

Status: Point in time view as at 17/12/2002.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

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

PART I

CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

General

- 1 (1) The General Council shall consist of—
 - (a) elected members;
 - (b) appointed members; and
 - (c) nominated members.
- (2) The numbers of elected members, appointed members and nominated members shall be such that the number of the elected members exceeds the number of the appointed and nominated members.

Elected members

- 2 (1) Elections of elected members shall be conducted in accordance with an electoral scheme under this paragraph providing for the election of members for the following four constituencies, that is to say—
 - (a) England, the Channel Islands and the Isle of Man;
 - (b) Wales;
 - (c) Scotland; and
 - (d) Northern Ireland.
- [^{F1}(1A) The provision that may be made by an electoral scheme includes provision for any of the constituencies listed in sub-paragraph (1)(a) to (d) above to be divided into two or more separate constituencies.]
- (2) An electoral scheme shall be made, with the approval of the Privy Council, by the General Council after consultation with such bodies as appear to the General Council to be representative of medical practitioners.
- (3) An electoral scheme under sub-paragraph (2) above may be amended by the General Council with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.
- [^{F2}(4) The persons qualified to elect the elected members for any constituency shall be those who, on a date determined in accordance with the electoral scheme—
 - (a) are resident in the constituency for which the election is held;

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- (b) are fully registered, provisionally registered or registered with limited registration; and
 - (c) are holders of licences to practise.]
- [^{F3}(5) A person shall not be qualified to be elected as an elected member unless he—
- (a) is fully registered, provisionally registered or registered with limited registration; and
 - (b) holds a licence to practise.
- (5A) An electoral scheme shall make provision for the disclosure to those qualified to vote at an election of information (including information concerning fitness to practise) relating to a person seeking election.]
- (6) For the purposes of this paragraph, a person shall be taken to be resident at his address in the register.

Textual Amendments

- F1** Sch. 1 para. 2(1A) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(c\), 4\(3\)\(a\)](#) (with transitional provisions in [Sch. 2](#))
- F2** Sch. 1 para. 2(4) substituted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(c\), 4\(3\)\(b\)](#) (with transitional provisions in [Sch. 2](#))
- F3** Sch. 1 para. 2(5)(5A) substituted for Sch. 1 para. 2(5) (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(c\), 4\(3\)\(c\)](#) (with transitional provisions in [Sch. 2](#))

Appointed members

- 3 [^{F4}(1) Appointed members shall be chosen by such bodies as are designated for the time being as appointing bodies by an Order in Council under section 1 of this Act.
- (2) A person shall not be qualified to be chosen as an appointed member unless he—
 - (a) is fully registered, provisionally registered or registered with limited registration; and
 - (b) holds a licence to practise.]
 - (3) An Order in Council under section 1 of this Act may give an appointing body the power to choose more than one appointed member or to choose an appointed member in combination with another appointing body or bodies.

Textual Amendments

- F4** Sch. 1 para. 3(1)(2) substituted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(c\), 4\(4\)](#) (with transitional provisions in [Sch. 2](#))

Nominated members

- 4 (1) Nominated members shall be nominated by Her Majesty on the advice of Her Privy Council.

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- (2) One member at least shall be nominated for England, for Wales, for Scotland and for Northern Ireland.
- [^{F5}(3) A nominated member shall be a person who is neither fully registered nor a holder of any qualification registrable under this Act.]

Textual Amendments

- F5** Sch. 1 para. 4(3) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(5)** (with transitional provisions in [Sch. 2](#))

[^{F6}Suspension or removal from office of members

Textual Amendments

- F6** Sch. 1 paras. 4A, 4B and cross-headings inserted (17.12.2002 for specified purposes, otherwise coming into force in accordance with art. 1(2)(3) of the amending S.I.) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), **4(6)** (with transitional provisions in [Sch. 2](#))

- 4A (1) The General Council shall by rules make provision for the suspension or removal from office of a member by the General Council in such circumstances as may be specified in the rules.
- (2) Rules under sub-paragraph (1) above shall provide for an elected member or an appointed member to be removed from office if he ceases—
- to be registered; or
 - to hold a licence to practise.
- (3) Standing orders of the General Council shall make provision for the procedure by which a member may be suspended or removed from office.
- (4) No rules under sub-paragraph (1) above shall come into force until approved by order of the Privy Council.

Registration of members' private interests

- 4B (1) The General Council must establish and maintain a system for the declaration and registration of private interests of members of the Council.
- (2) The General Council must publish entries recorded in the register of members' private interests.]

Supplementary

- 5 An Order in Council under section 1 of this Act may contain such incidental, consequential, transitional or supplementary provisions as appear to Her Majesty to be necessary or expedient.
- 6 (1) Subject to sub-paragraph (2) below, a person shall not be qualified to be a member of the General Council if he has attained the age of seventy years.

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- (2) The General Council may by rules provide that sub-paragraph (1) above shall have effect with the substitution of such age less than seventy years as is specified in the rules.
- (3) No rules under sub-paragraph (2) above shall come into force until approved by order of the Privy Council.
- [^{F7} (1) Notwithstanding paragraph 1(2) above, an Order in Council under section 1 of this Act—
- (a) may make provision permitting elections to fill casual vacancies among the elected members to be held together, but
 - (b) may not permit a casual vacancy among the elected members to be left unfilled for a period exceeding six months, except in accordance with paragraph (c) below, and
 - (c) may make provision that a casual vacancy among the elected members need not be filled if the unexpired term of the elected member giving rise to the vacancy is less than twelve months.
- (2) In sub-paragraph (1) above the “unexpired term” means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would have expired.]

Textual Amendments

F7 Sch. 1 para. 7 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), 4(7) (with transitional provisions in Sch. 2)

- 8 No recommendation shall be made to Her Majesty to amend or revoke an Order in Council under section 1 of this Act so far as it relates to the appointing bodies except in pursuance of a representation made to the Privy Council by the General Council.

PART II

INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

[^{F8}Incidental powers and duties]

Textual Amendments

F8 Italic heading immediately preceding Sch. 1 para. 9 substituted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), 15(7)(a) (with transitional provisions in Sch. 2)

- 9 It shall be within the capacity of the General Council as a corporation to do such things and enter into such transactions as are in their opinion incidental or conducive to the performance of their functions under this Act, including the borrowing of money.
- [^{F9}9A In exercising their functions, the General Council shall co-operate wherever appropriate and reasonably practicable with public authorities or other bodies or persons concerned with—

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- (a) the employment (whether or not under a contract of service) of registered medical practitioners;
- (b) the education of medical practitioners, prospective medical practitioners or other health care professionals;
- (c) the regulation of other health or social care professions; or
- (d) the regulation of health services.

Textual Amendments

F9 Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in [Sch. 2](#))

- 9B (1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or
 - (b) would constitute or be punishable as a contempt of court.
- (3) In sub-paragraph (2) above “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
 - (b) any provision of, or any instrument made under, Northern Ireland legislation.]

Textual Amendments

F9 Sch. 1 paras. 9A, 9B inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in [Sch. 2](#))

- 10 For the purpose of enabling the General Council to compile or assist in the compilation of statistics relating to medical practice and practitioners the Council may from time to time issue to persons registered under this Act (otherwise than under section 18) requests for information on matters which in the opinion of the Council are relevant for that purpose.
- 11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under [^{F10}section 21A or 22] of this Act.

Textual Amendments

F10 Words in Sch. 1 para. 11 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(3)** (with transitional provisions in [Sch. 2](#))

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Proceedings of the General Council

- 12 The validity of any proceedings of the General Council shall not be affected by any vacancy among the members of the Council or by any defect in the election, appointment or nomination of a member of the Council.
- [^{F11}13 The quorum of the General Council shall be prescribed by Her Majesty by Order in Council made under section 1 of this Act.]

Textual Amendments

F11 Sch. 1 para. 13 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(c), 4(8) (with transitional provisions in Sch. 2)

- 14 All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the person who presides at the meeting shall, in addition to his vote as a member of the Council, have a casting vote.
- 15 (1) The General Council may by standing order make provision with respect to the meetings and proceedings of and the discharge of their functions by the Council and any committees of the Council, with respect to the composition of committees of the Council and with respect to the functions of the officers of the Council.
- (2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.
- (3) This paragraph does not apply in relation to the statutory committees other than the Education Committee nor shall standing orders be made under it in relation to the discharge of the Council's functions under section 39 of this Act or in relation to any committee to which those functions may be delegated.

