



Medical Act 1983

1983 CHAPTER 54

PART III

REGISTRATION OF PERSONS QUALIFYING OVERSEAS

19 Full registration of persons by virtue of recognised overseas qualifications

(1) Where a person satisfies the Registrar—

- (a) that he holds one or more recognised overseas qualifications;
- (b) that he has the necessary knowledge of English [^{F1}or is an exempt person]; and
- (c) that he is of good character,

and satisfies the requirements of section 20 below as to experience, that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.

[^{F2}(1A) Subsection (1B) below applies where a national of an EEA State, or a person to whom subsection (4) below applies, makes an application for registration under this section and either—

- (a) he holds a qualification granted outside the European Economic Area which is not a recognised overseas qualification but which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State; or
- (b) he has acquired medical experience or knowledge in another EEA State.

(1B) In determining the application, the General Council—

- (a) shall take the acceptance of the qualification, or the experience and knowledge, into account; and
- (b) in a case falling within subsection (1A)(a) above, may treat the qualification as if it were a recognised overseas qualification.]

(2) In this Act a “recognised overseas qualification” means any qualification granted outside the United Kingdom and for the time being recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of knowledge and skill corresponding with the prescribed knowledge and skill and as

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having been granted by virtue of the passing of an examination at which the standard of proficiency required corresponds with the prescribed standard of proficiency.

[^{F3}(3) In this section “exempt person” means—

- (a) a national of an EEA State other than the United Kingdom;
- (b) a national of the United Kingdom who is exercising an enforceable Community right; or
- (c) a person to whom subsection (4) below applies.

(4) This subsection applies to 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.]

Textual Amendments

- F1 Words in s. 19(1)(b) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(1)
- F2 S. 19(1A)(1B) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(2)
- F3 S. 19(3)(4) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(3)

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

- (1) The following are the requirements as to experience mentioned in section 19(1) above.
- (2) The General Council must be satisfied that the person claiming registration—
 - (a) has been employed as mentioned in subsection (2) of section 10 above and while so employed has held a combination of posts which was such as to provide him with the experience required by one of the prescribed patterns of experience and satisfies the conditions specified in paragraphs (a) and (c) of subsection (3) of that section; or
 - (b) has acquired experience in the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under the said section 10.
- (3) Subsections (4) and (5) of the said section 10 shall apply to a person prevented from embarking on, or completing, a period of experience required for the purposes of this section as it applies to a person prevented from embarking on, or completing, a period of experience required for the purposes of that section.

21 Provisional registration.

- (1) The following provisions shall have effect for enabling persons wishing to satisfy the General Council of the matters specified in section 20(2)(a) above to be employed as mentioned in section 10(2) above.
- (2) A person who satisfies the Registrar of the matters specified in paragraphs (a), (b) and (c) of section 19(1) above may apply to the General Council to be registered

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provisionally under this section and, if the Council think fit so to direct, that person shall be so registered.

[^{F4}(2A) Subsections (1A) and (1B) of section 19 above apply for the purposes of this section as they apply for the purposes of 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 [^{F5}approved hospitals, approved institutions or approved medical practices] (within the meaning of that section) but not further.

Textual Amendments

F4 S. 21(2A) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(4)

F5 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.

VALID FROM 17/12/2002

[^{F6}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

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“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

F6 S. 21A inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(5)** (with transitional provisions in [Sch. 2](#))

22 Limited registration of persons by virtue of overseas qualifications.

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

- (a) that he has been selected for employment in the United Kingdom or the Isle of Man as a medical practitioner in one or more hospitals or other institutions approved by the General Council for the purposes of this section;
- (b) that he holds, has held, or has passed the examination necessary for obtaining some acceptable overseas qualification or qualifications;
- (c) that he has the necessary knowledge of English [^{F7}or is an exempt person (within the meaning of section 19 above)];
- (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.

[^{F8}(1A) Subsections (1A) and (1B) of section 19 above apply for the purposes of this section as they apply for the purposes of that section, but with the following modifications—

- (a) in subsection (1A), the insertion after the word “holds” of the words “, has held or has passed the examination necessary for obtaining”; and
- (b) in subsection (1B), the substitution for the words “a recognised” of the words “an acceptable”.]

(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.

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- (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.
- (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

- F7** Words in s. 22(1)(c) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(5)
F8 S. 22(1A) inserted (10.7.1996) by S.I. 1996/1591, reg. 6(6)

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.

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- (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 of which the applicant wishes to be registered or the Council considers they may grant limited registration.
- (5) The General Council may, in the case of any applicant or applicants of any description, give to the Registrar a direction exempting the applicant, or applicants of that description, from compliance with the requirements of section 22(1)(e) above as to knowledge and skill, or as to experience, or both.

