practitioners, as existing on the 1st January in that year except those whose registration is for the time being suspended and those whose registration is for the time being subject to conditions.
- (2) The General Council may if they think fit direct in respect of any year that, in addition to the publication of the Medical Register in that year, the Registrar shall, at such time during that year as the Council may determine, cause to be printed, published and sold, under the direction of the Council, a publication called “the Overseas Medical

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Register”, being a correct register of all persons appearing in the overseas list in the register of medical practitioners, as existing on such date in that year as the Council may direct, except those whose registration is for the time being suspended and those whose registration is for the time being subject to conditions.

- (3) The Medical Register and the Overseas Medical Register shall each be arranged so as to show the names of the persons included in it in alphabetical order of surnames, with their addresses and registered qualifications and such other particulars (if any) as the General Council may direct in relation to that Register.
- (4) A copy of either of the said publications purporting to be printed and published in accordance with subsection (1) or (2) above shall be evidence (and in Scotland sufficient evidence) that the persons specified therein are registered fully or provisionally in the principal list or the overseas list in the register of medical practitioners, as appears from the publication; and the absence of the name of any person both from such a copy of the Medical Register and from such a copy of the Overseas Medical Register shall be evidence (and in Scotland sufficient evidence) that he is not registered under section 3, 15, 19 or 21 above.
- (5) In the case of a person whose name does not appear either in the Medical Register or the Overseas Medical Register—
  - (a) a certified copy, under the hand of the Registrar, of an entry relating to that person in the register of medical practitioners or the register of medical practitioners with limited registration shall be evidence (and in Scotland sufficient evidence) of that entry; and
  - (b) a certificate of registration issued under paragraph 5 of Schedule 3 to this Act in respect of that person shall be evidence (and in Scotland sufficient evidence) that he is registered fully or provisionally or with limited registration as appears from the certificate.

## PART V

### PROFESSIONAL CONDUCT AND FITNESS TO PRACTISE

#### 35 General Council’s power to advise on conduct or ethics.

The powers of the General Council shall include the power to provide, in such manner as the Council think fit, advice for members of the medical profession on standards of professional conduct [<sup>F8</sup>or performance] or on medical ethics.

#### Textual Amendments

**F8** Words in s. 35 inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 4**; S.I. 1996/271, art. 2, **Sch.**

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VALID FROM 03/08/2000

**[35A <sup>F9</sup> General Council’s power to require disclosure of information**

- (1) For the purpose of assisting the General Council or any of their committees in carrying out functions in respect of professional conduct, professional performance or fitness to practise, a person authorised by the Council may require—
  - (a) a practitioner (except the practitioner in respect of whose professional conduct, professional performance or fitness to practise the information or document is sought); or
  - (b) any other person,
 who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply such information or produce such a document.
- (2) As soon as is reasonably practicable after the relevant date, the General Council shall require, from a practitioner in respect of whom a decision mentioned in subsection (3) has been made, details of any person—
  - (a) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine; or
  - (b) with whom he has an arrangement to do so.
- (3) For the purposes of this section and section 35B the relevant date is—
  - (a) the date of a decision to refer a case in respect of a practitioner to the Preliminary Proceedings Committee in accordance with rules made under paragraph 5(2) of Schedule 4 to this Act;
  - (b) where rules have been made under paragraph 1(1) or 5A(1) of Schedule 4 to this Act which provide for any of the following decisions—
    - (i) to invite a practitioner to agree to an assessment of his professional performance;
    - (ii) to invite a practitioner to agree to an assessment to determine whether his fitness to practise is seriously impaired by reason of his physical or mental condition;
    - (iii) to notify a practitioner that medical reports received by the General Council appear to provide evidence that his fitness to practise may be seriously impaired by reason of his physical or mental condition,
 the date of the decision in question.
- (4) Nothing in this section shall require or permit any disclosure of information which is prohibited by or under any other enactment.
- (5) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the person referred to in subsection (1) may, in exercising his functions under that subsection, require that the information be put into a form which is not capable of identifying that individual.
- (6) Subsection (1) shall not apply in relation to the supplying of information or the production of any document which a person could not be compelled to supply or produce in civil proceedings before the court (within the meaning of section 38).
- (7) For the purposes of subsection (4), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

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- (8) For the purposes of this section and section 35B, a “practitioner” means a fully registered person, a provisionally registered person or a person registered with limited registration.]

#### Textual Amendments

**F9** Ss. 35A, 35B inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 4](#)

VALID FROM 03/08/2000

#### [35B <sup>F10</sup>Notification and disclosure by the General Council

- (1) As soon as is reasonably practicable after the relevant date, the General Council shall notify the following of the making of a decision mentioned in section 35A(3) in respect of a practitioner—
- (a) the Secretary of State, the Scottish Ministers and the National Assembly for Wales; and
  - (b) any person in the United Kingdom of whom the General Council are aware—
    - (i) by whom the practitioner concerned is employed to provide services in, or in relation to, any area of medicine, or
    - (ii) with whom he has an arrangement to do so.
- (2) The General Council may disclose to any person any information relating to a practitioner’s professional conduct, professional performance or fitness to practise which they consider it to be in the public interest to disclose.]

