



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.

[^{F1}(1A) The main objective of the General Council in exercising their functions is to protect, promote and maintain the health and safety of the public.]

(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.

[^{F2}(3) The General Council shall have the following committees—

- (a) the Education Committee,
- (b) one or more Interim Orders Panels,
- (c) one or more Registration Decisions Panels,
- (d) one or more Registration Appeals Panels,
- (e) the Investigation Committee,
- (f) one or more Fitness to Practise Panels,

constituted in accordance with Part III of Schedule 1 to this Act and having the functions assigned to them by or under this Act.

(3A) The committees of the General Council specified in paragraphs (a) to (f) of subsection (3) above are referred to in this Act as “the statutory committees”.]

(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.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** S. 1(1A) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(b), **3** (with transitional provisions in [Sch. 2](#))
- F2** S. 1(3)(3A) substituted for s. 1(3) (1.11.2004 as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(2)** (with [Sch. 2](#))

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 [^{F3}three lists], namely—
- (a) the principal list,
 - ^{F4}(b)
 - (c) the visiting overseas doctors list, and
 - (d) the visiting [^{F5}EEA 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.

Textual Amendments

- F3** Words in s. 2(2) substituted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **9(1)(a)** (with [Sch. 2](#))
- F4** S. 2(2)(b) omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **9(1)(b)** (with [Sch. 2](#))
- F5** Words in s. 2(2)(d) substituted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, [Sch. 2 para. 1](#)

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.

- (1) 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 EEA State, holds one or more primary European qualifications,

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

(2) 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^{M1}, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(b) above as if he were such a national.

(3) In this Act—

“the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 [^{F6}and as amended, so far as relevant to this Act, by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/99 of 17th December 1999, 89/2000 of 27th October 2000 [^{F7}, 84/2002 of 25th June 2002 and by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic signed at Luxembourg on 14th October 2003]] ;

“EEA State” means a State which is a contracting party to the EEA Agreement [^{F8}or Switzerland].

Textual Amendments

- F6** Words in s. 3(3) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(2)(a)**
 - F7** Words in s. 3(3) substituted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(2)**
 - F8** Words in s. 3(3) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(2)(b)**
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Marginal Citations

- M1** The reference for Regulation (EEC) 1612/68 is OJ No L257, 19.10.68, p.1.

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

[^{F9}(aa) a combination of the University of Leicester and the University of Warwick;]

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- (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—
- (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 [^{F10}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 [^{F10}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.

^{F11}(5)

Textual Amendments

- F9** S. 4(2)(aa) inserted (3.8.2000) by [S.I. 2000/1841, art. 2](#)
- F10** 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](#)
- F11** S. 4(5) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), 3(3)

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

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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.

[^{F12}(2A) In making the determinations required by subsection (2) above, the Education Committee shall secure that the requirements of article 23 of Directive 93/16/EEC are satisfied.

(2B) The requirements of that article are that any person who fulfils the conditions mentioned in section 3(1)(a) above—

- (a) will have acquired—
 - (i) adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data,
 - (ii) sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being,
 - (iii) adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction, and
 - (iv) suitable clinical experience in hospitals under appropriate supervision; and
- (b) will have undergone medical training comprising at least a six-year course, or 5,500 hours of theoretical and practical instruction, which—
 - (i) was given in a university or under the supervision of a university, and
 - (ii) was open only to persons holding qualifications adequate for admission to university for such training.]

(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—

“Directive 93/16/EEC” means Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications—

- (a) as adapted by paragraph 4(a) of Annex VII to the EEA Agreement, in which the primary medical qualifications awarded in EEA States are set out; and
- (b) [^{F13}as amended by—
 - (i) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on 24th June 1994, as adjusted by the Decision of the Council of the European Union

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- of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union,
- ((ii)) Council Directive [97/50/EC](#), Commission Directive [98/21/EC](#), Commission Directive [98/63/EC](#), Commission Directive [1999/46/EC](#) and Directive [2001/19/EC](#),^{F14} ...
 - ((iii)) the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;]
 - ((iv)) [^{F15}the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustments to the Treaties on which the European Union is founded signed at Athens on 16th April 2003;]
- “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;
- “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.

Textual Amendments

- F12** S. 5(2A)(2B) inserted (10.7.1996) by [S.I. 1996/1591](#), **reg. 3(2)**
- F13** Words in s. 5(4) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(3)**
- F14** Word in s. 5(4) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(4)(a)**
- F15** Words in s. 5(4) inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(4)(b)**

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.

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- (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 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

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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 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.

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

- (1) The following are the requirements as to experience mentioned in ^{F16}section 3(1)(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 ^{F17}—
 - (a) approved hospitals,
 - (b) approved institutions, or
 - (c) approved medical practices,]
 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.
- (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.

Textual Amendments

F16 Words in s. 10(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(1)** (with transitional provisions in [Sch. 2](#))

F17 S. 10(2)(a)-(c) and the preceding dash inserted (1.4.1998) by [1997 c. 46, s. 35\(2\)](#); [S.I. 1998/631](#), art. 2(a), [Sch.](#)

11 Provisions supplementary to s. 10, etc. **E+W+S**

- (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—

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- (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 [F18—
- (a) in the case of an approved hospital or an approved institution,]
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 [F19]; or.
- (b) in the case of an approved medical practice, the person employed satisfies such conditions as to residence as may be prescribed]
- (4) In the provisions mentioned in subsection (1) above—
- “approved” [F20(except in subsection (5))] 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
- [F21“medical practice” means a prescribed description of practice in which one or more medical practitioners—
- (za) [F22perform primary medical services under Part 1 of the National Health Service Act 1977 [F23or Part 1 of the National Health Service (Scotland) Act 1978] ; or]
- (a) [F24perform primary medical services under Article 15B or]F25 ... F26 ... Part VI of the M2Health and Personal Social Services (Northern Ireland) Order 1972; or
- (b) F27 ...]
- “prescribed” (except in the expression “prescribed pattern of experience”) means [F28—
- (a) in subsection (3)(b) and in the definition of “medical practice”, prescribed by regulations made by the Secretary of State; and
- (b) in the other provisions of this Part,]
prescribed by regulations of the Education Committee.
- [F29(4A) The Education Committee may by regulations provide that the period of employment in a medical practice 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.]
- [F30(5) In making regulations under subsection (2) of section 10 above [F31or under subsection (4A) of this section], the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC; and such regulations 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

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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.