Officers of the General Council

- 16 (1) The General Council shall elect from among their number a president of the General Council and may so elect a chairman and a treasurer or treasurers of the General Council.
- (2) ^{F12} . . . any chairman or treasurer elected in pursuance of sub-paragraph (1) above shall be elected for a term not extending beyond the expiration of the term for which he has been elected, chosen or nominated to be a member of the General Council.
- (3) The General Council shall appoint a person to be registrar of the Council and may appoint such deputy and assistant registrars of the Council as the Council think fit and where a deputy or assistant registrar is authorised by the Registrar to act for him in any matter, any reference in this Act to the Registrar [^{F13}or in a direction or delegation to him under sub-paragraph (4) below,] shall include a reference to that deputy or assistant where the reference relates to that matter.
- [^{F14}(4) Subject to paragraph 6 of Schedule 4 to this Act, the Registrar shall, in addition to the functions specifically mentioned in this Act, have such other functions as the General Council may think fit to direct him to perform or delegate to him (whether or not in rules or standing orders).]

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Textual Amendments

- F12** Words in Sch. 1 para. 16(2) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(i)** (with transitional provisions in Sch. 2)
- F13** Words in Sch. 1 para. 16(3) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(ii)** (with transitional provisions in Sch. 2)
- F14** Sch. 1 para. 16(4) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(iii)** (with transitional provisions in Sch. 2)

Financial provisions

- [^{F15}17 There shall be paid to the members of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow, including payments for duties undertaken as trustees of the Council.]

Textual Amendments

- F15** Sch. 1 para. 17 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(c)** (with transitional provisions in Sch. 2)

- 18 (1) Any fees or other sums payable by virtue of this Act in connection with registration under this Act shall be paid to the General Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees and sums, or from the sale of registers, or otherwise.
- (2) The General Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts (including records of the evidence furnished by branch councils under paragraph 28 below), and their accounts for each financial year of the Council shall be audited by auditors appointed by the Council.
- [^{F16}(3) No person shall be appointed auditor under this paragraph unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (4) As soon as may be after the accounts of the General Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors on them, and the Privy Council shall lay a copy of the accounts and of any report of the auditors on the accounts before each House of Parliament.

Textual Amendments

- F16** Sch. 1 para. 18(3) substituted by [S.I. 1991/1997](#), reg. 2, **Sch. para.50** (with reg. 4)

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PART III

COMMITTEES OF THE GENERAL MEDICAL COUNCIL

The Education Committee

- ^{F17}19 (1) Subject to sub-paragraph (2) below and the power of the Committee under paragraph 25 below to co-opt members the composition of the Education Committee shall be such as the General Council think fit.
- (2) The members of the Committee chosen by the General Council shall be so chosen as to ensure that the number of appointed members exceeds the number of elected and nominated members or, if there are no nominated members chosen to be members of the Committee, the number of elected members.

Textual Amendments

- F17** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

^{F18} *The Interim Orders Committee*

Textual Amendments

- F18** Sch. 1 para. 19A and cross-heading inserted (3.8.2000) by [S.I. 2000/1803](#), art. 15(a)

- ^{F19}^{F20}19A Subject to the power of the Committee under paragraph 25 to co-opt members, the Interim Orders Committee shall be constituted as provided by the General Council by rules under this paragraph.]

Textual Amendments

- F19** Sch. 1 para. 19A inserted (3.8.2000) by [S.I. 2000/1803](#), art. 15(a)
- F20** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

The Preliminary Proceedings Committee

- ^{F21}20 The Preliminary Proceedings Committee shall be constituted as provided by the General Council by rules under this paragraph.

Textual Amendments

- F21** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

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The Professional Conduct Committee

^{F22}21 [^{F23}Subject to the power of the Committee under paragraph 25 to co-opt members,] the Professional Conduct Committee shall be constituted as provided by the General Council by rules under this paragraph.

Textual Amendments

F22 Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

F23 Words in Sch. 1 para. 21 inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(b)**

^{F24} The Assessment Referral Committee

Textual Amendments

F24 Sch. 1 Pt. III paras. 21A, 21B inserted (1.7.1997) by [1995 c. 51, s. 4, Sch. para. 12](#); [S.I. 1997/1315](#), **art. 2**

^{F25}21A [^{F26}Subject to the power of the Committee under paragraph 25 to co-opt members,] the Assessment Referral Committee shall be constituted as provided by the General Council by rules under this paragraph.]

Textual Amendments

F25 Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

F26 Words in Sch. 1 para. 21A inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(b)**

The Committee on Professional Performance

^{F27}21B [^{F28}Subject to the power of the Committee under paragraph 25 to co-opt members,] the Committee on Professional Performance shall be constituted as provided by the General Council by rules under this paragraph.

Textual Amendments

F27 Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

F28 Words in Sch. 1 para. 21B inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(b)**

The Health Committee

^{F29}22 [^{F30}Subject to the power of the Committee under paragraph 25 to co-opt members] the Health Committee shall be constituted as provided by the General Council by rules under this paragraph.

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Textual Amendments

- F29** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)
- F30** Words in Sch. 1 para. 22 inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(b)**

Supplementary

- ^{F31F32}23 Rules under paragraphs 21, 21B, and 22 above shall secure that a person who sits as a member of [^{F33}the Interim Orders Committee,] the Preliminary Proceedings Committee or the Assessment Referral Committee in proceedings on any case shall not sit as a member of the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee in any subsequent proceedings on that case.]

Textual Amendments

- F31** Sch. 1 Pt. III para. 23 substituted (1.1.1997) by 1995 c. 51, s. 4, **Sch. para. 13**; [S.I. 1996/1631](#), **art. 2(3)(b)**
- F32** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)
- F33** Words in Sch. 1 para. 23 inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(c)**

- ^{F34F35}23A Rules under paragraph 19A above shall secure that a person who sits as a member of the Preliminary Proceedings Committee, the Assessment Referral Committee, the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee shall not sit as a member of the Interim Orders Committee in any subsequent proceedings on that case.]

Textual Amendments

- F34** Sch. 1 para. 23A inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(d)**
- F35** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)

- ^{F36}24 Rules under paragraph [^{F37}19A,] 20, 21 [^{F38}, 21A, 21B] or 22 above shall not come into force until approved by order of the Privy Council.

Textual Amendments

- F36** Sch. 1 Pt. III: paras. 19-19E, 23, 23B, 24 substituted (coming into force in accordance with s. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(3)**, (with transitional provisions in Sch. 2)
- F37** Words in Sch. 1 para. 24 inserted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(e)**
- F38** Words in Sch. 1 Pt. III para. 24 inserted (1.9.1996) by 1995 c. 51, s. 4, **Sch. para. 14**; [S.I. 1996/1631](#), **art. 2(1)(b)**

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- 25 (1) Without prejudice to the preceding provisions of this Part of this Schedule the General Council may constitute out of their membership one or more committees.
- [^{F39}(2) A Committee of the General Council may, if authorised to do so by the General Council, co-opt such persons (whether or not members of the Council) as the Committee think fit.]
- (3) The General Council may delegate to any committee of the Council such of the Council's functions as they think fit but the determination of the remuneration payable to visitors appointed by the Education Committee under section 7(1) or 13(1) of this Act or to inspectors appointed by that Committee under section 6(2) of this Act shall be subject to the approval of the General Council.
- (4) The quorum of a committee of the General Council shall be such as the General Council determine from time to time.

Textual Amendments

F39 Sch. 1 para. 25(2) substituted (3.8.2000) by [S.I. 2000/1803](#), [art. 15\(f\)](#)

PART IV

THE BRANCH COUNCILS

- 26 (1) There shall continue to be a branch council for England, for Wales, for Scotland and for Northern Ireland.
- [^{F40}(2) The branch council for each area shall be constituted as provided by the General Council.
- (2A) Some or all members of a branch council may be persons who are not members of the General Council.]
- (3) The General Council may delegate to a branch council such of the functions of the General Council (other than those conferred by section 39 of this Act) as the General Council think fit.

Textual Amendments

F40 Sch. 1 para. 26(2)(2A) substituted (17.12.2002) for Sch. 1 para. 26(2) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(h\)](#), [15\(7\)\(d\)](#) (with transitional provisions in [Sch. 2](#))

- 27 Each branch council shall appoint a registrar of the council but the person appointed to be registrar of the General Council—
- (a) shall also be registrar of the branch council for England; and
 - (b) may also be registrar of all or any of the other branch councils.
- 28 The General Council shall furnish each branch council with such sums as the branch council may require for defraying any expenses incurred by the branch council with the approval of the General Council; and each branch council shall furnish the General Council with such evidence as the General Council may reasonably require of all payments made by the branch council out of sums furnished by the General Council.