#### Textual Amendments

**F10** Ss. 35A, 35B inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 4](#)

### 36 Professional misconduct and criminal offences.

- (1) Where a fully registered person—
- (a) is found by the Professional Conduct Committee to have been convicted in the British Islands of a criminal offence, whether while so registered or not; or
  - (b) is judged by the Professional Conduct Committee to have been guilty of serious professional misconduct, whether while so registered or not;
- the Committee may, if they think fit, direct—
- (i) that his name shall be erased from the register;
  - (ii) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction; or
  - (iii) that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests.

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- (2) Where a fully registered person whose registration is subject to conditions imposed under subsection (1) above by the Professional Conduct Committee or under section [F1142] below by the Preliminary Proceedings Committee [F12 or the Professional Conduct Committee] is judged by the Professional Conduct Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, direct—
- (a) that his name shall be erased from the register; or
  - (b) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction.
- (3) Where the Professional Conduct Committee have given a direction for suspension under subsection (1) or (2) above, the Committee may—
- (a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;
  - (b) direct that the name of the person whose registration is suspended shall be erased from the register; or
  - (c) direct that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests;
- but the Committee shall not extend any period of suspension under this section for more than twelve months at a time.
- (4) Where the Professional Conduct Committee have given a direction for conditional registration, the Committee may—
- (a) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
  - (b) revoke the direction or revoke or vary any of the conditions imposed by the direction;
- but the Committee shall not extend any period of conditional registration under this section for more than twelve months at a time.
- (5) Subsection (2) above shall apply to a fully registered person whose registration is subject to conditions imposed under subsection (3)(c) above as it applies to a fully registered person whose registration is subject to conditions imposed under subsection (1) above, and subsection (3) above shall apply accordingly.
- (6) Where the Professional Conduct Committee give a direction under this section for erasure, for suspension or for conditional registration or vary the conditions imposed by a direction for conditional registration the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.
- (7) In subsection (6) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.



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- (8) While a person’s registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.
- (9) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.

#### Textual Amendments

**F11** Words in s. 36(2) substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 5**; S.I. 1996/271, art. 2, **Sch.**

**F12** Words in s. 36(2) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 5**; S.I. 1996/271, art. 2, **Sch.**

VALID FROM 01/07/1997

#### <sup>F13</sup>36A Professional performance.

- (1) Where the standard of professional performance of a fully registered person is found by the Committee on Professional Performance to have been seriously deficient, the Committee shall direct—
  - (a) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction; or
  - (b) that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with the requirements so specified.
- (2) Where a fully registered person, whose registration is subject to conditions imposed under any provision of this section by the Committee on Professional Performance, is judged by the Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, direct that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (3) Where the Committee on Professional Performance have given a direction for suspension under any provision of this section the Committee may direct—
  - (a) that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
  - (b) that the registration of the person whose registration is suspended shall, as from the expiry (or termination under subsection (5)(b) below) of the current period of suspension, be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests;but, subject to subsection (4) below, the Committee shall not extend any period of suspension under this section for more than twelve months at a time.
- (4) The Committee on Professional Performance may make a direction extending a period of suspension indefinitely where—

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- (a) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
  - (b) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (5) Where the Committee on Professional Performance have made a direction for indefinite suspension, they—
- (a) shall review the suspension when requested to do so by the person whose registration is suspended (but not until two years after the date on which the direction takes effect and not more than once in any period of two years), and
  - (b) having carried out such a review, may direct that the suspension be terminated.
- (6) Where the Committee on Professional Performance have given a direction for conditional registration, the Committee may—
- (a) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;
  - (b) revoke the direction or revoke or vary any of the conditions imposed by the direction; or
  - (c) direct that the registration shall be suspended during such period not exceeding twelve months as may be specified in the direction;
- but the Committee shall not extend any period of conditional registration under this section for more than three years at a time.
- (7) Where the Committee on Professional Performance give a direction under this section for suspension or for conditional registration, or vary the conditions imposed by a direction for conditional registration, the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.
- (8) In subsection (7) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.
- (9) While a person’s registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.
- (10) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.]

#### Textual Amendments

**F13** S. 36(A) inserted (1.7.1997) by 1995 c. 51, s. 1; S.I. 1997/1315, art. 2

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

**C1** S. 36(A) extended (1.7.1997) by S.I. 1997/1529, Sch. Pt. VI rule. 29(1)

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### 37 Unfitness to practise through illness, etc.