[^{F32}(7) Regulations made by the Secretary of State under this section must be made by statutory instrument; and such a statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F18** S. 11(3)(a) and the preceding dash inserted (1.4.1998) by 1997 c. 46, s. 35(3); S.I. 1998/631, art. 2(a), **Sch.**
- F19** S. 11(3)(b) and preceding word inserted (1.4.1998) by 1997 c. 46, s. 35(3); S.I. 1998/631, art. 2(a), **Sch.**
- F20** Words in s. 11(4) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 61(2)**; S.I. 1998/631, art. 2(b), **Sch.**
- F21** Definition in s. 11(4) inserted (1.4.1998) by 1997 c. 46, s. 35(4)(a); S.I. 1998/631, art. 2(a), **Sch.**
- F22** Words in s. 11(4) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 48(a)**; S.I. 2004/288, art. 5(2)(s) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(w), 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F23** Words in s. 11(4) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 4(2)(a)**
- F24** Words in s. 11(4) substituted (18.11.2004) by The Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 (S.I. 2004/3038), art. 1(1), **Sch. para. 1(2)(a)** (with art. 3)
- F25** Words in s. 11(4) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 48(b)**, **Sch. 14 Pt. 4**; S.I. 2004/288, arts. 5(2)(s), 6(2)(f) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(w), 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F26** Words in s. 11(4) omitted (1.4.2004) by virtue of The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 4(2)(b)**
- F27** Words in s. 11(4) omitted (18.11.2004) by virtue of The Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 (S.I. 2004/3038), art. 1(1), **Sch. para. 1(2)(b)** (with art. 3)
- F28** S. 11(4): s. 11(4)(a)(b) and the preceding dash inserted (1.4.1998) by 1997 c. 46, s. 35(4)(b); S.I. 1998/631, art. 2(a), **Sch.**
- F29** S. 11(4A) inserted (1.4.1998) by 1997 c. 46, s. 35(5); S.I. 1998/631, art. 2(a), **Sch.**
- F30** S. 11(5) substituted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 3**
- F31** Words in s. 11(5) inserted (1.4.1998) by 1997 c. 46, s. 35(6); S.I. 1998/631, art. 2(a), **Sch.**
- F32** S. 11(7) inserted (1.4.1998) by 1997 c. 46, s. 35(7); S.I. 1998/631, art. 2(a), **Sch.**

Modifications etc. (not altering text)

- C1** S. 11(4) savings for effect of S.I. 2004/957, Sch. para. 4 (S.) (1.4.2004) by The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004 (S.S.I. 2004/163), arts. 1(1), **98**

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- C2** S. 11(4) savings for effects of 2003 c. 43, Sch. 11 paras. 47-49 (E.S.N.I.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), arts. 1(1), **111** (with art. 1(3))

Marginal Citations

- M2** [S.I. 1972/1265 \(N.I.14\)](#).

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 ^{M3}National Health Service Act 1977, section 36 of the ^{M4}National Health Service (Scotland) Act 1978, or Article 5 of the ^{M5}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 [^{F33}primary medical services under Part 1 of the National Health Service Act 1977 [^{F34}, Part 1 of the National Health Service (Scotland) Act 1978 or Article 15B or]]^{F35} ... 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.
- [^{F36}(4) In making regulations under subsection (3) above, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC.]

Textual Amendments

- F33** Words in s. 12(2)(a) substituted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 11 para. 49**; [S.I. 2004/288](#), art. 5(2)(s) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); [S.I. 2004/480](#), art. 4(2)(w) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#))
- F34** Words in s. 12(2)(a) substituted (18.11.2004) by [The Primary Medical Services \(Northern Ireland\) Order 2004 \(Consequential Amendments\) Order 2004 \(S.I. 2004/3038\)](#), art. 1(1), **Sch. para. 1(3)** (with art. 3)
- F35** Words in s. 12(2)(a) omitted (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, **Sch. para. 4(3)(b)**
- F36** S. 12(4) inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 4**

Modifications etc. (not altering text)

- C3** S. 12(2)(a) savings for effect of [S.I. 2004/957](#), Sch. para. 4 (S.) (1.4.2004) by [The General Medical Services and Section 17C Agreements \(Transitional and other Ancillary Provisions\) \(Scotland\) Order 2004 \(S.S.I. 2004/163\)](#), arts. 1(1), **98**
- C4** S. 12(2)(a) savings for effects of 2003 c. 43, Sch. 11 paras. 47-49 (E.S.N.I.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), arts. 1(1), **111** (with art. 1(3))

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Marginal Citations

- M3** 1977 c. 49.
M4 1978 c. 29.
M5 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 [^{F37}approved hospital, approved institution or approved medical practice].
- (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 [^{F37}hospital, institution or medical practice] 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) [^{F37}an approved hospital, an approved institution or an approved medical practice] 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.

Textual Amendments

- F37** Words in s. 13(1)(2)(3)(a) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 61(3)**; S.I. 1998/631, art. 2(b), **Sch.**

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—
 - (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

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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.

[^{F38}(3) In giving directions under subsection (1) above in the case of applicants falling within paragraph (b) of subsection (2) above, the General Council shall have regard to the requirements of article 23 of Directive 93/16/EEC.]

Textual Amendments

F38 S. 14(3) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 5

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 [^{F39}approved hospitals, approved institutions or approved medical practices] but not further.

Textual Amendments

F39 Words in s. 15(3) substituted (1.4.1998) by 1997 c. 46, s. 41(10), Sch. 2 Pt. I para. 61(4); S.I. 1998/631, art. 2(b), Sch.

[15A ^{F40}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^{M6}, 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.

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- (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](#)^{M7}.]

Textual Amendments

F40 S. 15A inserted (4.12.2000) by [S.I. 2000/3041](#), [reg. 3](#)

Marginal Citations

M6 OJ No. L257, 19.10.68, p. 1.

M7 OJ No. L165, 7.7.93, p. 1.

16 Registration of qualifications.

- (1) A person registered under [^{F41}section 3, 15 or 15A] 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—
- any other primary United Kingdom qualification or qualification specified in Schedule 2 to this Act which he obtains after registration;
 - 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;
 - any ^{F42} . . . 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 [^{F43}an EEA State] 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.

Textual Amendments

F41 Words in s. 16(1) substituted (4.12.2000) by [S.I. 2000/3041](#), [reg. 4\(1\)](#)

F42 Words in s. 16(1)(c) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(f\), 9\(2\)](#) (with transitional provisions in [Sch. 2](#))

F43 Words in s. 16(2) substituted (10.7.1996) by [S.I. 1996/1591](#), [reg. 7](#), [Sch. 2 para. 6](#)

[^{F44}17 Primary qualifications obtained in other EEA States.

- (1) A primary European qualification for the purposes of this Part of this Act is any of the following obtained in an EEA State other than the United Kingdom, namely—

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- (a) a European qualification listed in Schedule 2 to this Act which was obtained on or after the implementation date and is not evidence of training commenced before that date;
 - (b) subject to compliance with subsection (2) below, a qualification obtained before the implementation date, or on or after that date where training of which it is evidence commenced before that date;
 - (c) subject to compliance with subsection (3) below, a qualification not listed in Schedule 2 to this Act;
 - (d) subject to compliance with subsection (4) below, a qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.
- [subject to compliance with subsection (4A) below, a qualification which—
- ^{F45}(e) (i) is evidence of training commenced before the date specified in column (a) of the table in that subsection and undertaken on the territory specified in the corresponding entry in column (b) of that table, or
 - (ii) was awarded by the state or former state specified in column (b) of the table in that subsection before the date specified in the corresponding entry in column (a).]

(2) For compliance with this subsection in the case of any qualification, either—

 - (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the medical authorities of the EEA State in which it was obtained or otherwise) that it accords with the standards laid down by Directive [93/16/EEC](#); or
 - (b) evidence of it must be accompanied by a certificate of the medical authorities of any EEA State that the holder has effectively and lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.