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[^{F41}29 There shall be paid to the members of the branch councils such remuneration and such travelling, subsistence or other expenses as the General Council may allow.]

Textual Amendments

F41 Sch. 1 para. 29 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(e)** (with transitional provisions in Sch. 2)

SCHEDULE 2

Section 17.

PRIMARY EUROPEAN QUALIFICATIONS

[^{F42}Austria

Textual Amendments

F42 Entry in Sch. 2 inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 4(2), **Sch. 1 para. 2**

“Doktor der gesamten Heilkunde”(diploma of doctor of medicine) awarded by a university faculty of medicine and “Diplom über die spezifische Ausbildung in der Allgemeinmedizin”(diploma of specialist training in general medicine), or “Facharzt Diplom”(diploma as a specialist doctor) issued by the competent authority.]

Belgium

“ Diplôme légal de docteur en médecine, chirurgie et accochements/Wettelijk diploma van doctor in de genees-, heel-en verloskunde” (diploma of doctor of medicine, surgery and obstetrics required by law) awarded by the university faculties of medicine, the Central Examining Board or the State University Education Examining Board.

Denmark

“ Bevis for bestaet laegevidenskabelig embedseksamen” (diploma of doctor of medicine required by law) awarded by a university faculty of medicine and “dokumentation for gennemfort praktisk uddannelse” (certificate of practical training issued by the competent authorities of the health service).

[^{F43}Finland

Textual Amendments

F43 Entry in Sch. 2 inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 4(2), **Sch. 1 para. 2**

“Todistus lääketieteen lisensiaatin tutkinnosta/bevis om medicine licentiat examen”(certificate of the degree of licentiate in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.]

Status: Point in time view as at 17/12/2002.

Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

France

- 1 “Diplôme d’Etat de docteur en médecine” (State diploma of doctor of medicine) awarded by the university faculties of medicine, the university joint faculties of medicine and pharmacy, or by the universities.
- 2 “Diplôme d’université de docteur en médecine” (university diploma of doctor of medicine) where that diploma certifies completion of the same training course as that laid down for the State diploma of doctor of medicine.

Germany

- 1 “Zeugnis über die ärztliche Staatsprüfung” (the State examination certificate in medicine) awarded by the competent authorities and the “Zeugnis über die Vorbereitungszeit als Medizinalassistent” (certificate stating that the preparatory period as medical assistant has been completed) in so far as German law still requires such a period to complete medical training.
- [^{F442} Zeugnis über die ärztliche Staatsprüfung’ (the State examination certificate in medicine) awarded by the competent authorities after 30th June 1988 and the certificate attesting to the practice of medicine during a period of practical training (“Arzt im Praktikum”).]

Textual Amendments

- F44** Sch. 2 para. 2 of the entry relating to Germany substituted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 4

Greece

- [^{F45} “Πτυχίο Ιατρικής”(degree in medicine) awarded by—
- (a) the faculty of medicine of a university; or
 - (b) the faculty of health sciences, department of medicine, of a university.]

Textual Amendments

- F45** Entry in Sch. 2 substituted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 5

Textual Amendments

- F45** Entry in Sch. 2 substituted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 5

[^{F46}*Iceland*

Textual Amendments

- F46** Entry in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 2

Status: Point in time view as at 17/12/2002.

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“Próf í læknisfræði fra læknadeild Háskóla Íslands”(diploma from the medical faculty of the University of Iceland) and a certificate of practical training in a hospital of at least 12 months issued by the chief medical doctor.]

Republic of Ireland

A primary qualification granted in the Republic of Ireland after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner.

Italy

[^{F47} “Diploma di laurea in medicina e chirurgia”(diploma of graduate in medicine and surgery) awarded by a university, accompanied by a “diploma di abilitazione all’ esercizio della medicina e chirurgia”(diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission.]

Textual Amendments

F47 Entry in Sch. 2 substituted (10.7.1996) by S.I. 1996/1591, reg. 4(2), **Sch. 1 para. 7**

Textual Amendments

F47 Entry in Sch. 2 substituted (10.7.1996) by S.I. 1996/1591, reg. 4(2), **Sch. 1 para. 7**

^{F48}*Liechtenstein*

Textual Amendments

F48 Entry in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), **Sch. 1 para. 2**

The diplomas, certificates and other titles awarded in another State to which Directive [93/16/EEC](#) applies and listed in article 3 of that directive, accompanied by a certificate on the completed practical training issued by the competent authorities.]

Luxembourg

1 “Diplôme d’Etat de docteur en médecine, chirurgie et accouchements” (State diploma of doctor of medicine, surgery and obstetrics) awarded by the State Examining Board, and endorsed by the Minister of Education, and “certificat de stage” (certificate of practical training) endorsed by the Minister for Public Health.

^{F49}2

Textual Amendments

F49 **Sch. 2 para. 2** in the entry relating to Luxembourg repealed (10.7.1996) by S.I. 1996/1591, reg. 4(2), **Sch. 1 para. 9**

Status: Point in time view as at 17/12/2002.

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F50₃

Textual Amendments

F50 Sch. 2 para. 3 in the entry relating to Luxembourg repealed (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 9

The Netherlands

“Universitair getuigschrift van arts”(university certificate of doctor).

[^{F51}Norway

Textual Amendments

F51 Entry in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 2

“Bevis for bestått medisinsk embetseksamen”(diploma of the degree cand. med.) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.]

[^{F52} Portugal]

Textual Amendments

F52 Paras. added at the end by S.I. 1986/23, art. 2(2)(b)

“Carta de curso de licenciatura em medicina” (diploma confirming the completion of medical studies) awarded by a University and the “Diploma comprovativo de conclusaãdo do internato geral” (diploma confirming the completion of general internship) awarded by the competent authorities of the Ministry of Health.

Spain

“Título de Licenciado en Medicina y Cirugía” (University degree in medicine and surgery) awarded by the Ministry of Education and Science [^{F53}or the rector of a university].

Textual Amendments

F53 Words in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 11

Textual Amendments

F53 Words in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 11

Status: Point in time view as at 17/12/2002.

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[^{F54}Sweden

Textual Amendments

F54 Entry in Sch. 2 inserted (10.7.1996) by S.I. 1996/1591, reg. 4(2), Sch. 1 para. 2

“Läkarexamen”(university diploma in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Health and Welfare.]

SCHEDULE 3

Section 33.

REGISTRATION: SUPPLEMENTARY PROVISIONS

Preliminary

- 1 (1) Subject to the following provisions of this Schedule, any right to registration of persons under [^{F55}section 3, 15 or 15A] of this Act or of qualifications under section 16 or 26 of this Act shall be conditional on the making of such an application, supported by such evidence, as is required by this Schedule.
- (2) Nothing in this Schedule applies to anything done in pursuance of a direction under section 41 of this Act for restoration to the register.

Textual Amendments

F55 Words in Sch. 3 para. 1(1) substituted (4.12.2000) by S.I. 2000/3041, reg. 4(7)(a)

To which registrar application to be made

- 2 (1) The following applications shall be made to the registrar of one of the branch councils, that is to say—
- (a) applications for registration of persons under [^{F56}section 3(1)(a)] [^{F57}, 15 or 15A] of this Act; and
 - (b) applications under section 16 of this Act (other than applications for registration of primary European qualifications where the applicant was registered under [^{F58}section 3(1)(b)] of this Act by virtue of those qualifications).
- (2) The following applications shall be made to the Registrar, that is to say—
- (a) applications for registration of persons under [^{F59}section 3(1)(b)] of this Act and for the registration of the qualifications of those persons by virtue of which they were entitled to be registered under that paragraph;
 - (b) applications relating to inclusion in the overseas list of the register of medical practitioners; and
 - (c) applications under section 26 of this Act.
- (3) In the following provisions of this Schedule “the appropriate registrar”, in relation to an application for registration, means the registrar to whom, in accordance with this paragraph, the application is made.