- (1) Where the fitness to practise of a fully registered person is judged by the Health Committee to be seriously impaired by reason of his physical or mental condition the Committee may, if they think fit, direct—
  - (a) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction; or
  - (b) that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests.
- (2) Where a fully registered person whose registration is subject to conditions imposed under subsection (1) above by the Health Committee or under section [F142] below by the Preliminary Proceedings Committee [F15 or the Health Committee] is judged by the Health Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, direct that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction.
- (3) Where the Health Committee have given a direction for suspension under subsection (1) or (2) above, the Committee may—
  - (a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
  - (b) direct that the registration of the person whose registration is suspended shall, as from the expiry [F16 (or termination under subsection (3B)(b) below)] of the current period of suspension, be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests [F17;]

[F17]but, subject to subsection (3A) below, the Committee shall not] extend any period of suspension under this section for more than twelve months at a time.
- [F18](3A) The Health Committee may give a direction extending a period of suspension indefinitely where—
  - (a) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years, and
  - (b) the direction is given not more than two months before the date on which the period of suspension would otherwise expire.
- (3B) Where the Health Committee have given a direction for indefinite suspension, they—
  - (a) shall review the suspension when requested to do so by the person whose registration is suspended (but not until two years after the date on which the direction takes effect and not more than once in any period of two years), and
  - (b) having carried out such a review, may direct that the suspension be terminated.]
- (4) Where the Health Committee have given a direction for conditional registration, the Committee may—

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- (a) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
- (b) revoke the direction or revoke or vary any of the conditions imposed by the direction;

but the Committee shall not extend any period of conditional registration under this section for more than twelve months at a time.

- (5) Subsection (2) above shall apply to a fully registered person whose registration is subject to conditions imposed under subsection (3)(b) above as it applies to a fully registered person whose registration is subject to conditions imposed under subsection (1) above, and subsection (3) above shall apply accordingly.
- (6) Where the Health Committee give a direction under this section for suspension or for conditional registration or vary the conditions imposed by a direction for conditional registration the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.
- (7) In subsection (6) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.
- (8) While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.
- (9) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

#### Textual Amendments

- F14** Words in s. 37(2) substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(2)(a)**; S.I. 1996/271, art. 2, **Sch.**
- F15** Words in s. 37(2) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(2)(b)**; S.I. 1996/271, art. 2, **Sch.**
- F16** Words in s. 37(3)(b) inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(3)(a)**; S.I. 1996/271, art. 2, **Sch.**
- F17** Words in s. 37 substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(3)(b)**; S.I. 1996/271, art. 2, **Sch.**
- F18** **S. 37(3A)(3B)** inserted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para. 6(4)**; S.I. 1996/271, art. 2, **Sch.**

### 38 Power to order immediate suspension after a finding of professional misconduct or unfitness to practise.

- (1) On giving a direction for erasure or a direction for suspension under section 36(1) or (2) or 37(1) or (2) above in respect of any person the Professional Conduct Committee or the Health Committee, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of that person, may order that his registration in the register shall be suspended forthwith in accordance with this section; and in this subsection the reference to section 36(2) includes a reference to that provision as applied by section 36(5) and the reference to section 37(2) includes a reference to that provision as applied by section 37(5).

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- (2) Where, on the giving of a direction an order under subsection (1) above is made in respect of a person, his registration in the register shall, subject to subsection (4) below, be suspended (that is to say, shall not have effect) from the time when the order is made until the time when the direction takes effect in accordance with paragraph 10 of Schedule 4 to this Act or an appeal against it under section 40 below is (otherwise than by the dismissal of the appeal) determined.
- (3) Where the Professional Conduct Committee or the Health Committee make an order under subsection (1) above the Registrar shall forthwith serve a notification of the order on the person to whom it applies.
- (4) If, when an order under subsection (1) above is made, the person to whom it applies is neither present nor represented at the proceedings, subsection (2) above shall have effect as if, for the reference to the time when the order is made, there were substituted a reference to the time of service of a notification of the order as determined for the purposes of paragraph 8 of Schedule 4 to this Act.
- (5) While a person's registration in the register is suspended by virtue of subsection (1) above he shall be treated as not being registered in the register notwithstanding that his name still appears in it.
- (6) The court may terminate any suspension of a person's registration in the register imposed under subsection (1) above, and the decision of the court on any application under this subsection shall be final.
- (7) In this section "the court"—
  - (a) in the case of a person whose address in the register is in Scotland, means the Court of Session;
  - (b) in the case of a person whose address in the register is in Northern Ireland, means the High Court of Justice in Northern Ireland; and
  - (c) in the case of any other person, means the High Court of Justice in England and Wales.

### **39 Fraud or error in relation to registration.**

- (1) If the General Council are satisfied that any entry in the register has been fraudulently procured or incorrectly made they may direct that the entry shall be erased from the register.
- (2) Where the General Council give a direction for the erasure of a person's name under this section the Registrar shall forthwith serve on that person a notification of the direction and of his right to appeal against the decision in accordance with section 40 below.

### **40 Appeals.**

- (1) The following decisions are appealable decisions for the purposes of this section, that is to say—
  - (a) a decision of the Professional Conduct Committee under section 36 above giving a direction for erasure, for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration;