(3) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate of the medical authorities of the EEA State in which it was obtained to the effect that—

 - (a) it was awarded following training which satisfied the requirements of article 23 of Directive [93/16/EEC](#); and
 - (b) it is treated by that State as if it were a qualification listed in relation to that State in [^{F46}Annex A to] that Directive.

(4) For compliance with this subsection in the case of any qualification—

 - (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the German medical authorities or otherwise) that the holder is entitled by virtue of it to engage in medical practice throughout the territory of Germany on the same conditions as the holder of a German qualification listed in Schedule 2 to this Act; and
 - (b) evidence of it must be accompanied by a certificate of the German medical authorities that the holder has effectively and lawfully been engaged in actual medical practice in Germany for at least 3 consecutive years during the 5 years preceding the date of the certificate.

[For compliance with this subsection in the case of any qualification—

 - ^{F47}(4A) (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate from the medical authorities of the EEA State specified in the

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appropriate row of column (c) of the table below) that that qualification has, on its territory, the same legal validity as regards access to and practice of the medical profession as the qualification listed in relation to that State in Schedule 2 to this Act; and

- (b) evidence of it must be accompanied by a certificate from those authorities stating that the holder has effectively and lawfully been engaged in the activity in question on the territory of that State for at least 3 consecutive years during the 5 years preceding the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia]

- (5) In subsections (2) to [F48(4A)] above, references to the medical authorities of an EEA State are references to the authorities and bodies designated in accordance with Directive 93/16/EEC.
- (6) In this section “the implementation date” means—
- (a) in the case of Greece, 1st January 1981;
 - (b) in the case of Spain and Portugal, 1st January 1986;
 - (c) in the case of Austria, Finland, Iceland, Norway and Sweden, 1st January 1994;
 - (d) in the case of Liechtenstein, 1st May 1995; F49 ...
 - (da) in the case of Switzerland, 1st June 2002; F50 ...
 - [in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, F51
 - (db) Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;]
 - (e) in the case of any other EEA State, 20th December 1976.]

Textual Amendments

- F44** S. 17 substituted (10.7.1996) by S.I. 1996/1591, reg. 4(1)
- F45** S. 17(1)(e) inserted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), 3(5)(a)
- F46** Words in s. 17(3)(b) substituted (31.12.2003) by The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), regs. 1(1)(c), 9(4)(a)
- F47** S. 17(4A) inserted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), 3(5)(b)
- F48** Word in s. 17(5) substituted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), 3(5)(c)
- F49** Word in s. 17(6)(d) omitted (31.12.2003) by virtue of The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), regs. 1(1)(c), 9(4)(b)

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- F50** Word in s. 17(6)(da) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(5)(d)(i)**
- F51** S. 17(6)(db) inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(5)(d)(ii)**

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 [^{F52}any EEA State] and lawfully established in medical practice in [^{F52}an EEA State] 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 [^{F53}an EEA State] other than the United Kingdom, and
 - (ii) that he holds medical qualifications which [^{F53}EEA States] are required by [^{F53}Directive 93/16/EEC] to recognise;
 and for the purposes of this subsection “the competent authority or body” means the authority or body designated by [^{F53}the EEA State] concerned as competent for the purposes of [^{F53}Article 17(3)] of that Directive.
- (3) In an urgent case the [^{F54}documents to be provided under] subsection (2) above may be provided after the services have been rendered, but where [^{F54}they are so provided they 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 [^{F55}EEA 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 [^{F55}EEA 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.
- [^{F56}(6) 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, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,
- shall be treated for the purposes of this section as if he were such a national.]

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Textual Amendments

- F52** Words in s. 18(1) substituted (10.7.1996) by [S.I. 1996/1591](#), [reg. 5\(1\)\(a\)\(b\)](#)
- F53** Words in s. 18(2) substituted (10.7.1996) by [S.I. 1996/1591](#), [reg. 5\(2\)\(a\)-\(e\)](#)
- F54** Words in s. 18(3) substituted (10.7.1996) by [S.I. 1996/1591](#), [reg. 5\(3\)\(a\)\(b\)](#)
- F55** Words in s. 18(4)(5) substituted (10.7.1996) by [S.I. 1996/1591](#), [reg. 5\(4\)](#)
- F56** S. 18(6) inserted (10.7.1996) by [S.I. 1996/1591](#), [reg. 5\(5\)](#)

PART III

REGISTRATION OF PERSONS QUALIFYING OVERSEAS

[^{F57}19 Full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.

- (1) Where an exempt person satisfies the Registrar—
 - (a) that he holds an acceptable overseas qualification other than a primary European qualification;
 - (b) that he 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 section 10 above; and
 - (c) that he is of good character,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 “exempt person” means a person who—
 - (a) is a national of an EEA State other than the United Kingdom;
 - (b) is a national of the United Kingdom who is exercising an enforceable Community right; or
 - (c) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation ([EEC](#)) No 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.
- (3) In determining an application by any person for registration under this section, the General Council shall take into account—
 - (a) if the applicant holds a qualification granted outside the European Economic Area which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State, the acceptance of the qualification; and
 - (b) all medical qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.
- (4) Subsection (4) of section 10 above 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.]

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Textual Amendments

F57 S. 19 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(d\), {6\(2\)}](#) (with transitional provisions in Sch. 2)

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

F58

Textual Amendments

F58 S. 20 omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(d\), 6\(3\)](#) (with transitional provisions in Sch. 2)

21 Provisional registration.

- (1) The following provisions shall have effect for enabling persons wishing to satisfy the General Council of the matters specified in [^{F59}section 19(1)(b)] 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)^{F60} . . . 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.
- [^{F61}(2A) Subsection (3) of section 19 above applies in relation to an application for registration under this section as it applies in relation to an application for registration under that section.]
- (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 [^{F62}approved hospitals, approved institutions or approved medical practices] (within the meaning of that section) but not further.

Textual Amendments

- F59** Words in s. 21(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(d\), 6\(4\)\(a\)](#) (with transitional provisions in Sch. 2)
- F60** Words in s. 21(2) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(d\), 6\(4\)\(b\)](#) (with transitional provisions in Sch. 2)
- F61** S. 21(2A) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(d\), 6\(4\)\(c\)](#) (with transitional provisions in Sch. 2)
- F62** Words in s. 21(3) substituted (1.4.1998) by 1997 c. 46, s. 41(10), [Sch. 2 Pt. I para. 61\(5\)](#); S.I. 1998/631, art. 2(b), [Sch.](#)

Status: Point in time view as at 01/04/2005.

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[^{F63}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,
- 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

F63 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—
- [^{F64}(a) that he has been selected for employment in the British Islands of a description 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;

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- (c) that he has the necessary knowledge of English [^{F65}or is an exempt person ^{F66} . . .];
- (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.

[^{F67}(1A) In determining an application by an exempt person for registration under this section, the General Council shall take into account—

- (a) if the applicant holds, has held or has passed the examination necessary for obtaining a qualification granted outside the European Economic Area which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State, the acceptance of the qualification; and
- (b) all medical qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.]

(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.

(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.

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- (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.