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Textual Amendments

- F56** Words in Sch. 3 para. 2(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f)(h), [9\(4\)\(a\)](#), [15\(1\)](#) (with transitional provisions in Sch. 2)
- F57** Words in Sch. 3 para. 2(1)(a) substituted (4.12.2000) by [S.I. 2000/3041](#), [reg. 4\(7\)\(b\)](#)
- F58** Words in Sch. 3 para. 2(1)(b) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), [9\(4\)\(b\)](#) (with transitional provisions in Sch. 2)
- F59** Words in Sch. 3 para. 2(2)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), [9\(4\)\(c\)](#) (with transitional provisions in Sch. 2)

Proof of qualifications

- 3 (1) Subject to sub-paragraph (2) below, a person making an application for registration under [^{F60}section 3, 15 or 15A] of this Act or an application under section 16 of this Act for the registration of the primary United Kingdom or primary European qualifications he holds when he is registered under those sections shall produce or send to the appropriate registrar the document conferring or evidencing the qualification by virtue of which the application is made together with a statement of his name and address and such other particulars (if any) as may be required for registration.
- (2) Any university in the United Kingdom or any other body specified in section 4(3) of this Act may from time to time send to the Registrar or the registrar of a branch council lists certified under that body's seal of the persons who have been granted qualifications by the body stating the qualifications and addresses of the persons included in the list, and a registrar—
- (a) may for the purposes of this Act treat any such list sent to that registrar as sufficient evidence of the entitlement of any person mentioned in it to the qualification or qualifications which he is stated in it to have been granted; and
- (b) on an application for registration under [^{F60}section 3, 15 or 15A] of this Act or an application under section 16 of this Act for the registration of primary United Kingdom qualifications held on registration under those sections may issue a certificate of registration under paragraph 5 below to a person mentioned in any such list sent to that registrar as having been granted a primary United Kingdom qualification without the document mentioned in sub-paragraph (1) above being produced or sent to him.
- [^{F61}(3) Where an application is made for registration under section 3(1)(b) of this Act (whether by a national of an EEA State or a person treated as such a national), the appropriate registrar shall take no account of any document issued in accordance with article 11 or 12 of Directive [93/16/EEC](#) which is received by him more than three months after the date of its issue.]

Textual Amendments

- F60** Words in Sch. 3 para. 3(1)(2)(b) substituted (4.12.2000) by [S.I. 2000/3041](#), [reg. 4\(7\)\(c\)](#)
- F61** Sch. 3 para. 3(3) inserted (10.7.1996) by [S.I. 1996/1591](#), [reg. 7](#), [Sch. 2 para. 14\(1\)](#)

- 4 A registrar shall not register any qualification, whether on first registration of a person or by way of addition, unless he is satisfied that the person claiming the

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qualification is entitled to it; but if a registrar to whom an application for registration of a qualification is made determines that he is not so satisfied, the applicant may appeal to the General Council.

Issue of certificates of registration

- 5 ^{F62}(1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under ^{F63}section 3, 15 or 15A] of this Act the appropriate registrar, if satisfied that the applicant is entitled to be registered in accordance with the application—
- (a) shall issue to the applicant the certificate of registration required by this paragraph; and
 - (b) in the case of an application under section 3 made by virtue of subsection (1) (b) of that section (whether by a national of an EEA State or a person treated as such a national), shall do so before the end of the requisite period.
- (1A) In sub-paragraph (1) above “the requisite period” means—
- (a) the period of three months beginning with the date on which the appropriate registrar received all the documents enabling him to be satisfied of the applicant’s entitlement to be registered in accordance with the application, or
 - (b) such longer period as is permitted by article 15 of Directive [93/16/EEC](#).]
- (2) On registering a person under section 19, 21, ^{F64}21A, 22 and 25] or 27 of this Act the Registrar shall issue to the applicant the certificate of registration required by this paragraph.
- (3) Subject as aforesaid, on an application for the registration of a qualification under section 16 or 26 of this Act, the appropriate registrar if satisfied that the applicant is entitled to have the qualification registered in accordance with the application shall issue to the applicant the certificate of registration required by this paragraph.
- (4) A certificate of registration under this paragraph must be in the form prescribed by regulations under section 31 of this Act for entries in the register in question and shall state the name of the applicant and such other particulars as may be prescribed by the regulations.

Textual Amendments

- F62** Sch. 3 para. 5(1) replaced by paras. 5(1)(1A) (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 14(2)**
- F63** Words in Sch. 3 para. 5(1) substituted (4.12.2000) by [S.I. 2000/3041](#), reg. 4(7)(c)
- F64** Words in [Sch. 3 para. 5\(2\)](#) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(5)(e)** (with transitional provisions in [Sch. 2](#))

Entry in or alteration of a register

- 6 (1) Without prejudice to sub-paragraph (2) below, the particulars stated in any certificate of registration issued under paragraph 5(1) or (3) above shall be deemed for all purposes to have been duly registered on the date of issue of the certificate except in so far as they were actually registered before that date, and references in this Act to registration shall be construed accordingly.
- (2) On issuing a certificate of registration under paragraph 5(1) or (3) above the appropriate registrar shall—

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- (a) if he is the registrar of a branch council (but is not also the Registrar), with all convenient speed send a copy of the certificate certified under his hand to the Registrar, who shall forthwith cause an appropriate entry or alteration to be made in the register in question; or
 - (b) if he is the Registrar, forthwith cause an appropriate entry or alteration to be made in the register in question.
- (3) An entry or alteration made in a register in pursuance of this paragraph shall bear the same date as the certificate of registration by virtue of which it is made.

Visiting [^{F65}EEA practitioners]

Textual Amendments

F65 Words in the heading to Sch. 3 para. 7 substituted (10.7.1996) by [S.I. 1996/1591, reg. 7, Sch. 2 para. 14\(3\)](#)

- 7 (1) No application shall be required for registration under section 18 of this Act.
- (2) The Registrar may issue certificates of registration to visiting [^{F66}EEA practitioners].

Textual Amendments

F66 Words in Sch. 3 para. 7(2) substituted (10.7.1996) by [S.I. 1996/1591, reg. 7, Sch. 2 para. 14\(3\)](#)

^{X1}SCHEDULE 4

Section 43.

PROCEEDINGS BEFORE PROFESSIONAL CONDUCT,
HEALTH AND PRELIMINARY PROCEEDINGS COMMITTEES

Editorial Information

X1 Sch. 4 substituted (coming into force in accordance with art. 1(2)(3)) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(3\), 14](#), (with transitional provisions in Sch. 2)

*Procedure of and evidence before the Professional
Conduct Committee and the Health Committee*

- 1 (1) Subject to the provisions of this paragraph, the General Council shall make rules for [^{F67}the Interim Orders Committee,] the Professional Conduct Committee [^{F68}, for the Assessment Referral Committee, for the Committee on Professional Performance] and for the Health Committee with respect to the times and places of the meetings of the Committee and the mode of summoning the members, the reference of cases to the Committee (whether by the Preliminary Proceedings Committee or otherwise) and the procedure to be followed and rules of evidence to be observed in proceedings before the Committee.

Status: Point in time view as at 17/12/2002.

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- [^{F69}(1A) Rules made under this paragraph for the Interim Orders Committee shall include provision—
- (a) securing that notice that the proceedings are to be brought or that a review is to take place shall be given, at such time and in such manner as may be specified in the rules, to the person to whom the proceedings relate;
 - (b) securing that a person in relation to whom an interim order has been made (“the person concerned”) shall, if he so requires, be entitled to be heard by the Committee on each occasion on which they review the order; and enabling him to be represented before the Committee by counsel or a solicitor, or (if the rules so provide and he so elects) by a person of such other description as may be specified in the rules;
 - (c) for service on the person concerned of notice of any decision taken in relation to him by the Committee;
 - (d) determining when proceedings before the Committee are to be held in public and when in private (including provision securing that they are to be held in public if the person concerned so requests).]

(2) Rules made under this paragraph for the Professional Conduct Committee shall include provision—

 - (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (b) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
 - (c) enabling any party to the proceedings to be represented by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (d) requiring proceedings before the Committee to be held in public except in so far as may be provided by the rules;
 - (e) requiring that where, in a case in which it is alleged that a person has been guilty of serious professional misconduct, the Committee judge that the allegation has not been proved they shall record a finding that the person is not guilty of such misconduct in respect of the matters to which the allegation relates.

[^{F70}(2A) Rules made under this paragraph for the Assessment Referral Committee shall include provision—

 - (a) conferring on the Committee such functions as may be specified in the rules in relation to the handling of complaints about standards of professional performance;
 - (b) securing that before any case is considered by the Committee it shall have been considered by a member of the General Council appointed for the purpose by the Council and referred by that person to the Committee;
 - (c) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (d) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;

Status: Point in time view as at 17/12/2002.