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- (b) a decision of the Health Committee under section 37 above giving a direction for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration; or
  - (c) a decision of the General Council under section 39 above giving a direction for erasure.
- (2) In subsection (1) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.
- (3) Any person in respect of whom an appealable decision has been taken may, within twenty-eight days of the service of the notification of the decision under section 36(6), 37(6) or 39(2) above appeal against the decision in accordance with this section.
- (4) In the case of an appealable decision—
  - (a) of the Professional Conduct Committee under section 36 above;
  - (b) of the Health Committee under section 37 above; or
  - (c) of the General Council under section 39 above directing that an entry be erased because it has been fraudulently procured,
 an appeal under this section shall lie to Her Majesty in Council subject, however, to subsection (5) below and to such rules as Her Majesty in Council may by Order provide for the purpose of regulating appeals under this section.
- (5) No appeal under this section shall lie from a decision of the Health Committee except on a question of law.
- (6) The <sup>M8</sup>Judicial Committee Act 1833 shall apply in relation to the Professional Conduct Committee, the Health Committee and the General Council as it applies in relation to any court from which an appeal lies to Her Majesty in Council.
- (7) Without prejudice to the application of that Act, on an appeal under this section to Her Majesty in Council from the Professional Conduct Committee or the Health Committee the Judicial Committee may, in their report, recommend to Her Majesty in Council—
  - (a) that the appeal be dismissed;
  - (b) that the appeal be allowed and the direction or variation questioned by the appeal quashed;
  - (c) that such other direction or variation as the Professional Conduct Committee or, as the case may be, the Health Committee could have given or made be substituted for the direction or variation questioned by the appeal; or
  - (d) that the case be remitted to the Professional Conduct Committee or, as the case may be, the Health Committee for that Committee to dispose of the case under section 36 or 37 above in accordance with the directions of the Judicial Committee.
- (8) On an appeal under this section to Her Majesty in Council from the General Council the Judicial Committee may, in their report, recommend—
  - (a) that the appeal be dismissed;
  - (b) that the appeal be allowed and the direction questioned by the appeal quashed; or
  - (c) that the case be remitted to the General Council for that Council to dispose of the case under section 39 above in accordance with the directions of the Judicial Committee.

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- (9) In the case of an appealable decision of the General Council under section 39 above other than a decision falling within subsection (4)(c) above an appeal under this section shall lie to the Privy Council.
- (10) On an appeal under this section to the Privy Council the Privy Council may—
  - (a) dismiss the appeal; or
  - (b) allow the appeal and quash the direction questioned by the appeal.
- (11) On an appeal under this section from the Professional Conduct Committee or the Health Committee the General Council may appear as respondent; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

#### Marginal Citations

M8 1833 c. 41.

#### 41 Restoration of names to the register.

- (1) Subject to subsection (2) below, where the name of a person has been erased from the register under section 36 above the Professional Conduct Committee may, if they think fit, direct his name to be restored to the register.
- (2) No application for the restoration of a name to the register under this section shall be made to the Professional Conduct Committee—
  - (a) before the expiration of ten months from the date of erasure; or
  - (b) in any period of ten months in which an application for the restoration of his name has already been made by or on behalf of the person whose name has been erased.
- (3) In the case of a person who was provisionally registered under section 15 or 21 above before his name was erased a direction under subsection (1) above shall be a direction that his name be restored by way of provisional registration under section 15 or 21 above, as the case requires.
- (4) The requirements of Part II or Part III of this Act as to the experience required for registration as a fully registered medical practitioner shall not apply to registration in pursuance of a direction under subsection (1) above.

VALID FROM 03/08/2000

#### [41A] <sup>F19</sup> Interim Orders

- (1) Where the Interim Orders Committee are satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a fully registered person, for the registration of that person to be suspended or to be made subject to conditions, the Committee may make an order—
  - (a) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding eighteen months as may be specified in the order (an “interim suspension order”); or

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- (b) that his registration shall be conditional on his compliance, during such period not exceeding eighteen months as may be specified in the order, with such requirements so specified as the Committee think fit to impose (an “order for interim conditional registration”).
- (2) Subject to subsection (9), where the Interim Orders Committee have made an order under subsection (1), the Committee—
  - (a) shall review it within the period of six months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it before the end of the period of three months beginning on the date of the decision of the immediately preceding review; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (3) Where an interim suspension order or an order for interim conditional registration has been made in relation to any person under any provision of this section (including this subsection), the Interim Orders Committee, the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance may, subject to subsection (4)—
  - (a) revoke the order or revoke any condition imposed by the order;
  - (b) vary any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former;
  - (d) if satisfied that the public interest, including the protection of members of the public, or the interests of the person concerned would be adequately served by an order for interim conditional registration, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.
- (4) No order under subsection (1) or (3)(b) to (d) shall be made by any Committee in respect of any person unless he has been afforded an opportunity of appearing before the Committee and being heard on the question whether such an order should be made in his case; and for the purposes of this subsection a person may be represented before the Committee by counsel or a solicitor, or (if rules made under paragraph 1 of Schedule 4 to this Act so provide and he so elects) by a person of such other description as may be specified in the rules.
- (5) If an order is made under any provision of this section the Registrar shall without delay serve a notification of the order on the person to whose registration it relates.
- (6) The General Council may apply to the court for an order made by the Interim Orders Committee under subsection (1) or (3) to be extended, and may apply again for further extensions.
- (7) On such an application the court may extend (or further extend) for up to 12 months the period for which the order has effect.
- (8) In this section, references to an interim suspension order and an order for interim conditional registration include such an order as so extended.