Textual Amendments

- F64** S. 22(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(6)(a)** (with transitional provisions in [Sch. 2](#))
- F65** Words in s. 22(1)(c) inserted (10.7.1996) by [S.I. 1996/1591](#), **reg. 6(5)**
- F66** Words in s. 22(1)(c) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(6)(b)** (with transitional provisions in [Sch. 2](#))
- F67** S. 22(1A) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(6)(c)** (with transitional provisions in [Sch. 2](#))

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.
- (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

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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 ^{F68} . . . 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.

Textual Amendments

F68 Words in s. 24(3)(a) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), 6(7) (with transitional provisions in [Sch. 2](#))

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 ^{F69} . . . as a fully registered medical practitioner.

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Textual Amendments

- F69** Words in s. 25 omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(8)** (with transitional provisions in [Sch. 2](#))

26 Registration of qualifications.

- (1) A person registered under section [^{F70}19, 21 or 21A] above shall be entitled to have registered the [^{F71}acceptable overseas qualification] which he holds when he is so registered and also—
- ^{F72}
 - [^{F73}subject to subsection (3) below, any 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;
 - 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
 - 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 ^{F74} . . . 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.

Textual Amendments

- F70** Words in s. 26(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(i)** (with transitional provisions in [Sch. 2](#))
- F71** Words in s. 26(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(ii)** (with transitional provisions in [Sch. 2](#))
- F72** S. 26(1)(a) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(iii)** (with transitional provisions in [Sch. 2](#))
- F73** Words in s. 26(1)(b) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(iv)** (with transitional provisions in [Sch. 2](#))
- F74** Words in s. 26(2) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(b)** (with transitional provisions in [Sch. 2](#))

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

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be registered temporarily as a fully registered medical practitioner and if the Council are satisfied—

- (a) that he holds one or more ^{F75} . . . acceptable overseas qualifications;
- (b) that he possesses special knowledge of and skill in a particular branch or branches of medicine; ^{F76} . . .
- (c) that the medical services he is to provide lie within that branch or one or more of those branches of medicine^{F77}; and
- (d) that he is of good character,]

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.

Textual Amendments

- F75** Words in s. 27(1)(a) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(10)(a)** (with transitional provisions in [Sch. 2](#))
- F76** Word in s. 27(1)(b) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(10)(b)** (with transitional provisions in [Sch. 2](#))
- F77** S. 27(1)(d) and preceding word inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(10)(c)** (with transitional provisions in [Sch. 2](#))

^{F78}28 The Review Board for Overseas Qualified Practitioners.

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Textual Amendments

- F78** S. 28 omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **6(11)** (with [Sch. 2](#))

^{F79}29 Functions of the Review Board.

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Textual Amendments

- F79** S. 29 omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **6(11)** (with [Sch. 2](#))

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[^{F80}PART IIIA

LICENCE TO PRACTISE AND REVALIDATION

Textual Amendments

F80 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.
- (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.

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- (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
 - (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.

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- (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—
 - (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

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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.

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—

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“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;
 - (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.

Status: Point in time view as at 01/04/2005.

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- (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.]

PART IV

GENERAL PROVISIONS CONCERNING REGISTRATION

30 The registers.

- (1) The register of medical practitioners shall [^{F81}include]—
 - (a) in the principal list the names of persons entitled to be registered under [^{F82}section 3, 15 or 15A] above, or directed to be registered under [^{F83}section 19, 21, 21A or 25 above;]
 - ^{F84}(b)
 - (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 [^{F85}EEA 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 [^{F86}include] the names of persons granted limited registration under section 22 above.
- (3) Each register shall also [^{F86}include] 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.

Status: Point in time view as at 01/04/2005.

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Textual Amendments

- F81** Word in s. 30(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(e), **7(2)(a)(i)** (with transitional provisions in Sch. 2)
- F82** Words in s. 30(1)(a)(b) substituted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(2)**
- F83** Words in s. 30(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(e), **7(2)(a)(ii)** (with transitional provisions in Sch. 2)
- F84** S. 30(1)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(2)(a)(iii)** (with Sch. 2)
- F85** Words in s. 30(1)(d) substituted (10.7.1996) by [S.I. 1996/1591](#), **reg. 7, Sch. 2 para. 7**
- F86** Words in s. 30(2)(3) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(e), **7(2)(b)** (with transitional provisions in Sch. 2)

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.
- (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 [^{F87} or 15A] above and those provisionally registered under section 21 above.
- ^{F88}(5)
- ^{F88}(6)
- ^{F88}(7)
- (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 ^{F89}... 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
 - ^{F90}(b) for securing that, in such circumstances as may be prescribed, such a person's name is not so restored unless—

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- (i) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit,
- (ii) the practitioner’s licence to practise is restored in accordance with the regulations, or
- (iii) both (i) and (ii) are met.]

^{F91} ...

- (10) Regulations made in pursuance of subsection ^{F92}...(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.

Textual Amendments

- F87** Words in s. 31(4) inserted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(3)**
- F88** S. 31(5)-(7) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(a)** (with Sch. 2)
- F89** Words in s. 31(8) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(b)** (with Sch. 2)
- F90** S. 31(9)(b) substituted (30.5.2003, 1.7.2003 in so far as not already in force as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(2)** (with Sch. 2)
- F91** Words in s. 31(9) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(c)** (with Sch. 2)
- F92** Words in s. 31(10) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(d)** (with Sch. 2)

[^{F93}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.

[Regulations under subsection (1)(c) above shall provide that, in such circumstances ^{F94}(1A) as may be prescribed, a person’s name is not to be restored to the register unless—

- (a) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit;
- (b) the practitioner’s licence to practise is restored in accordance with the regulations; or
- (c) both (a) and (b) are met.

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- (1B) In subsection (1A) above, “prescribed” means prescribed under regulations made under subsection (1) above.]
- (2) Regulations under this section shall not have effect until approved by order of the Privy Council.]

Textual Amendments

F93 S. 31A inserted (18.5.2000) by 1995 c. 51, s. 2; S.I. 2000/1344, art. 2

F94 S. 31A(1A)(1B) inserted (7.7.2004 as notified in the London Gazette dated 2.7.2004) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), 12(3) (with Sch. 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; ^{F95} . . .
 - ^{F95}(b)
- (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 [^{F96}EEA 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,

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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.

Textual Amendments

- F95** S. 32(2)(b) and preceding word repealed (18.5.2000) by 1995 c. 51, ss. 4, **Sch. para. 3**; S.I. 2000/1344, **art. 2**
- F96** Words in s. 32(5) substituted (10.7.1996) by S.I. 1996/1591, **reg. 7, Sch. 2 para. 8**

33 Supplementary provisions about registration.

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

[^{F97}34 The Register

- (1) The Registrar shall cause to be published from time to time (electronically or otherwise) a list of all persons who, on a date specified by him at the time of publication, appear in—
 - (a) the register of medical practitioners; or
 - (b) the register of medical practitioners with limited registration.
- (2) The list published in accordance with subsection (1) above shall include in respect of each practitioner—
 - (a) information about his registered qualifications;
 - (b) a statement about whether or not he holds a licence to practise; and
 - (c) such other particulars (if any) as the General Council may direct in relation to that list.]