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- (e) enabling any party to the proceedings to be represented by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (f) requiring proceedings before the Committee to be held in private;
 - (g) for service on the person concerned of notice of any decision taken in relation to him by the Committee.
- (2B) Rules made under this paragraph for the Committee on Professional Performance shall include provision—
- (a) securing that where—
 - (i) proceedings relating to a person’s registration have been held before the Assessment Referral Committee, and
 - (ii) an assessment has been carried out in accordance with a direction of that Committee,the standard of that person’s professional performance shall, if he so requests, be considered by the Committee on Professional Performance;
 - (b) securing that notice that [F71proceedings] are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (c) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
 - (d) enabling any party to the proceedings to be represented by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
 - (e) determining when proceedings before the Committee are to be held in public and when in private (including provision securing that proceedings are held in public if the person to whose registration they relate so requests).]
- (3) Rules made under this paragraph for the Health Committee shall include provision—
- (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
 - (b) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
 - (c) enabling any party to the proceedings to be represented by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules.
- (4) Before making rules under this paragraph the General Council shall consult with such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.
- (5) Rules under this paragraph shall not come into force until approved by order of the Privy Council, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them to be requisite; but where the Privy Council propose to approve any rules subject to modifications they shall notify to the General Council the modifications they propose to make and consider any observations of the General Council on them.

Status: Point in time view as at 17/12/2002.

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Textual Amendments

- F67** Words in Sch. 4 para. 1(1) inserted (3.8.2000) by S.I. 2000/1803, **art. 16(a)**
F68 Words in Sch. 4 para 1(1) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 15**; S.I. 1997/1315, **art. 2**
F69 Sch. 4 para. 1(1A) inserted (3.8.2000) by S.I. 2000/1803, **art. 16(b)**
F70 Sch. 4 para. 1(2A)(2B) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 16**; S.I. 1997/1315, **art. 2**
F71 Words in Sch. 4 para. 1(2B)(b) substituted (3.8.2000) by S.I. 2000/1803, **art. 16(c)**

- 2 (1) For the purpose of proceedings before [^{F72}the Interim Orders Committee,] the Professional Conduct Committee [^{F73}, the Assessment Referral Committee, the Committee on Professional Performance] or the Health Committee in England or Wales or in Northern Ireland the Committee may administer oaths, and any party to the proceedings may issue a writ of sub poena ad testificandum or duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- (2) Section 36 of the ^{M1}Supreme Court Act 1981 or section 67 of the ^{M2}Judicature (Northern Ireland) Act 1978 (which provide a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to proceedings before [^{F72}the Interim Orders Committee,] the Professional Conduct Committee [^{F73}, the Assessment Referral Committee, the Committee on Professional Performance] or the Health Committee in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.
- (3) For the purpose of proceedings before [^{F72}the Interim Orders Committee,] the Professional Conduct Committee [^{F73}, the Assessment Referral Committee, the Committee on Professional Performance] or the Health Committee in Scotland, the Committee may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court—
- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
 - (b) to grant warrant for the recovery of documents; and
 - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

Textual Amendments

- F72** Words in Sch. 4 para. 2(1)-(3) inserted (3.8.2000) by S.I. 2000/1803, **art. 16(d)**
F73 Words in Sch. 4 para. 2 inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 17**; S.I. 1997/1315, **art. 2**

Marginal Citations

- M1** 1981 c. 53.
M2 1978 c. 23.

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- (a) several sittings of [^{F74}the Interim Orders Committee,] the Professional Conduct Committee [^{F75}of the Assessment Referral Committee, of the Committee on Professional Performance,], of the Health Committee or of the General Council are required to enable the Committee or the Council to dispose of a case; or
- (b) on an appeal to Her Majesty in Council under section 40 of this Act, the case is remitted to the Committee or to the General Council for the Committee or the Council to dispose of the case in accordance with directions given by the Judicial Committee;

the validity of the proceedings on the case before the Professional Conduct Committee, [^{F75}the Assessment Referral Committee, the Committee on Professional Performance,] the Health Committee or the General Council, as the case may be, shall not be called into question by reason only that members of the Committee or Council who were present at a former meeting were not present at a later meeting of the Committee or Council or that members present at a later meeting were not present at a former meeting of the Committee or Council, as the case may be.

Textual Amendments

F74 Words in Sch. 4 para. 3(a) inserted (3.8.2000) by S.I. 2000/1803, art. 16(e)

F75 Words in Sch. 4 para. 3 inserted (1.7.1997) by 1995 c. 51, s. 4, Sch. para. 18; S.I. 1997/1315, art. 2

Reference and transfer of cases to the Health Committee

- 4 (1) Where, in the course of inquiring into the case of a practitioner, it appears to the Professional Conduct Committee [^{F76}, the Assessment Referral Committee or the Committee on Professional Performance] that his fitness to practise may be seriously impaired by reason of his physical or mental condition, the Committee may refer that question to the Health Committee for determination.
- (2) If, on a reference under this paragraph, the Health Committee determine that the fitness of the practitioner to practise is not seriously impaired by reason of his condition the Health Committee shall certify their opinion to the Professional Conduct Committee [^{F77}, the Assessment Referral Committee or, as the case may be, the Committee on Professional Performance].
- (3) If, on a reference under this paragraph, the Health Committee determine that the fitness of the practitioner to practice is seriously impaired by reason of his condition the Health Committee shall certify their opinion to the Professional Conduct Committee [^{F77}, the Assessment Referral Committee or, as the case may be, the Committee on Professional Performance] and shall proceed to dispose of the case and the Professional Conduct Committee [^{F77}, the Assessment Referral Committee or, as the case may be, the Committee on Professional Performance] shall cease to exercise their functions in relation to the case.

Textual Amendments

F76 Words in Sch. 4 para. 4(1) inserted (1.7.1997) by 1995 c. 51, s. 4, Sch. para. 19(a); S.I. 1997/1315, art. 2

F77 Words in Sch. 4 para. 4(2)(3) inserted (1.7.1997) by 1995 c. 51, s. 4, Sch. para. 19(b); S.I. 1997/1315, art. 2

Status: Point in time view as at 17/12/2002.

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Preliminary proceedings

- 5 (1) The General Council shall make rules for the Preliminary Proceedings Committee with respect to the times and places of the meetings of the Committee and the mode of summoning the members, and the manner in which the Committee are to discharge their functions.
- (2) Rules made under this paragraph for the Preliminary Proceedings Committee shall include provision requiring that before any case is considered by the Committee it shall have been considered by a member of the General Council appointed for the purpose by the Council and referred by that person to the Committee.
- (3) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.

F78 Professional performance: assessments

Textual Amendments

F78 Sch. 4 paras. 5A, 5B inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 20**; S.I. 1997/1315, **art. 2**

- 5A (1) The General Council may make rules—
- (a) authorising the giving of directions by any of—
 - (i) the Assessment Referral Committee,
 - (ii) the Committee on Professional Performance,
 - (iii) such other persons as may be specified in the rules,
 requiring an assessment of the standard of a registered person's professional performance to be carried out;
 - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.
- (2) An assessment carried out by virtue of this paragraph shall be carried out by an Assessment Panel in accordance with rules under this paragraph; and the rules shall, in particular, provide—
- (a) for the constitution and proceedings of Assessment Panels;
 - (b) for the procedures to be followed by such panels in carrying out assessments;
 - (c) for the procedures to be followed following the making of a report by an Assessment Panel.
- (3) Rules under this paragraph may authorise the Committee on Professional Performance to make directions of a kind which may be made under section 36A of this Act, for the suspension of or the attachment of conditions to a person's registration, where the person fails to comply with reasonable requirements imposed by an Assessment Panel for the purposes of carrying out an assessment of the standard of his professional performance in accordance with a direction of the Committee.
- (4) An appeal shall lie to the court (within the meaning of section 38 of this Act) from any direction of the Committee on Professional Performance given by virtue of sub-paragraph (3) above, and on an appeal under this sub-paragraph the court may—
- (a) quash the direction,

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- (b) substitute for the direction any other direction which the Committee could have made, or
 - (c) remit a case to the Committee to be disposed of in accordance with the court's directions;
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (5) An Assessment Panel, for the purposes of carrying out an assessment of the standard of a person's professional performance—
 - (a) may require the production of, inspect and take copies of any records (in whatever form they are held) arising out of or relating to the person's professional practice;
 - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the panel in legible form.
- (6) A person who, without reasonable excuse, obstructs an Assessment Panel in the execution of their powers under sub-paragraph (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Nothing in this paragraph shall require or permit any disclosure of information which is prohibited by or under any other enactment; but where information is held in a form in which the prohibition operates by reason of the fact that the information is capable of identifying an individual, an Assessment Panel may, in exercising their powers under sub-paragraph (5) above, require that the information be put into a form in which it is not capable of identifying an individual.
- (8) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.
- 5B (1) A justice of the peace (including, in Scotland, a sheriff) may issue a warrant under this paragraph if satisfied by the evidence on oath of at least two members of an Assessment Panel that there are reasonable grounds for suspecting that the panel will require a warrant for the purposes of carrying out an assessment required by virtue of rules made under paragraph 5A above.
- (2) A warrant under this paragraph shall authorise one or more members of the Assessment Panel (who must, if so required, produce documents identifying themselves) together with any constables—
 - (a) to enter any building specified in the warrant, but not a dwelling-house, using such force as is reasonably necessary for the purpose, and
 - (b) to search the premises for the purposes of the exercise of the powers under paragraph 5A(5) above.
- (3) A warrant under this paragraph shall continue in force until the end of the period of 21 days beginning with the day on which it is issued.
- (4) A person who intentionally obstructs the exercise of any rights conferred by a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

Proceedings for erasure of entries fraudulently procured or incorrectly made

- 6 (1) The General Council shall make rules with respect to the discharge by the Council of their functions under section 39 of this Act and, if the Council delegate their functions

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under that section to a committee, with respect to the times and places of the meetings of the committee and the mode of summoning members and the discharge of those functions by the committee.