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- (9) For the purposes of subsection (2) the first review after the court’s extension of an order made by the Interim Orders Committee or after a replacement order made by the Interim Orders Committee under subsection (3)(c) or (d) shall take place—
- (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (2), within the period of six months beginning on the date on which the court ordered the extension or on which a replacement order under subsection (3)(c) or (d) was made; and
  - (b) if it had been reviewed under the provision, within the period of three months beginning on that date.
- (10) Where an order has effect under any provision of this section, the court may—
- (a) in the case of an interim suspension order, terminate the suspension;
  - (b) in the case of an order for interim conditional registration, revoke or vary any condition imposed by the order;
  - (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it),
- and the decision of the court under any application under this subsection shall be final.
- (11) While a person’s registration in the register is suspended by virtue of an interim suspension order under this section he shall be treated as not being registered in the register notwithstanding that his name still appears in the register.
- (12) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.
- (13) In this section “the court” has the same meaning as in section 38.]

#### Textual Amendments

**F19** Ss. 41A, 41B inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 10](#)

VALID FROM 03/08/2000

#### <sup>F20</sup>**41B Interim orders made by committees other than the Interim Orders Committee**

- (1) This section applies where the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee have made an order under section 41A(3)(c) or (d).
- (2) Subject to subsections (3) and (4), any Committee referred to in subsection (1) may—
- (a) do any of the things referred to in section 41A(3)(a) to (d) in relation to the order; and
  - (b) before the expiry of the order, extend it or further extend it.
- (3) Subsection (2)(b) applies equally to a replacement order made by one of those Committees by virtue of section 41A(3)(c) or (d) as applied by subsection (2)(a).

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- (4) An order may not be extended under this section for more than three months at a time.
- (5) Subsections (5) and (10) to (13) of section 41A apply for the purposes of this section as they apply for the purposes of that section.
- (6) For the purposes of rules made under paragraph 1 of Schedule 4 for the Committees referred to in subsection (1), “proceedings” in that paragraph includes proceedings under this section.]

#### Textual Amendments

**F20** Ss. 41A, 41B inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 10](#)

## 42 Preliminary proceedings as to professional misconduct and unfitness to practise.

- (1) The Preliminary Proceedings Committee shall have the functions assigned to them by this section.
- (2) It shall be the duty of the Committee to decide whether any case referred to them for consideration in which a practitioner is alleged to be liable to have his name erased under section 36 above or his registration suspended or made subject to conditions under section 36 or 37 above ought to be referred for inquiry by the Professional Conduct Committee or the Health Committee.
- (3) If the Committee decide that a case ought to be referred for inquiry by the Professional Conduct Committee or the Health Committee—
  - (a) they shall give a direction designating the Committee which is to inquire into the case; and
  - (b) they may, subject to subsection (4) below, if satisfied that to do so is necessary for the protection of members of the public, make an order for interim suspension in respect of the person whose case they have decided to refer for inquiry; or
  - (c) they may, subject to subsection (4) below, if satisfied that to do so is necessary for the protection of members of the public or is in his interests, make an order for interim conditional registration in respect of that person, that is to say, an order that his registration shall be conditional on his compliance, during such period not exceeding [<sup>F21</sup>six] months as is specified in the order, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests.
- (4) [<sup>F22</sup>No order under subsection (3)(b) or (c) above or (6A)(b) to (d) below shall be made by any Committee] in respect of any person unless he has been afforded an opportunity of appearing before the Committee and being heard on the question whether such an order should be made in his case; and for the purposes of this subsection a person may be represented before the Committee by counsel or a solicitor, or (if rules under paragraph 5 of Schedule 4 to this Act so provide and he so elects) by a person of such other description as may be specified in the rules.
- (5) [<sup>F23</sup>If the Preliminary Proceedings Committee decide] that a case ought to be referred for inquiry by the Professional Conduct Committee or the Health Committee the Registrar shall serve a notification of the decision on the person whose case has been so referred and if the Committee also make an order for interim suspension or for

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interim conditional registration the Registrar shall include in the notification of the decision a notification of the order and shall serve the notification forthwith.

- (6) Where an order for interim suspension is made in respect of a person, his registration in the register shall be suspended (that is to say, shall not have effect) from the time of service of a notification of the order as determined for the purposes of paragraph 8 of Schedule 4 to this Act until the expiration of such period, not exceeding [<sup>F24</sup>six] months, as is specified in the order.
- [<sup>F25</sup>(6A) Where an order for interim suspension or for interim conditional registration has been made in relation to any person under any provision of this section (including this subsection) the Preliminary Proceedings Committee, the Professional Conduct Committee or the Health Committee may, subject to subsection (4) above—
- (a) revoke the order or revoke any condition imposed by the order;
  - (b) vary any condition imposed by the order;
  - (c) if satisfied that to do so is necessary for the protection of members of the public, make an order for interim suspension; or
  - (d) if satisfied that to do so is necessary for the protection of members of the public or is in the interests of the person concerned, make an order that his registration shall be conditional on his compliance, during such period as is specified in the order, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or in his interests.
- (6B) An order under subsection (6A)(c) or (d) above—
- (a) shall take effect as from a date not later than the date on which the interim suspension or interim conditional registration would otherwise come to an end; and
  - (b) shall specify a period not exceeding three months.
- (6C) If an order is made under subsection (6A)(a) to (d) above the Registrar shall forthwith serve a notification of the order on the person to whose registration it relates.
- (6D) Where an order has been made under any provision of this section, the court (within the meaning of section 38 above) may—
- (a) in the case of an order for interim suspension, terminate the suspension,
  - (b) in the case of an order for conditional registration, revoke or vary any condition imposed by the order,
  - (c) in either case, substitute for the period specified in the order some other period which could have been specified in the order when it was made;
- and the decision of the court on any application under this subsection shall be final.]
- <sup>F26</sup>(7) . . . . .
- (8) While a person's registration in the register is suspended by virtue of an order for interim suspension under this section he shall be treated as not being registered in the register notwithstanding that his name still appears in the register.