24 Limited registration: erasure.

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

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- (b) the Council have afforded him an opportunity of making representations to them in the matter;

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

25 Full registration of persons with limited registration.

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

26 Registration of qualifications.

- (1) A person registered under section 19 or 21 above shall be entitled to have registered the recognised overseas qualification or qualifications which he holds when he is so registered and also—

- (a) any recognised overseas qualification which he obtains after registration;
- (b) subject to subsection (3) below, any qualification granted outside the United Kingdom (other than a recognised overseas qualification) which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
- (c) subject to subsection (3) below, any additional qualification which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter; and
- (d) any primary United Kingdom qualification or primary European qualification which he holds when he is registered or obtains thereafter.

- (2) A person registered with limited registration under section 22 above shall be entitled to have registered the acceptable overseas qualification or qualifications which he holds when he is so registered and, if such a person is subsequently registered under section 19 above by virtue of section 25 above, he shall on being so registered be entitled to have registered, apart from the qualifications mentioned in subsection (1) above, the acceptable overseas qualification or qualifications by virtue of which he was granted limited registration.

- (3) If the General Council determine that any such qualification as is mentioned in paragraph (b) or (c) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

27 Temporary full registration for visiting overseas specialists.

- (1) A person who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services of a specialist nature may apply to the General Council to be registered temporarily as a fully registered medical practitioner and if the Council are satisfied—

- (a) that he holds one or more recognised overseas qualifications or acceptable overseas qualifications;

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- (b) that he possesses special knowledge of and skill in a particular branch or branches of medicine; and
- (c) that the medical services he is to provide lie within that branch or one or more of those branches of medicine,

they may, if they think fit, direct that he shall be registered under this section as a fully registered medical practitioner for such period as they may specify in the direction.

- (2) No person shall be fully registered under this section for a period exceeding twelve months.
- (3) At the expiration of the period specified in a direction under subsection (1) above the registration of the person to whom the direction applies shall cease to have effect.

28 The Review Board for Overseas Qualified Practitioners.

- (1) There shall continue to be a body known as the Review Board for Overseas Qualified Practitioners (in this Act referred to as the “Review Board”) constituted in accordance with the following provisions of this section and having the functions conferred on them by section 29 below.
- (2) The Review Board shall consist of—
 - (a) a chairman and a deputy chairman, not being members of the General Council, appointed by the President of the General Council having regard to the recommendation of such body or bodies concerned with post-graduate medical education in England and Wales, in Scotland and in Northern Ireland, as the Council may by rules prescribe;
 - (b) such number of other members as the Council may by rules prescribe, being members of the General Council and including at least—
 - (i) one elected member,
 - (ii) one appointed member, and
 - (iii) one member who is or has been registered under Part III of the ^{M1}Medical Act 1956, under section 18 or 22 of the ^{M2}Medical Act 1978 or under section 19 or 22 above.
- (3) There shall be paid to the members of the Review Board such fees and such travelling, subsistence or other allowances as the General Council may allow.
- (4) The General Council shall provide the Review Board with office accommodation and secretarial assistance for the discharge of their functions.
- (5) The General Council may by rules make provision with respect to the quorum and procedure of the Review Board.
- (6) No rules under this section shall come into force until approved by order of the Privy Council.

Marginal Citations

- M1** 1956 c. 76.
- M2** 1978 c. 12.

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29 Functions of the Review Board.

- (1) Any person in whose case a decision falling within subsection (2) below is made by the General Council may require the Registrar to state in writing the reasons for the decision and, subject to subsection (3) below, may apply to the Review Board for that decision to be reviewed by the Board.
- (2) The following are the decisions referred to in subsection (1) above, namely—
 - (a) a refusal to direct by virtue of section 19 above that a person be registered under that section as a fully registered medical practitioner;
 - (b) a refusal to direct that a person be registered provisionally under section 21 above;
 - (c) in a case where at the date of the refusal a person had been registered with limited registration for a period, or for periods which amount in the aggregate to a period, of not less than three years and six months, a refusal to direct by virtue of section 25 above that he be registered under section 19 above as a fully registered medical practitioner;
 - (d) in the case of a person who is or has been registered with limited registration for a period, a refusal to direct under section 22(1) above that he be granted limited registration for a further period; and
 - (e) a direction under section 24(2) above that a person's name be erased from the register of medical practitioners with limited registration.
- (3) A person in whose case a decision falling within subsection (2) above is made shall not be entitled to apply to the Review Board for the decision to be reviewed where—
 - (a) the decision is such a refusal as is referred to in paragraph (a) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person does not satisfy the requirements of section 20 above as to experience; or
 - (b) the decision is such a refusal as is referred to in paragraph (a) or (b) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that no qualification which the person claims to hold is a recognised overseas qualification; or
 - (c) the decision is such a refusal as is referred to in paragraph (a), (b), (c) or (d) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person has failed to satisfy him that he has the necessary knowledge of English.
- (4) On completing a review under this section of any decision, the Review Board shall determine whether in their opinion the decision ought to stand and shall notify their opinion to the President of the General Council or to such other member of the Council as the Council may appoint to act for the purposes of this subsection; and the President or member so appointed may, if having regard to the Board's opinion he thinks fit, direct that the decision be reversed.

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