- (2) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.

Legal assessors

- 7 (1) For the purpose of advising [^{F79}the Interim Orders Committee,] the Professional Conduct Committee, [^{F80}the Assessment Referral Committee, the Committee on Professional Performance,]the Health Committee and the Preliminary Proceedings Committee on questions of law arising in proceedings before them there shall in all such proceedings be an assessor to the Committee who shall be appointed by the General Council and shall be
- [^{F81}(a) a person who has a 10 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 10 years' standing.]
- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.
- (3) The Lord Chancellor or, in relation to proceedings in Scotland, the Lord Advocate may make rules as to the functions of assessors appointed under this paragraph.
- (4) Rules made under this paragraph in relation to proceedings before [^{F82}the Interim Orders Committee,] the Professional Conduct Committee [^{F80}, the Assessment Referral Committee, the Committee on Professional Performance] and the Health Committee may in particular contain such provisions as appear to the Lord Chancellor or the Lord Advocate expedient for securing—
- (a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matter specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person shall be informed what advice the assessor has tendered,
- (b) that every such party or person shall be informed if in any case the Committee do not accept the advice of the assessor on any such question,
- and such incidental and supplementary provisions as appear to the Lord Chancellor or the Lord Advocate expedient.
- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- (6) The power to make rules under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F79 Words in Sch. 4 para. 7(1) inserted (3.8.2000) by [S.I. 2000/1803](#), [art. 16\(f\)](#)

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- F80** Words in Sch. 4 para. 7(1)(4) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 21(a)(b)**; S.I. 1997/1315, **art. 2**
- F81** Sch. 4 para. 7(1)(a)(b)(c) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 53**
- F82** Words in Sch. 4 para. 7(4) inserted (3.8.2000) by S.I. 2000/1803, **art. 16(g)**

Modifications etc. (not altering text)

- C1** Sch. 4 para. 7; functions of the Lord Advocate transferred to the Secretary of State (19.5.1999) and the property, rights and liabilities of the Lord Advocate in connection with the said functions transferred to the Secretary of State for Scotland by S.I. 1999/678, **arts. 2(1), 3, Sch.**
Sch. 4 para. 7; certain functions conferred on a Minister of the Crown will be exercisable (1.7.1999) by the Scottish Ministers instead of by the Minister of the Crown by S.I. 1999/1750, **arts. 1(1), 2, Sch. 1.**

Service of notifications of decisions

- 8 (1) Any notification required by section 36(6), [^{F83}36A(7),]37(6), 38(3), 39(2) [^{F84}, 41(7), 41A(5), 42(3) or 45(7) or by virtue of section 41B(5)] of this Act to be served on a person by the Registrar may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by registered post or by the recorded delivery service.
- (2) For the purposes of this paragraph and of section 7 of the ^{M3}Interpretation Act 1978 in its application to this paragraph, a person's proper address shall be his address in the register or, if his last known address differs from his address in the register and it appears to the Registrar that a letter sent to him there is more likely to reach him, his last known address.
- (3) For the purposes of this paragraph service of a notification 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 so much of the said section 7 as relates to the time when service is deemed to have been effected shall not apply to a notification sent by post.

Textual Amendments

- F83** Word in Sch. 4 para. 8(1) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 22(a)**; S.I. 1997/1315, **art. 2**
- F84** Words in Sch. 4 para. 8(1) substituted (3.8.2000) by S.I. 2000/1803, **art. 16(h)**

Marginal Citations

- M3** 1978 c. 30.

Extension of time for appealing

- 9 Where any notification required by section 36(6), [^{F85}36A(7),]37(6) or 39(2) of this Act to be served on a person by the Registrar is served on him by sending it by post then, on an application made at any time by that person, the member of the General Council appointed to act for the purposes of this paragraph, if satisfied that the notification was not received by that person within fourteen days of the giving of the decision to which the notification relates, may if he thinks fit by authorisation in writing extend the time within which an appeal under section 40 of this Act may be brought against the decision.

Status: Point in time view as at 17/12/2002.

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Textual Amendments

F85 Words in Sch. 4 para. 9 inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 23**; S.I. 1997/1315, **art. 2**

Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration

- 10 (1) A direction for erasure, for suspension or for conditional registration given by the Professional Conduct Committee under section 36 of this Act, [^{F86}a direction for suspension or for conditional registration given by the Committee on Professional Performance under section 36A of this Act,] a direction for suspension or for conditional registration given by the Health Committee under section 37 of this Act and a variation by [^{F87}any of those Committees] of the conditions imposed by a direction for conditional registration under section 36 [^{F87}, 36A or 37] of this Act shall take effect—
- (a) where no appeal under section 40 is brought against the direction or variation within the time mentioned in subsection (3) of that section, on the expiration of that time;
 - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
 - (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.
- (2) Sub-paragraph (1) above applies to a direction for erasure given by the General Council under section 39 of this Act as it applies to a direction for erasure given under section 36 of this Act.
- (3) Where the time for appealing against a direction or variation such as is mentioned in sub-paragraph (1) or (2) above is extended by an authorisation under paragraph 9 above, sub-paragraph (1) above or that sub-paragraph as applied by sub-paragraph (2) above shall apply to the direction or variation as if the reference in (a) to the time mentioned in section 40(3) of this Act were a reference to that time as so extended; and if the authorisation is given after the expiration of the time mentioned in the said section 40(3), the direction or variation shall be deemed not to have taken effect on the expiration of that time, and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.
- (4) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

Textual Amendments

F86 Words in Sch. 4 para. 10(1) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 24(a)**; S.I. 1997/1315, **art. 2**

F87 Words in Sch. 4 para. 10(1) substituted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 24(b)(c)**; S.I. 1997/1315, **art. 2**

- 11 (1) If, while a person's registration is suspended under section 36 [^{F88}, 36A] or 37 of this Act, a direction is given under subsection (3) of that section, the suspension of his registration shall continue to have effect throughout any period which may intervene

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between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.

- (2) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of suspension for a further period takes effect after the time when, but for sub-paragraph (1) above, the current period of suspension would have ended, that further period shall be treated as having started to run from that time.
- (3) If, while a person's registration is subject to conditions imposed under section 36 [F88, 36A] or 37 of this Act, a direction is given under subsection (2) or (4) of [F89 section 36 or 37 or subsection (2) or (6) of section 36A,] the conditions attached to his registration shall continue to attach to it throughout any period which may intervene between the time when, but for this sub-paragraph, his registration would cease to be conditional and the time when the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act (otherwise than by the dismissal of the appeal) determined.
- (4) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of conditional registration for a further period takes effect after the time when, but for sub-paragraph (3) above, the current period of conditional registration would have ended, that further period shall be treated as having started to run from that time.

Textual Amendments

- F88** Word in Sch. 4 para. 11(1)(3) inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 25(a)(b)(i)**; S.I. 1997/1315, **art. 2**
- F89** Words in Sch. 4 para. 11(3) substituted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 25(b)(ii)**; S.I. 1997/1315, **art. 2**

Recording of directions for suspension or conditional registration

- 12 Where a direction under section 36 [F90, 36A] or 37 of this Act for suspension or for conditional registration takes effect in relation to any person the Registrar shall make a note in the register of the fact that that person's registration is suspended or subject to conditions.

Textual Amendments

- F90** Word in Sch. 4 para. 12 inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 26**; S.I. 1997/1315, **art. 2**

Meaning of "party"

- 13 In this Schedule "party", in relation to proceedings before the Professional Conduct Committee [F91, the Assessment Referral Committee, the Committee on Professional Performance] or the Health Committee, means any person to whose registration the proceedings relate, or any person on whose complaint the proceedings are brought, or the Solicitor to the General Council.