**Textual Amendments**

- F21** Word in s. 42(3)(c) substituted (1.5.1996) by 1995 c. 51, s. 3(2); S.I. 1996/271, art. 2, Sch.
- F22** Words in s. 42(4) substituted (1.5.1996) by 1995 c. 51, s. 3(3); S.I. 1996/271, art. 2, Sch.
- F23** Words in s. 42(5) substituted (1.5.1996) by 1995 c. 51, s. 3(4); S.I. 1996/271, art. 2, Sch.
- F24** Word in s. 42(6) substituted (1.5.1996) by 1995 c. 51, s. 3(5); S.I. 1996/271, art. 2, Sch.

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- F25** S. 42(6A)-(6D) inserted (1.5.1996) by 1995 c. 51, s. 3(6); S.I. 1996/271, art. 2, Sch.  
**F26** S. 42(7) repealed (1.5.1996) by 1995 c. 51, s. 3(7); S.I. 1996/271, art. 2, Sch.

**43 Proceedings before Professional Conduct, Health and Preliminary Proceedings Committees.**

Schedule 4 to this Act (which contains supplementary provisions about proceedings before the Professional Conduct Committee, the Health Committee and the Preliminary Proceedings Committee) shall have effect.

**44 Effect of disqualification in another member State on registration in the United Kingdom.**

- (1) A person who is subject to a disqualifying decision in a member State of the Communities in which he is or has been established in medical practice shall not be entitled to be registered by virtue of section 3(b) above for so long as the decision remains in force in relation to him.
- (2) A disqualifying decision in respect of a person is a decision, made by responsible authorities of the member State of the Communities in which he was established in medical practice or in which he acquired a primary United Kingdom or primary European qualification, and—
  - (a) expressed to be made on the grounds that he has committed a criminal offence or on grounds related to his professional conduct, and
  - (b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a medical practitioner, or that he is prohibited from practising medicine there.
- (3) If a person has been registered by virtue of section 3(b) above and it is subsequently shown to the satisfaction of the Registrar that he was subject to a disqualifying decision in force at the time of registration, and that the decision remains in force, the Registrar shall remove the person's name from the register.
- (4) If registration is refused or a person's name is removed from the register in accordance with subsection (3) above—
  - (a) the Registrar shall, on request, state in writing the reasons for the refusal, or the removal, as the case may be;
  - (b) the person may appeal by giving notice in writing to the General Council; and
  - (c) any such appeal shall be determined by the General Council or, if the Council have delegated their functions under this subsection to a committee, by that committee.
- (5) If a person has been registered as a fully registered medical practitioner by virtue of section 3(b) above at a time when a disqualifying decision was in force in respect of him, and he has been so registered for a period of not less than one month throughout which the decision had effect—
  - (a) the Professional Conduct Committee may direct that his registration be suspended for such period, not exceeding the length of the first-mentioned period, as the Committee think fit, and the period of suspension shall begin on a date to be specified in the Committee's direction; and

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- (b) sections 36(6) and 40 of and paragraphs 1, 2, 8, 9, 10 and 13 of Schedule 4 to this Act shall have effect, with any necessary modifications, in relation to suspension under this subsection.
- (6) Where on or after the date on which a person was registered by virtue of section 3(b) above a disqualifying decision relating to him comes into force, this Part of this Act shall apply, with any necessary modifications, as if it had been found that he had been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct had been such as is imputed to him by that decision, as the case may be.
- (7) Subsection (1) of section 18 above shall not apply to a person and that person shall not be registered as a visiting EEC practitioner at any time when he is subject to a disqualifying decision imposed by a member State or its competent authority (within the meaning of that section).

#### **45 Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom.**

- (1) If a national of a member State of the Communities who has medical qualifications entitling him to registration under section 3 above but is not so registered and who renders medical services while visiting the United Kingdom (whether or not registered as a visiting EEC practitioner)—
  - (a) is found by the Professional Conduct Committee to have been convicted of a criminal offence in any member State where he was practising medicine; or
  - (b) is judged by the Professional Conduct Committee to have been guilty of serious professional misconduct,the Committee may, if they think fit, impose on him a prohibition in respect of the rendering of medical services in the United Kingdom in the future.
- (2) A prohibition imposed under this section shall either relate to a period specified by the Professional Conduct Committee or be expressed to continue for an indefinite period.
- (3) A person may apply to the General Council for termination of a prohibition imposed on him under this section and the Council may, on any such application, terminate the prohibition or reduce the period of it; but no application may be made under this subsection—
  - (a) earlier than ten months from the date on which the prohibition was imposed; or
  - (b) in the period of ten months following a decision made on an earlier application.
- (4) Section 18(1) above does not apply to a person and that person shall not be registered as a visiting EEC practitioner at a time when he is subject to a prohibition imposed by the Professional Conduct Committee under this section.