Textual Amendments

- F97** S. 34 substituted (1.7.2003, except in so far as it relates to sub-section (2)(b), as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 7(4) (with [Sch. 2](#))

[^{F98}34A Proof of registration

- (1) The Registrar may issue a certificate that a person—
 - (a) is registered;
 - (b) is not registered;

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- (c) was registered at a specified date or during a specified period;
 - (d) was not registered at a specified date or during a specified period;
 - (e) has never been registered;
 - (f) holds a licence to practise;
 - (g) does not hold a licence to practise;
 - (h) held a licence to practise at a specified date or during a specified period;
 - (i) did not hold a licence to practise at a specified date or during a specified period; or
 - (j) has never held a licence to practise.
- (2) A certificate issued under subsection (1) above shall be evidence (and in Scotland sufficient evidence) of the matters certified.]

Textual Amendments

F98 S. 34A inserted (1.7.2003 for specified purposes as notified in the London Gazette dated 1.7.2003, 16.11.2009 for specified purposes as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(5)** (with Sch. 2)

[^{F99}34B Registration appeals

Schedule 3A to this Act (which makes provision about appeals against registration decisions) shall have effect.]

Textual Amendments

F99 S. 34B inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(1)** (with Sch. 2)

[^{F100}PART V

[^{F100}FITNESS TO PRACTISE AND MEDICAL ETHICS][^{F100}PROFESSIONAL CONDUCT AND FITNESS TO PRACTISE]

Textual Amendments

F100 Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004, 16.11.2009 for the insertion of s. 41C as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **13** (with Sch. 2)

35 General Council's power to advise on conduct, performance 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—

- (a) standards of professional conduct;

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- (b) standards of professional performance; or
- (c) medical ethics.

35A 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 a practitioner’s fitness to practise, a person authorised by the Council may require—
 - (a) a practitioner (except the practitioner in respect of whom 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 whose fitness to practise is being investigated, 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 below the relevant date is the date specified by the General Council by rules under paragraph 1 of Schedule 4 of this Act.
- (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) above 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.
- (5A) In determining for the purposes of subsection (4) 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 this section.
- (6) Subsection (1) above does 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).
- (7) For the purposes of subsection (4), “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.
- (8) For the purposes of this section and section 35B below, a “practitioner” means a fully registered person, a provisionally registered person or a person registered with limited registration.

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35B 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 an investigation by the General Council of a practitioner's fitness to practise—
 - (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland 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 fitness to practise which they consider it to be in the public interest to disclose.

35C Functions of the Investigation Committee

- (1) This section applies where an allegation is made to the General Council against—
 - (a) a fully registered person;
 - (b) a person who is provisionally registered; or
 - (c) a person who is registered with limited registration,that his fitness to practise is impaired.
- (2) A person's fitness to practise shall be regarded as "impaired" for the purposes of this Act by reason only of—
 - (a) misconduct;
 - (b) deficient professional performance;
 - (c) a conviction or caution in the British Islands for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
 - (d) adverse physical or mental health; or
 - (e) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that his fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- (3) This section is not prevented from applying because the allegation is based on a matter alleged to have occurred—
 - (a) outside the United Kingdom; or
 - (b) at a time when the person was not registered.
- (4) The Investigation Committee shall investigate the allegation and decide whether it should be considered by a Fitness to Practise Panel.
- (5) If the Investigation Committee decide that the allegation ought to be considered by a Fitness to Practise Panel—
 - (a) they shall give a direction to that effect to the Registrar;
 - (b) the Registrar shall refer the allegation to a Fitness to Practise Panel; and

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- (c) the Registrar shall serve a notification of the Committee’s decision on the person who is the subject of the allegation and the person making the allegation (if any).
- (6) If the Investigation Committee decide that the allegation ought not to be considered by a Fitness to Practise Panel, they may give a warning to the person who is the subject of the allegation regarding his future conduct or performance.
- (7) If the Investigation Committee decide that the allegation ought not to be considered by a Fitness to Practise Panel, but that no warning should be given under subsection (6) above—
- (a) they shall give a direction to that effect to the Registrar; and
 - (b) the Registrar shall serve a notification of the Committee’s decision on the person who is the subject of the allegation and the person making the allegation (if any).
- (8) If the Investigation Committee are of the opinion that an Interim Orders Panel or a Fitness to Practise Panel should consider making an order for interim suspension or interim conditional registration under section 41A below in relation to the person who is the subject of the allegation—
- (a) they shall give a direction to that effect to the Registrar;
 - (b) the Registrar shall refer the matter to an Interim Orders Panel or a Fitness to Practise Panel for the Panel to decide whether to make such an order; and
 - (c) the Registrar shall serve notification of the decision on the person who is the subject of the allegation and the person making the allegation (if any).
- (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; and
- “regulatory body” means a regulatory body which has the function of authorising persons to practise as a member of a health or social care profession.

35CC Provisions supplementary to section 35C

- (1) Rules under paragraph 1 of Schedule 4 to this Act may make provision for—
- (a) the Registrar; or
 - (b) any other officer of the General Council,
- to exercise the functions of the Investigation Committee under section 35C above, whether generally or in relation to such classes of case as may be specified in the rules.
- (2) Where, by virtue of subsection (1) above, rules provide for the Registrar to exercise the functions of the Investigation Committee under subsections (5), (7) and (8) of section 35C above, those subsections shall apply in relation to him as if paragraph (a) in each of them were omitted.
- (3) Section 35C above also applies in a case where—
- (a) it comes to the attention of the General Council that a person’s fitness to practise is called into question by one or more of the matters mentioned in subsection (2) of that section, but

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(b) no allegation to that effect has been made to the Council against that person, and in such a case section 35C shall apply as if an allegation to that effect had been made to the Council against that person.

35D Functions of a Fitness to Practise Panel

- (1) Where an allegation against a person is referred under section 35C above to a Fitness to Practise Panel, subsections (2) and (3) below shall apply.
- (2) Where the Panel find that the person's fitness to practise is impaired they may, if they think fit—
 - (a) except in a health case, direct that the person's name shall be erased from the register;
 - (b) 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; or
 - (c) direct 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 Panel think fit to impose for the protection of members of the public or in his interests.
- (3) Where the Panel find that the person's fitness to practise is not impaired they may nevertheless give him a warning regarding his future conduct or performance.
- (4) Where a Fitness to Practise Panel have given a direction that a person's registration be suspended—
 - (a) under subsection (2) above;
 - (b) under subsection (10) or (12) below; or
 - (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, subsection (5) below applies.
- (5) In such a case, a Fitness to Practise Panel may, if they think fit—
 - (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) except in a health case, direct that the person's name shall be erased from the register; or
 - (c) direct that the person's registration 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 Panel think fit to impose for the protection of members of the public or in his interests,

but, subject to subsection (6) below, the Panel shall not extend any period of suspension under this section for more than twelve months at a time.
- (6) In a health case, a Fitness to Practise Panel may give a direction in relation to a person whose registration has been suspended under this section extending his 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 made not more than two months before the date on which the period of suspension would otherwise expire.