Status: Point in time view as at 17/12/2002.

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Textual Amendments

F91 Words in Sch. 4 para. 13 inserted (1.7.1997) by 1995 c. 51, s. 4, **Sch. para. 27**; S.I. 1997/1315, **art. 2**

[^{F92}14 In this Schedule “party”, in relation to proceedings before the Interim Orders Committee, means any person to whose registration the proceedings relate, or the Solicitor to the General Council.]

Textual Amendments

F92 Sch. 4 para. 14 inserted (3.8.2000) by S.I. 2000/1803, **art. 16(i)**

SCHEDULE 5

Section 56(1).

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1 **F93**

Textual Amendments

F93 Sch. 5 paras.1, 19 repealed by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(2)(3), **Sch. 6 Pt. I**

Mental Health Act^{M4} 1959

Marginal Citations

M4 1959 c. 72.

2 In the definition of “medical practitioner” in section 147(1) of the Mental Health Act 1959 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

Mental Health (Scotland) Act^{M5} 1960

Marginal Citations

M5 1960 c. 61.

3 In the definition of “medical practitioner” in section 111(1) of the Mental Health (Scotland) Act 1960 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

4 **F94**

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Textual Amendments

F94 Sch. 5 para. 4 repealed by S.I. 1986/595 (N.I. 4), art. 138, Sch. 7

Medicines Act^{M6} 1968

Marginal Citations

M6 1968 c. 67.

5 In section 132(1) of the Medicines Act 1968 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Mines Act (Northern Ireland) 1969

6 In section 158(1) of the^{M7}Mines Act (Northern Ireland) 1969, in the definition of “doctor” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Marginal Citations

M7 1969 c. 6 (N.I.).

Nurses and Midwives Act (Northern Ireland)^{M8} 1970

Marginal Citations

M8 1970 c. 11 (N.I.).

7 In section 54(1) of the Nurses and Midwives Act (Northern Ireland) 1970, in the definition of “doctor” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Nursing Homes and Nursing Agencies Act (Northern Ireland)^{M9} 1971

Marginal Citations

M9 1971 c. 32 (N.I.).

8 In section 20 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

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Misuse of Drugs Act^{M10} 1971

Marginal Citations

M10 1971 c. 38.

- 9 In section 37(1) of the Misuse of Drugs Act 1971 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Health and Personal Social Services (Northern Ireland) Order^{M11} 1972

Marginal Citations

M11 S.I. 1972/1265 (N.I. 14).

- 10 In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972, in the definition of “medical practitioner” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ the Medical Act 1983 ”.

Finance Act^{M12} 1972

Marginal Citations

M12 1972 c. 41.

- 11 In the Finance Act 1972—
- (a) in Schedule 4 in Note (2)(a) to Group 14 and in Schedule 5 in Note (2) to Group 7 for the words “paragraph (3) of Article 7 of the Medical Qualifications (EEC Recognition) Order 1977” and “that Article” there shall be substituted respectively the words “ subsection (3) of section 18 of the Medical Act 1983 ” and “ that section ”; and
 - (b) Note (2)(b) to the said Group 14 and Note (4) to the said Group 7 shall cease to have effect.

Poisons Act^{M13} 1972

Marginal Citations

M13 1972 c. 66.

- 12 In section 11(2) of the Poisons Act 1972 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

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Births and Deaths Registration (Northern Ireland) Order^{M14} 1976

Marginal Citations

M14 [S.I. 1976/1041 \(N.I. 14\)](#).

- 13 In Article 2(2) of the Births and Deaths Registration (Northern Ireland) Order 1976, in the definition of “registered medical practitioner” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Pharmacy (Northern Ireland) Order 1976

- 14 In Article 23 of the^{M15} Pharmacy (Northern Ireland) Order 1976 for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

Marginal Citations

M15 [S.I. 1976/1213 \(N.I. 22\)](#).

Poisons (Northern Ireland) Order^{M16} 1976

Marginal Citations

M16 [S.I. 1976/1214 \(N.I. 23\)](#).

- 15 In Article 2(2) of the Poisons (Northern Ireland) Order 1976, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

National Health Service Act^{M17} 1977

Marginal Citations

M17 [1977 c. 49](#).

- 16 In the National Health Service Act 1977—
- (a) in section 29(8) for the words “section 8(1) or (2) of the Medical Act 1978”, “section 9(1)” and “section 13(3)(b)” there shall be substituted respectively the words “ section 37(1) or (2) of the Medical Act 1983 ”, “ section 38(1) ” and “ section 42(3)(b) ”; and
 - (b) in section 128(1) for the definition of “medical practitioner” there shall be substituted—

““medical practitioner” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Status: Point in time view as at 17/12/2002.

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National Health Service (Scotland) Act ^{M18} 1978

Marginal Citations

M18 1978 c. 29.

- 17 In the National Health Service (Scotland) Act 1978—
- (a) in section 19(7) for the words “section 8(1) or (2) of the Medical Act 1978”, “section 9(1)” and “section 13(3)(b)” there shall be substituted respectively the words “ section 37(1) or (2) of the Medical Act 1983 ”, “ section 38(1) ” and “ section 42(3)(b) ”; and
 - (b) in section 108(1) for the definition of “medical practitioner” there shall be substituted—

““medical practitioner” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

Interpretation Act ^{M19} 1978

Marginal Citations

M19 1978 c. 30.

- 18 In Schedule 1 to the Interpretation Act 1978, in the definition of “registered medical practitioner”, for the words “the Medical Act 1956” there shall be substituted the words “ the Medical Act 1983 ”.

19 **F95**

Textual Amendments

F95 Sch. 5 paras.1, 19 repealed by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(2)(3), Sch. 6 Pt. I

SCHEDULE 6

Section 56.

TRANSITIONAL AND SAVING PROVISIONS

- 1 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 2 Where, apart from this paragraph, anything done under or for the purposes of any enactment which is repealed by this Act would cease to have effect by virtue of that repeal it shall have effect as if it had been done under or for the purposes of the corresponding provision of this Act.
- 3 Notwithstanding the repeal by this Act of section 57(3) of the 1956 Act, anything continued in force by that section shall continue in force following that repeal and so far as it could have been made, given or done under this Act shall have effect as if it had been so made, given or done.

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- 4 The repeal of section 4 of the 1978 Act by this Act shall not affect the operation of [F96 Article] 3 of the M20 Irish Republic (Termination of 1927 Agreement) Order 1979 but after the commencement of this Act, except where the context otherwise requires, the references in [F96 that Article] to provisions of the 1956 Act shall have effect as references to the corresponding provisions of this Act.

Textual Amendments

F96 Words substituted by Dentists Act 1984 (c. 24, SIF 83:1), s. 54(1), Sch. 5 para. 15

Marginal Citations

M20 S.I. 1979/289.

- 5 Nothing in the repeals made by this Act shall affect any registration or entry or note in a register which has effect by virtue of any enactment repealed by this Act.
- 6 References in any enactment, instrument or other document passed or made before 23rd February 1951 to the General Council of Medical Education and Registration of the United Kingdom shall be construed as references to the General Council.
- 7 References (however worded) to the general register kept for the purposes of the 1956 Act in any Act or instrument passed or made before 26th January 1979 shall be construed as references to the register of medical practitioners.
- 8 The reference in section 31(8) of this Act to a person whose name has been erased from the register by virtue of section 30(5) of this Act shall include references to a person whose name has been erased from the register by virtue of section 3(5) of the M21 Medical Act 1969, or section 41(7) of the 1956 Act or the corresponding enactment repealed by that Act.

Marginal Citations

M21 1969 c. 40.

- 9 A person who immediately before the commencement of section 11 of the Medical Act 1969 held an additional qualification within the meaning of section 8 of the 1956 Act as originally enacted shall, if registered under section 3 of this Act or on becoming so registered, be entitled to have the qualification registered; and if he is not registered under section 3 of this Act that qualification shall confer on him the same right to registration under that section as a primary United Kingdom qualification.
- 10 Any reference to infamous conduct in any professional respect in any enactment passed, or in any instrument made, before 1st April 1970 shall, in so far as it relates to the conduct of medical practitioners, be construed as, or as including, a reference to serious professional misconduct.
- 11 (1) In any enactment passed before 1st January 1979 the expression “legally qualified medical practitioner”, or “duly qualified medical practitioner”, or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall, unless the contrary intention appears, be construed to mean a fully registered person.