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## PART VI

### PRIVILEGES OF REGISTERED PRACTITIONERS

#### 46 Recovery of fees.

- (1) Except as provided in subsection (2) below, no person shall be entitled to recover any charge in any court of law for any medical advice or attendance, or for the performance of any operation, or for any medicine which he has both prescribed and supplied unless he proves that he is fully registered.
- (2) Subsection (1) above shall not apply to fees in respect of medical services lawfully rendered in the United Kingdom by a person who is a national of any member State of the Communities without first being registered under this Act if he has previously complied with the requirements of subsection (2) of section 18 above or subsequently complies with those requirements as modified in respect of urgent cases by subsection (3) of that section.
- (3) Where a practitioner is a fellow of a college of physicians, fellows of which are prohibited by byelaw from recovering by law their expenses, charges or fees, then, notwithstanding that he is fully registered, the prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceedings instituted by him for the recovery of expenses, charges or fees.

#### 47 Appointments not to be held except by fully registered practitioners.

- (1) Subject to subsection (2) below, no person who is not fully registered shall hold any appointment as physician, surgeon or other medical officer—
  - (a) in the naval, military or air service,
  - (b) in any hospital or other place for the reception of persons suffering from mental disorder, or in any other hospital, infirmary or dispensary not supported wholly by voluntary contributions,
  - (c) in any prison, or
  - (d) in any other public establishment, body or institution,or to any friendly or other society for providing mutual relief in sickness, infirmity or old age.
- (2) Nothing in this section shall prevent any person who is not a Commonwealth citizen from being and acting as the resident physician or medical officer of any hospital established exclusively for the relief of foreigners in sickness, so long as he—
  - (a) has obtained from a foreign university a degree or diploma of doctor in medicine and has passed the regular examinations entitling him to practise medicine in his own country, and
  - (b) is engaged in no medical practice except as such a resident physician or medical officer.
- (3) Suspension of the registration of a fully registered person by a direction of the Health Committee under section 37(1) or (2) above, an order of that committee under section 38(1) above or an interim order [F27 under section 42] above shall not terminate any appointment such as is mentioned in subsection (1) above, but the person suspended shall not perform the duties of such an appointment during the suspension.

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#### Textual Amendments

**F27** Words in s. 47(3) substituted (1.5.1996) by 1995 c. 51, s. 4, **Sch. para 10(c)**; S.I. 1996/271, art. 2, **Sch.**

#### 48 Certificates invalid if not signed by fully registered practitioner.

A certificate required by any enactment, whether passed before or after the commencement of this Act, from any physician, surgeon, licentiate in medicine and surgery or other medical practitioner shall not be valid unless the person signing it is fully registered.

#### 49 Penalty for pretending to be registered.

- (1) Subject to subsection (2) below, any person who wilfully and falsely pretends to be or takes or uses the name or title of physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition or description implying that he is registered under any provision of this Act, or that he is recognised by law as a physician or surgeon or licentiate in medicine and surgery or a practitioner in medicine or an apothecary, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale<sup>F28</sup> . . .
- (2) Subsection (1) above shall not apply to anything done by a person who is a national of any member State of the Communities for the purposes of or in connection with the lawful rendering of medical services by him without first being registered under this Act if he has previously complied with the requirements of subsection (2) of section 18 above or subsequently complies with its requirements as modified in respect of urgent cases by subsection (3) of that section.
- (3) 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.
- (4) Any sum of money arising from conviction and recovery of penalties as mentioned in subsection (3) above shall be paid to the treasurer of the General Council.

#### Textual Amendments

**F28** Words in s. 49(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 50 Default powers of Privy Council.

- (1) If at any time it appears to the Privy Council that—

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- (a) the Education Committee have failed to secure the maintenance of the prescribed standard of proficiency at examinations; or
  - (b) the General Council or the Education Committee ought to exercise any power, perform any duty, or do any act or thing vested in, imposed on or authorised to be done by them, by any provision of this Act except section 7, 10, 11, 12, 13, 32(1) to (3) or (7) to (9) or 34(2) or paragraph 7 of Schedule 4 to this Act,
- the Privy Council may notify their opinion to the General Council or that Committee as the case requires.
- (2) If the General Council fail to comply with any directions of the Privy Council relating to a notification given under subsection (1) above, the Privy Council may themselves give effect to those directions, and for that purpose may exercise any power vested in the General Council or do any act or thing authorised to be done by that Council and may of their own motion do any act or thing which under this Act they are authorised to do in pursuance of a representation or suggestion from the General Council.
- (3) Subsection (2) above shall apply to the Education Committee as it applies to the General Council.

## **51 Exercise of powers to make Orders in Council and other orders.**

- (1) Any power of the Privy Council to make orders under the provisions of this Act (except section 9(2) and (5)) shall be exercisable by statutory instrument.
- (2) Except as provided in subsection (3) below, any statutory instrument containing an Order in Council or order of the Privy Council under any provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to an Order in Council under section 8(2) above or an order of the Privy Council under section 31(10) or 32(8) above or an order under section 11(5) above, but no order under section 11(5) above shall be made unless a draft of it has been laid before Parliament and has been approved by a resolution of each House of Parliament.

