

Status: Point in time view as at 25/05/2018.

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

[^{F1}PART 1

CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

Textual Amendments

- F1** Sch. 1 Pt. 1 substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(2)**; S.I. 2008/2556, art. 2(2)(a) (i) (with art. 3)

Membership: general

- 1A. (1) The General Council shall consist of—
- (a) registrant members, that is members who—
 - (i) are fully registered or provisionally registered, and
 - (ii) hold licences to practise; and
 - (b) lay members, that is members who—
 - (i) are not and never have been provisionally registered or fully registered,
 - (ii) were at no time registered with limited registration under section 22 prior to its repeal, and
 - (iii) do not hold qualifications which would entitle them to apply for provisional or full registration under this Act.
- (2) The members of the General Council shall be appointed by the Privy Council.
- (3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

^{F2}(4)

Textual Amendments

- F2** Sch. 1 para. 1A(4) omitted (31.10.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 20 para. 6(a)**; S.I. 2012/1831, art. 2(3)

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Modifications etc. (not altering text)

- C1** Sch. 1 para. 1A modified (temp.) (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(Commencement No. 1\) Order of Council 2008 \(S.I. 2008/2556\)](#), **art. 3**

Matters for the order of the Privy Council under section 1(2)

- 1B. (1) An order under section 1(2) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the General Council;
 - (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
 - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;
 - (d) the appointment of a chair of the General Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum of the General Council; and
 - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.
- (3) An order under section 1(2) may include provision with regard to—
- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
 - (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
 - (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of their members in standing orders, and for those standing orders to provide for—
 - (i) that education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the General Council at meetings of the General Council;
 - (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
 - (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as president of the General Council on the day before the first order of the Privy Council under section 1(2) comes into force.
- (4) An order under section 1(2) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional,

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transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

Registration of members' private interests

- 1C. (1) The General Council must maintain a system for the declaration and registration of private interests of their members.
- (2) The General Council must publish in such manner as they see fit entries recorded in the register of members' private interests.]

PART II

INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

[^{F3}Incidental powers and duties]

Textual Amendments

- F3** 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.

- [^{F4}9A (1) In exercising their functions, the General Council shall—
- (a) have proper regard for—
 - (i) the interests of persons using or needing the services of provisionally or fully registered medical practitioners in the United Kingdom, and
 - (ii) any differing interests of different categories of provisionally or fully registered medical practitioners;
 - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
 - (i) the employment (whether or not under a contract of service) of provisionally or fully registered medical practitioners,
 - (ii) the education or training of medical practitioners or other health care professionals,
 - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
 - (iv) the regulation of health services, and
 - (v) the provision, supervision or management of health services.
- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a medical practitioner which apply in England, Scotland, Wales or Northern Ireland.

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- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the General Council.]

Textual Amendments

F4 Sch. 1 para. 9A substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(3)**; S.I. 2008/2556, art. 2(2)(a)(i)

- 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 [^{F5}or the GDPR]; 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.
- [^{F6}(4) In this paragraph, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).]

Textual Amendments

F5 Words in [Sch. 1 para. 9B\(2\)\(a\)](#) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 24(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F6 [Sch. 1 para. 9B\(4\)](#) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 24(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

- 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 [^{F7}Schedule 2A]) requests for information on matters which in the opinion of the Council are relevant for that purpose.

Textual Amendments

F7 Words in [Sch. 1 para. 10](#) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **30**

- 11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under [^{F8}section [^{F9}21B or 21C]] of this Act.

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Textual Amendments

- F8** 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](#))
- F9** Words in Sch. 1 para. 11 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **42**

Proceedings of the General Council

^{F10}12

Textual Amendments

- F10** Sch. 1 para. 12 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

^{F11}13

Textual Amendments

- F11** Sch. 1 para. 13 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

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 [^{F12}chairs] the meeting shall, in addition to his vote as a member of the Council, have a casting vote.

Textual Amendments

- F12** Word in Sch. 1 para. 14 substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(5)**; S.I. 2008/2556, art. 2(2)(a)(i)

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.

[^{F13}(1A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2).]

(2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.

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- (3) [^{F14}Sub-paragraph (1)] does not apply in relation to the statutory committees^{F15} ...
^{F16}... [^{F17}, except in so far as is necessary for enabling standing orders to make provision with regard to the financial affairs of the MPTS or to make provision by virtue of paragraph 19F(9)(c).]