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- (7) Where a Fitness to Practise Panel have given a direction under subsection (6) above for a person's period of suspension to be extended indefinitely, a Fitness to Practise Panel shall review the direction if—
- (a) the person requests them to do so;
 - (b) at least two years have elapsed since the date on which the direction took effect; and
 - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the previous review.
- (8) On such a review the Panel may—
- (a) confirm the direction;
 - (b) direct that the suspension be terminated; or
 - (c) direct that the person's registration 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 Panel think fit to impose for the protection of members of the public or in his interests.
- (9) Where—
- (a) a direction that a person's registration be subject to conditions has been given under—
 - (i) subsection (2), (5) or (8) above,
 - (ii) subsection (12) below,
 - (iii) rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, or
 - (iv) section 41A below; and
 - (b) that person is judged by a Fitness to Practise Panel to have failed to comply with any requirement imposed on him as such a condition,
- subsection (10) below applies.
- (10) In such a case, the Panel may, if they think fit—
- (a) except in a health case, direct that the person's name shall be erased from the register; or
 - (b) direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- (11) Where a direction that a person's registration be subject to conditions has been given under—
- (a) subsection (2), (5) or (8) above; or
 - (b) rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act,
- subsection (12) below applies.
- (12) In such a case, a Fitness to Practise Panel may, if they think fit—
- (a) except in a health case, direct that the person's name shall be erased from the register;
 - (b) direct that the person's registration in the Register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
 - (c) 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
 - (d) revoke the direction, or revoke or vary any of the conditions imposed by the direction, for the remainder of the current period of conditional registration,

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but the Panel shall not extend any period of conditional registration under this section for more than three years at a time.

35E Provisions supplementary to section 35D

- (1) Where, under section 35D above, a Fitness to Practise Panel—
 - (a) give a direction that a person’s name shall be erased from the register;
 - (b) give a direction for suspension;
 - (c) give a direction for conditional registration; or
 - (d) vary any of the conditions imposed by a direction for conditional registration,the Registrar shall forthwith serve on the person concerned notification of the direction or variation and of his right to appeal against it under section 40 below.
- (2) In subsection (1) above—
 - (a) references to a direction for suspension include a reference to a direction extending a period of suspension; and
 - (b) references to a direction for conditional registration include a reference to a direction extending a period of conditional registration.
- (3) While a person’s registration in the register is suspended by virtue of a direction under section 35D—
 - (a) he shall be treated as not being registered in the register notwithstanding that his name still appears in it, but
 - (b) sections 35C, 35CC and 35D above, and this section, shall continue to apply to him.
- (4) In section 35D above, “health case” means any case in which a Fitness to Practise Panel has determined that—
 - (a) a person’s fitness to practise is impaired by reason of a matter falling within paragraph (d) of subsection (2) of section 35C above, but
 - (b) the person’s fitness to practise is not impaired by any matter falling within any other paragraph of that subsection.

36 Professional misconduct and criminal offences.

.....

36A Professional performance.

.....

37 Unfitness to practise through illness, etc.

.....

38 Power to order immediate suspension etc. after a finding of impairment of fitness to practise

- (1) On giving a direction for erasure or a direction for suspension under section 35D(2), (10) or (12) above, or under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, in respect of any person the Fitness to Practise Panel, if satisfied that to do so

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is necessary for the protection of members of the public or is otherwise in the public interest, or is in the best interests of that person, may order that his registration in the register shall be suspended forthwith in accordance with this section.

- (2) On giving a direction for conditional registration under section 35D(2) above, or under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, in respect of any person the Fitness to Practise Panel, 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 best interests of that person, may order that his registration be made conditional forthwith in accordance with this section.
- (3) Where, on the giving of a direction, an order under subsection (1) or (2) 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) or made conditional, as the case may be, from the time when the order is made until the time when—
 - (a) the direction takes effect in accordance with—
 - (i) paragraph 10 of Schedule 4 to this Act; or
 - (ii) rules made by virtue of paragraph 5A(3) of that Schedule; or
 - (b) an appeal against it under section 40 below or paragraph 5A(4) of that Schedule is (otherwise than by the dismissal of the appeal) determined.
- (4) Where a Fitness to Practise Panel make an order under subsection (1) or (2) above, the Registrar shall forthwith serve a notification of the order on the person to whom it applies.
- (5) If, when an order under subsection (1) or (2) above is made, the person to whom it applies is neither present nor represented at the proceedings, subsection (3) 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.
- (6) Except as provided in subsection (7) below, 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.
- (7) Notwithstanding subsection (6) above, sections 35C to 35E above shall continue to apply to a person whose registration in the register is suspended.
- (8) The relevant court may terminate any suspension of a person’s registration in the register imposed under subsection (1) above or any conditional registration imposed under subsection (2) above, and the decision of the court on any application under this subsection shall be final.
- (9) In this section “the relevant court” has the same meaning as in section 40(5) below.

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.

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40 Appeals

- (1) The following decisions are appealable decisions for the purposes of this section, that is to say—
 - (a) a decision of a Fitness to Practise Panel under section 35D above giving a direction for erasure, for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration;
 - (b) a decision of a Fitness to Practise Panel under section 41(9) below giving a direction that the right to make further applications under that section shall be suspended indefinitely; or
 - (c) a decision of the General Council under section 45(6) below giving a direction that the right to make further applications under that section shall be suspended indefinitely.
- (2) A decision of the General Council under section 39 above giving a direction for erasure is also an appealable decision for the purposes of this section.
- (3) In subsection (1) above—
 - (a) references to a direction for suspension include a reference to a direction extending a period of suspension; and
 - (b) references to a direction for conditional registration include a reference to a direction extending a period of conditional registration.
- (4) A person in respect of whom an appealable decision falling within subsection (1) has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 35E(1) above, or section 41(10) or 45(7) below, appeal against the decision to the relevant court.
- (5) In subsection (4) above, “the relevant court”—
 - (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session;
 - (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland; and
 - (c) in the case of any other person (including one appealing against a decision falling within subsection (1)(c) above), means the High Court of Justice in England and Wales.
- (6) A person in respect of whom an appealable decision falling within subsection (2) above has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 39(2) above, appeal against the decision to a county court or, in Scotland, the sheriff in whose sheriffdom the address in the register is situated.
- (7) On an appeal under this section from a Fitness to Practise Panel, the court may—
 - (a) dismiss the appeal;
 - (b) allow the appeal and quash the direction or variation appealed against;
 - (c) substitute for the direction or variation appealed against any other direction or variation which could have been given or made by a Fitness to Practise Panel; or
 - (d) remit the case to the Registrar for him to refer it to a Fitness to Practise Panel to dispose of the case in accordance with the directions of the court,and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.

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- (8) On an appeal under this section from the General Council, the court (or the sheriff) may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the direction appealed against; or
 - (c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),
- and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.
- (9) On an appeal under this section from a Fitness to Practise Panel, 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.