## **52 Exercise of powers of Privy Council.**

- (1) Any power vested in the Privy Council by this Act may be exercised by any two or more of the lords and others of the Council.
- (2) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

## **53 Proof of certain instruments.**

- (1) A copy of any instrument mentioned in subsection (2) below which—
  - (a) purports to be printed by the
  - (b) is certified to be a true copy by the Registrar or by any other person appointed by the General Council, either in addition to or in place of the Registrar, to certify any such instrument,



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shall be admissible in evidence.

- (2) The instruments referred to in subsection (1) above are—
- (a) any order of the Privy Council under section 9 above;
  - (b) regulations made by the General Council under section 31 or 32 above;
  - (c) an order of the Professional Conduct Committee or the Health Committee under section 38 above; and
  - (d) a direction of the General Council under section 39 above.

#### **54 Saving for certain occupations.**

Nothing in this Act shall prejudice or in any way affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges or employment of duly licensed apothecaries in Northern Ireland, so far as the occupation, trade or business extends to selling, compounding or dispensing medicines.

#### **55 Interpretation.**

In this Act—

“acceptable overseas qualification” has the meaning given by section 22(4) above;

“additional qualification” has the meaning given by section 16(2) above;

“appointed member” means a member of the General Council chosen by a university or other body designated as an appointing body by an Order in Council under section 1 above;

“appointing body” means a university or other body having, by virtue of an Order in Council under section 1 above, power to choose an appointed member or members of the General Council;

“disqualifying decision” has the meaning given by section 44(2) above;

“elected member” means a member of the General Council elected under paragraph 2 of Schedule 1 to this Act;

“the first Medical Directive” has the meaning given by section 17(4) above;

“fully registered person” means a person for the time being registered under section 3, 19 or 27 above as a fully registered medical practitioner, or under section 18 above as a visiting EEC practitioner, and—

- (a) so far as mentioned in subsection (3) of section 15 or 21 above, but not further, includes a person for the time being provisionally registered;
- (b) in relation to such employment and such things as are mentioned in paragraphs (a), (b) and (c) of subsection (7) of section 22 above, but not in relation to other matters, includes a person for the time being registered under that section with limited registration;

and “fully registered” shall be construed accordingly;

“the General Council” means the General Medical Council;

“limited registration” has the meaning given by section 22(2) above;

“national”, in relation to a member State of the Communities, has the same meaning as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

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“the necessary knowledge of English”, in relation to an applicant for registration under this Act, means the knowledge which, in the interests of himself and his patients, is necessary for the practice of medicine in the United Kingdom;

“nominated member” means a member of the General Council nominated by Her Majesty under paragraph 4 of Schedule 1 to this Act;

“the permitted period”, in relation to limited registration, has the meaning given by section 22(3) above;

“the prescribed knowledge and skill” has the meaning given by section 5(4) above;

“a prescribed pattern of experience” has the meaning given by section 5(4) above;

“the prescribed standard of proficiency” has the meaning given by section 5(4) above;

“primary European qualification” shall be construed in accordance with section 17 above;

“primary United Kingdom qualification” has the meaning given by section 4(3) above;

“provisionally registered” means provisionally registered under section 15 or 21 above;

“qualification”, except where the context otherwise requires, means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted in respect of any branch or branches of medicine by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;

“recognised overseas qualification” has the meaning given by section 19(2) above;

“the register” means the register of medical practitioners, except that, in relation to a person registered with limited registration, it means the register of medical practitioners with limited registration;

“the Registrar” has the meaning given by section 2(1) above but subject to sub-paragraph (3) of paragraph 16 of Schedule 1 to this Act;

“the second Medical Directive” has the meaning given by section 17(4) above; and

“the statutory committees” means the committees specified in section 1(3) above.

## **56 Consequential amendments, repeals, transitional provisions and savings.**

- (1) Schedule 5 (consequential amendments) and Schedule 6 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals); and in Schedule 6 “the 1956 Act” and “the <sup>M9</sup>1978 Act” mean the <sup>M10</sup>Medical Act 1956 and the <sup>M11</sup>Medical Act 1978 respectively.
- (2) Subject to subsection (1) above, the enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.

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- (3) The instruments specified in Part II of Schedule 7 to this Act are hereby revoked to the extent specified in the third column of that Part, but the re-enactment of Articles 4, 7 and 8 of the <sup>M12</sup>Medical Qualifications (EEC Recognition) Order 1977 in provisions of this Act shall be without prejudice to the validity of those Articles, and any question as to the validity of them shall be determined as if the re-enacting provision of this Act were contained in a statutory instrument made under the powers under which that Order was made.

**Marginal Citations**

**M9** 1978 c. 30.

**M10** 1956 c. 76.

**M11** 1978 c. 12.

**M12** S.I. 1977/827.

**57 Short title, commencement and extent.**

- (1) This Act may be cited as the Medical Act 1983.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to Northern Ireland.

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