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- (2) In any enactment passed before 1st January 1979 references (however expressed) to a person registered under the Medical Acts or as a medical practitioner shall, unless the contrary intention appears, be construed as references to a fully registered person.
- 12 Any direction given or order made under sections 32 to 38 of or Schedule 4 to the 1956 Act or section 15 or 16 of the ^{M22}Medical Act 1969 which had taken effect before 1st August 1980 and was in force immediately before that day shall, if it could be given or made under a provision of this Act have effect on and after that day as if given or made under that provision of this Act and sections 36, 38, 40 and 41 of this Act shall apply accordingly.

Marginal Citations

M22 1969 c. 40.

- 13 Any reference in any instrument to the Disciplinary Committee or to any provision repealed by section 6(4)(a) of the 1978 Act shall be construed as a reference to the Professional Conduct Committee or to the provision of this Act which corresponds to that repealed provision.
- 14 ^{M23}Nothing in the transfer of functions which was effected by section 15(7) of the 1978 Act shall be taken to affect the validity of the Period of Employment as House Officers Regulations 1951 and any order approving those regulations may be varied or revoked as if the regulations had been made by the Education Committee.

Marginal Citations

M23 S.I. 1952/2050.

- 15 In relation to any person who was provisionally registered under section 17 of the 1956 Act immediately before section 16 of the 1978 Act came into operation—
- (a) section 15 of the 1956 Act shall continue to have effect as it had immediately before that date;
 - (b) section 10 of this Act shall not have effect; and
 - (c) the remaining provisions of this Act shall have effect as if references to or to the provisions of section 10 of this Act were references to or to the provisions of section 15 of the 1956 Act.
- 16 The decisions within section 29(2) of this Act shall include those which were within subsection (2) of section 28 of the 1978 Act immediately before the commencement of this Act other than those to which subsection (3) of that section applied.
- 17 Section 41 of this Act applies to a person whose name has been erased from the register under section 33 of the 1956 Act or any corresponding enactment repealed by that Act as it applies to a person whose name is erased under section 36 of this Act.
- 18 Until provision is made with respect to proceedings before the Professional Conduct Committee under section 44 of this Act, rules made or having effect as if made under section 40(4) of this Act or paragraph 1 of Schedule 4 to this Act, so far as relating to proof of criminal convictions, shall be applied with any necessary modifications to proof of a disqualifying decision.

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- 19 Section 53 of this Act shall apply to a copy of any document to which section 51 of the 1956 Act applied immediately before the commencement of this Act as if such documents were mentioned in subsection (2) of that section.
- 20 (1) A person registered under section 23 of the 1956 Act shall be deemed to be provisionally registered within the meaning of this Act and the definitions in section 55 of this Act of “provisionally registered” and “a fully registered person” shall have effect accordingly.
- (2) Without prejudice to sub-paragraph (1) above—
- (a) sections 30(1)(a) and (b) and 31(4) of this Act shall have effect as if after the words “section 15 above” there were inserted the words “or section 23 of the Medical Act 1956”;
- (b) section 34(4) of this Act shall have effect as if there were inserted at the end the words “or section 23 of the Medical Act 1956”; and
- (c) section 41(3) of this Act shall apply to a person who was provisionally registered under section 23 of the 1956 Act as it applies to a person provisionally registered under section 21 of this Act.
- 21 The re-enactment in paragraph 2(2) of Schedule 1 to this Act of section 1(5) of the 1978 Act shall not oblige the General Council to make a new electoral scheme any earlier than they would otherwise have done so.
- 22 Nothing in this Act shall affect the validity of the standing orders of the General Council in force immediately before 27th September 1979 and those orders shall have effect as if made under paragraph 15 of Schedule 1 to this Act.
- 23 (1) Nothing in this Act shall affect the registration of any person under section 22 of the 1978 Act by virtue of paragraph 4 of Schedule 5 to that Act and any such registration shall have effect as if made under section 22 of this Act, but in the case of a person so registered—
- (a) subsection (3) of section 22 shall not apply, and
- (b) subsections (5) to (8) of that section shall apply with the omission in subsection (5) of the reference to the permitted period and of the reference to section 24(1) of this Act.
- (2) Where a person who is or has been registered with limited registration for a period by virtue of paragraph 4 of Schedule 5 to the 1978 Act applies under section 22 of this Act to be so registered for a further period, the following provisions of that section shall not apply, namely, subsection (3) and, in subsection (5), the reference to the permitted period and to section 24(1) of this Act.
- (3) In relation to persons to whom Part I of Schedule 5 to the 1978 Act applied who are registered with limited registration, this Act shall have effect as if in paragraphs 2(4) and (5) and 3(2) of Schedule 1 for the words “so registered” there were substituted the words “temporarily registered or registered with limited registration”.
- (4) Where immediately before the commencement of this Act any person was treated by virtue of paragraph 7 of Schedule 5 to the 1978 Act (pending applications under section 26 of the 1956 Act) as having applied to be registered under section 22 of the 1978 Act he shall after the commencement of this Act be treated as having applied to be registered under section 22 of this Act and as having satisfied the Registrar of the matters specified in paragraphs (a) and (b) of subsection (1) of that section.
- (5) Section 29 of this Act shall have effect as if a refusal to direct that a person be registered with limited registration under section 22 of the 1978 Act or section 22

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of this Act by virtue of paragraph 4 of Schedule 5 to the 1978 Act were a decision falling within subsection (2) of that section.

- 24 (1) Where immediately before the commencement of this Act paragraph 9 of Schedule 5 to the 1978 Act applied to a person, after the commencement of this Act—
- (a) he shall be treated as having been registered under section 19 of this Act as a fully registered medical practitioner; and
 - (b) any qualifications of his registered under section 18 of the 1956 Act shall be treated as having been registered under section 26 of this Act as if they were recognised overseas qualifications.
- (2) Sections 22 and 23 of the 1956 Act shall, notwithstanding their repeal by the 1978 Act, continue to have effect in relation to persons who were registered under section 23 immediately before the repeal; and a person who was so registered shall, on satisfying the General Council of the matters specified in paragraph (a), (b) or (c) of section 22(2) of the 1956 Act, be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have had registered under section 18 of the 1956 Act.
- (3) Where immediately before the commencement of this Act paragraph 11(b) of Schedule 5 to the 1978 Act applied to any person he shall be treated for the purposes of sub-paragraph (2) above as having been registered under section 23 of the 1956 Act immediately before its repeal.
- (4) Where immediately before the commencement of this Act paragraph 12 of Schedule 5 to the 1978 Act applied to any person, he shall be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have registered by virtue of that paragraph.
- (5) Any person who immediately before the commencement of this Act was treated by virtue of paragraph 13 of Schedule 5 to the 1978 Act as registered under section 18 of that Act shall after the commencement of this Act be treated as registered under section 19 of this Act as a fully registered medical practitioner.

SCHEDULE 7

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 76.	The Medical Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 28.	The Dentists Act 1957.	In section 2(4) the words “subject to the next following subsection”. Section 2(5).

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6 & 7 Eliz. 2. c. 58.	The Medical Act 1956 (Amendment) Act 1958.	The whole Act.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 3.
1966 c. 13.	The Universities (Scotland) Act 1966.	In Schedule 6, paragraph 20.
1969 c. 40.	The Medical Act 1969.	The whole Act.
1972 c. 41.	The Finance Act 1972.	In Schedule 4, Note (2)(b) to Group 14. In Schedule 5, Note (4) to Group 7.
1973 c. 48.	The Pakistan Act 1973.	In Schedule 3, paragraph 4(a).
1973 c. 49.	The Bangladesh Act 1973.	In the Schedule, paragraph 12.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b), the reference to paragraph 69 of the National Health Service Reorganisation Act 1973. In Schedule 15, paragraph 14.
1978 c. 12.	The Medical Act 1978.	The whole Act.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 9.
1981 c. 54.	The Supreme Court Act 1981.	In Schedule 5, the entries relating to the Medical Act 1956 and the Medical Act 1978.
1983 c. 41.	The Health and Social Services and Social Security Adjudications Act 1983.	In Schedule 6, paragraph 1.

PART II

REVOCATION

Reference	Title	Extent of Revocation
S.I. 1977 No. 827.	Medical Qualifications (EEC Recognition) Order 1977.	Articles 3, 4, 7 and 8.
S.I. 1980 No. 872.	General Medical Council (Qualifying Examinations) (University of Leicester) Order 1980.	The whole order.

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S.I. 1980 No. 1721.	Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 2.
S.I. 1982 No. 1076.	Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982.	Article 2(1).

Status:

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Changes to legislation:

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