41 Restoration of names to the register.

- (1) Subject to subsections (2) and (6) below, where the name of a person has been erased from the register under section 35D above, a Fitness to Practise Panel may, if they think fit, direct that his name be restored to the register.
- (2) No application for the restoration of a name to the register under this section shall be made to a Fitness to Practise Panel—
 - (a) before the expiration of five years from the date of erasure; or
 - (b) in any period of twelve 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) An application under this section shall be made to the Registrar who shall refer the application to a Fitness to Practise Panel.
- (4) In the case of a person who was provisionally registered under section 15, 15A 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, 15A or 21 above, as the case requires.
- (5) 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.
- (6) Before determining whether to give a direction under subsection (1) above, a Fitness to Practise Panel shall require an applicant for restoration to provide such evidence as they direct as to his fitness to practise; and they shall not give such a direction if that evidence does not satisfy them.
- (9) Where, during the same period of erasure, a second or subsequent application for the restoration of a name to the register, made by or on behalf of the person whose name has been erased, is unsuccessful, a Fitness to Practise Panel may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) Where a Fitness to Practise Panel give a direction under subsection (9) above, the Registrar shall without delay serve on the person in respect of whom it has been made a notification of the direction and of his right to appeal against it in accordance with section 40 above.

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- (11) Any person in respect of whom a direction has been given under subsection (9) above may, after the expiration of three years from the date on which the direction was given, apply to the Registrar for that direction to be reviewed by a Fitness to Practise Panel and, thereafter, may make further applications for review; but no such application may be made before the expiration of three years from the date of the most recent review decision.

Textual Amendments

F101 S. 41(5)-(8) added (3.8.2000) by [S.I. 2000/1803](#), [art. 9\(d\)](#)

F102 Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(3\)](#), [13](#) (with [Sch. 2](#) and savings in [The Medical Act 1983 \(Amendment\) Order 2002 \(Saving Provision\) Order of Council 2004 \(S.I. 2004/1731\)](#), [arts. 1\(1\)](#), [2\(a\)](#))

41A Interim Orders

- (1) Where an Interim Orders Panel or a Fitness to Practise Panel 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 Panel may make an order—
- 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
 - 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 Panel think fit to impose (an “order for interim conditional registration”).
- (2) Subject to subsection (9) below, where an Interim Orders Panel or a Fitness to Practise Panel have made an order under subsection (1) above, an Interim Orders Panel or a Fitness to Practise Panel—
- 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 six months beginning on the date of the decision of the immediately preceding review; or
 - if after the end of the period of three months beginning on the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
 - 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

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this subsection), an Interim Orders Panel or a Fitness to Practise Panel may, subject to subsection (4) below—

- (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; or
 - (d) 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 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) above shall be made by any Panel in respect of any person unless he has been afforded an opportunity of appearing before the Panel and being heard on the question of whether such an order should be made in his case; and for the purposes of this subsection a person may be represented before the Panel 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 relevant court for an order made by an Interim Orders Panel or a Fitness to Practise Panel under subsection (1) or (3) above to be extended, and may apply again for further extensions.
- (7) On such an application the relevant court may extend (or further extend) for up to 12 months the period for which the order has effect.
- (8) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
- (9) For the purposes of subsection (2) above the first review after the relevant court's extension of an order made by an Interim Orders Panel or a Fitness to Practise Panel or after a replacement order made by an Interim Orders Panel or a Fitness to Practise Panel under subsection (3)(c) or (d) above 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 relevant 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 relevant 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),

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and the decision of the relevant court under any application under this subsection shall be final.

- (11) Except as provided in subsection (12) below, 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) Notwithstanding subsection (11) above, sections 35C to 35E above shall continue to apply to a person whose registration in the register is suspended.
- (13) 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”.
- (14) In this section “the relevant court” has the same meaning as in section 40(5) above.

41B Interim orders made by committees other than the Interim Orders Committee

.....

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

.....

43 Proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels

Schedule 4 to this Act (which contains supplementary provisions about proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels) 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 an EEA State in which he is or has been established in medical practice shall not be entitled to be registered by virtue of section 3(1)(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 EEA State 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, professional performance or physical or mental health; 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(1)(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.

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- [^{F103}(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(1)(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) a Fitness to Practise Panel may direct that his registration be suspended for such period, not exceeding the length of the first-mentioned period, as the Panel think fit, and the period of suspension shall begin on a date to be specified in the Panel's direction; and
 - (b) sections 35E(1) and (3) and 40 and paragraphs 1, 2, 8, 9, 10, 12 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(1)(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, professional performance or physical or mental health 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 EEA 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).

Textual Amendments

F103 Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), 13 (with [Sch. 2](#) and savings in [The Medical Act 1983 \(Amendment\) Order 2002 \(Saving Provision\) Order of Council 2004 \(S.I. 2004/1731\)](#)), arts. 1(1), 2(a))

44A Effect of disqualification or conviction on registration

- (1) Without prejudice to regulations made under section 31 (power to make regulations with respect to the register), the Registrar may, notwithstanding anything in this Act, refuse to register any person under any section of this Act (other than sections 3(1)(b) or 18 above) who—

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- (a) has, in the British Islands, been convicted of, or cautioned for, a criminal offence or convicted elsewhere of an offence which, if committed in England and Wales, would constitute a criminal offence; or
 - (b) has been the subject of a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that his fitness to practise as a member of that profession is impaired, or a determination by a regulatory body (within the meaning of section 35C(9) above) elsewhere to the same effect.
- (2) If a person has been registered by virtue of any provision of this Act and it is subsequently shown to the satisfaction of the Registrar that—
- (a) he is a person to whom paragraph (a) or (b) of subsection (1) above applies; and
 - (b) he had not informed the Registrar of that fact at the time of registration, the Registrar may remove that person’s name from the register.
- [^{F104}(3) A decision under—
- (a) subsection (1) above not to register a person; or
 - (b) subsection (2) above to remove a person’s name from the register,
- is an appealable registration decision for the purposes of Schedule 3A to this Act.]
- (4) If a person has been registered by virtue of any section other than section 3(1)(b) or 18 above at a time when a determination of a kind referred to in subsection (1)(b) above 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 determination had effect—
- (a) a Fitness to Practice Panel may direct that his registration be suspended for such period, not exceeding the length of the first mentioned period, as the Panel think fit, and the period of suspension shall begin on a date to be specified in the Panel’s direction; and
 - (b) sections 35E(1) and (3) and 40 and paragraphs 1, 2, 8, 9, 10, 12 and 13 of Schedule 4 to this Act shall have effect, with any necessary modifications, in relation to suspension under this subsection.
- (5) The General Council may by regulations make provision about the information to be provided to the Registrar by a person seeking registration for the purposes of this section.
- (6) The Registrar may refuse to register any person who fails to comply with regulations made under subsection (5) above.
- (7) Regulations under subsection (5) above shall not have effect until approved by order of the Privy Council.
- (8) In this section “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and any provision of, or any instrument made under, Northern Ireland legislation.

Textual Amendments

F104 Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004) by

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The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), 13 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2(a))

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

- (1) If a national of an EEA State 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 EEA practitioner)—
 - (a) is found by a Fitness to Practise Panel to have been convicted of a criminal offence in any EEA State where he was practising medicine; or
 - (b) is subject to a finding that his fitness to practise is impaired,
 the Panel 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 a Fitness to Practise Panel 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 five years from the date on which the prohibition was imposed; or
 - (b) in the period of twelve 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 EEA practitioner, at a time when he is subject to a prohibition imposed by a Fitness to Practise Panel under this section.
- (5) Before determining whether to terminate a prohibition under subsection (3) above, the General Council shall require the person applying for its termination to provide such evidence as they direct as to one or more of his good character, professional competence and health; and they shall not terminate the prohibition if that evidence does not satisfy them.
- (6) Where, during the same period of prohibition, a second or subsequent application for termination of the prohibition, made by or on behalf of a person on whom the prohibition has been imposed, is unsuccessful, the General Council may direct that his right to make any further such applications shall be suspended indefinitely.
- (7) Where the General Council give a direction under subsection (6) above, the Registrar shall without delay serve on the person in respect of whom it has been made a notification of the direction and of his right to appeal against it in accordance with section 40 above.
- (8) Any person in respect of whom a direction has been given under subsection (6) above may, after the expiration of three years from the date on which the direction was made, apply to the General Council for that direction to be reviewed by the General Council and, thereafter, may make further applications for review; but no such application may be made before the expiration of three years from the date of the most recent review decision.]

Status: Point in time view as at 01/04/2005.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 01 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 [F105EEA State] 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.

Textual Amendments

F105 Words in s. 46(2) substituted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, [Sch. 2 para. 11](#)

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.

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- [^{F106}(3) None of the suspension events mentioned in subsection (4) below shall 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.
- (4) The suspension events are—
- (a) the suspension of registration of a person by a Fitness to Practise Panel—
 - (i) following a finding of impairment of fitness to practise by reason of deficient professional performance or adverse physical or mental health under section 35D above, or
 - (ii) under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act;
 - (b) an order for immediate suspension by a Fitness to Practise Panel under section 38(1) above; or
 - (c) an interim suspension order by an Interim Orders Panel or a Fitness to Practise Panel under section 41A above (or such an order as extended under that section).]

Textual Amendments

F106 S. 47(3)(4) substituted for s. 47(3) (1.11.2004 as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(2)** (with Sch. 2)

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 ^{F107} . . .
- (2) Subsection (1) above shall not apply to anything done by a person who is a national of any [^{F108}EEA State] 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

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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

F107 Words in s. 49(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV.

F108 Words in s. 49(2) substituted (10.7.1996) by S.I. 1996/1591, reg. 7, Sch. 2 para. 12

PART VII

MISCELLANEOUS AND GENERAL

50 Default powers of Privy Council.

- (1) If at any time it appears to the Privy Council that—
- (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, [F109 13 or] 32(1) to (3) or (7) to (9) F110... 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.

Textual Amendments

F109 Words in s. 50(1)(b) substituted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), 15(3) (with Sch. 2)

F110 Words in s. 50(1)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), 15(3) (with Sch. 2)

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.

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- (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.

[^{F111}52A Annual reports

- (1) The General Council shall publish at least once in each calendar year a statistical report which indicates the efficiency and effectiveness of the arrangements the Council has put in place to protect the public from persons whose fitness to practise is impaired, together with the General Council's observations on the report.
- (2) The General Council—
 - (a) within such time as may be specified by the Privy Council, shall submit a report to it on the General Council's exercise of its functions during the period specified by the Privy Council; and
 - (b) thereafter shall submit such a report once in each year in respect of the period since its last such report.
- (3) The Privy Council shall lay before each House of Parliament a copy of the report submitted by the Council under subsection (2) above.]

Textual Amendments

F111 S. 52A inserted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(4)** (with Sch. 2)

53 Proof of certain instruments.

- (1) A copy of any instrument mentioned in subsection (2) below which—
 - (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Council, or

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- (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,
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;
 - ^{F112}(c) an order of a Fitness to Practise Panel under section 38 above; and]
 - (d) a direction of the General Council under section 39 above.

Textual Amendments

F112 S. 53(2)(c) substituted (1.11.2004 as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(5)** (with Sch. 2)

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.

^{F113}(1) 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;

^{F114}“Directive 93/16/EEC” has the meaning given by section 5(4) above;]

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

^{F114}“the EEA Agreement” and “EEA State” have the meanings given by section 3(3) above;]

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

^{F115}“exempt person” has the meaning given in section 19(2) above;]

^{F116}

“fully registered person” means a person for the time being registered under ^{F117}section 3, 19, 21A, 25 or 27] above as a fully registered medical practitioner, or under section 18 above as a visiting ^{F118}EEA practitioner], and—

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- (a) so far as mentioned in subsection (3) of section 15 ^[F119](including that subsection as applied by section 15A(4)) 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;

^[F120]“impaired”, in relation to a person’s fitness to practise, has the meaning given in section 35C(2) above;]

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

“national”, in relation to a ^[F118]EEA State], 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;

“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;

^[F121]“professional performance” includes a medical practitioner’s professional competence;]

“provisionally registered” means provisionally registered under section 15 ^[F122], 15A] 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;

^{F123}

“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;

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“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;

[^{F124}“revalidation” has the meaning given in section 29A above;]

^{F125}

[^{F126}“the statutory committees” has the meaning given in section 1(3A) above;]

[^{F127}(2) In relation to anything done before the adoption by the Council of Directive 93/16/EEC, references in this Act to that Directive, or to any provision of that Directive, shall be construed as references to, or to the corresponding provision of, the following Directives as for the time being amended, namely—

- (a) Council Directive No.75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine; and
- (b) Council Directive No.75/363/EEC concerning the coordination of provisions in respect of activities of doctors.]

Textual Amendments

- F113** S. 55 renumbered as s. 55(1) (10.7.1996) by [S.I. 1996/1591](#), reg. 7, Sch. 2 para. 13(1)
- F114** Definition in s. 55(1) inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(2)(a)(b)**
- F115** Words in s. 55(1) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F116** Definition in s. 55(1) repealed (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(2)(c)(f)**
- F117** In s. 55(1) in definition of "fully registered person" words substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(b)** (with transitional provisions in Sch. 2)
- F118** Words in s. 55(1) substituted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(2)(d)(e)**
- F119** In s. 55(1) in para. (a) of definition of "fully registered person" words inserted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(6)(a)**
- F120** Words in s. 55(1) inserted (7.7.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F121** Words in s. 55(1) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F122** In s. 55(1) in definition of "provisionally registered" word inserted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(6)(b)**
- F123** In s. 55(1) definition of "recognised overseas qualification" omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(a)** (with transitional provisions in Sch. 2)
- F124** Words in s. 55(1) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F125** Definition in s. 55(1) repealed (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(2)(c)(f)**
- F126** Words in s. 55(1) inserted (17.12.2002 for specified purposes, 7.7.2004 for specified purposes as notified in the London Gazette dated 2.7.2004, 1.11.2004 for specified purposes as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F127** S. 55(2) inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(3)**

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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 ^{M8}1978 Act” mean the ^{M9}Medical Act 1956 and the ^{M10}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.
- (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 ^{M11}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

M8 [1978 c. 30.](#)

M9 [1956 c. 76.](#)

M10 [1978 c. 12.](#)

M11 [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.

Status:

Point in time view as at 01/04/2005.

Changes to legislation:

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