Textual Amendments

- F13** Sch. 1 para. 15(1A) inserted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(a)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F14** Words in Sch. 1 para. 15(3) substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(b)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F15** Words in Sch. 1 para. 15(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(2)**
- F16** Words in Sch. 1 para. 15(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(a)**
- F17** Words in Sch. 1 para. 15(3) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(5)**; S.I. 2015/1952, art. 2(a)

Officers of the General Council

- 16^{F18}(1A) Standing orders of the General Council may make provision with regard to the appointment of a treasurer 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 [^{F19}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.

- [^{F20}(3A) A deputy or assistant registrar who is authorised in accordance with provision made by virtue of paragraph 19F(7) to act on behalf of the MPTS may not, while so authorised, act for the Registrar in any matter.]

- [^{F21}(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).]

Textual Amendments

- F18** Sch. 1 para. 16(1A) substituted for Sch. 1 para. 16(1)(2) (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(7)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F19** 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)
- F20** Sch. 1 para. 16(3A) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(6)**; S.I. 2015/1952, art. 2(a)

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F21 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

[^{F22}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

F22 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)(e)** (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.
- (3) No person shall be appointed auditor under this paragraph unless he is eligible for appointment as a [^{F23}statutory auditor under Part 42 of the Companies Act 2006].
- (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

F23 Words in Sch. 1 para. 18(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 1(dd)** (with arts. 6, 11, 12)

PART III

COMMITTEES OF THE GENERAL MEDICAL COUNCIL

F24 ...

Textual Amendments

F24 Sch. 1 para. 19 and cross-heading omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(3)**

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F25 ...

Textual Amendments

F25 Sch. 1 paras. 19A, 19E and cross-headings omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **3(2)**; S.I. 2015/1952, art. 2(b)

F25 19A

[^{F26}Registration Panels]

Textual Amendments

F26 Words in Sch. 1 para. 19B heading substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(1)(b)**

19B Subject to the power of the Panel under paragraph 25 below to co-opt members, a [^{F27}Registration Panel] shall be constituted as provided by rules made under this paragraph by the General Council.

Textual Amendments

F27 Words in Sch. 1 para. 19B substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

Registration Appeals Panels

19C Subject to the restrictions on membership specified in paragraph 23 below and to the power of the Panel under paragraph 25 below to co-opt members, a Registration Appeals Panel shall be constituted as provided by rules made under this paragraph by the General Council.

Investigation Committee

19D Subject to the power of the Committee under paragraph 25 below to co-opt members, the Investigation Committee shall be constituted as provided by rules made under this paragraph by the General Council.

F25 ...

F25 19E

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^{F28} Medical Practitioners Tribunal Service

Textual Amendments

F28 Sch. 1 para. 19F inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(4)**; [S.I. 2015/1579](#), art. 2(a)

- 19F. (1) The MPTS are to be constituted as provided by rules made under this paragraph by the General Council.
- (2) Rules under this paragraph must secure that only persons who are not members of the General Council are to be members of the MPTS.
- (3) Rules under this paragraph must include provision with regard to—
- (a) the numbers of registrant members and lay members of the MPTS;
 - (b) (subject to sub-paragraph (6)) the appointment of members of the MPTS and the terms of office for which members are appointed, and the rules may provide that these are to be determined by whoever makes the appointment as member, on appointment;
 - (c) the grounds (in addition to that mentioned in sub-paragraph (2)) on which a person is to be disqualified from appointment as a registrant or lay member of the MPTS;
 - (d) (subject to sub-paragraph (6)) the appointment of a chair of the MPTS and the chair's term of office, and the rules may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
 - (e) deputising arrangements in respect of the chair;
 - (f) the quorum at meetings of the MPTS;
 - (g) the circumstances in which a member of the MPTS ceases to hold office or may be removed or suspended from office.
- (4) Provision by virtue of sub-paragraph (3)(a) must secure that the registrant members of the MPTS do not form a majority of the members.
- (5) The chair of the MPTS is, by virtue of being appointed as such, an officer of the General Council.
- (6) Where, immediately before the commencement of this paragraph, a committee of the General Council constituted under paragraph 25 have been carrying out functions relating to fitness to practise proceedings, the General Council—
- (a) may appoint as the chair of the MPTS, for such period as the Council may determine, the person who, immediately before the commencement of this paragraph, was the chair of that committee, and
 - (b) may appoint as a member of the MPTS other than the chair, for such period as the Council may determine, a person who, immediately before the commencement of this paragraph, was a member of that committee.
- (7) Rules under this paragraph may include provision for enabling the General Council to direct the MPTS to delegate to the chair of the MPTS, or to such other officer of the Council as the Council determine, such of the functions of the MPTS as the Council determine (and for enabling the MPTS so to delegate).

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- (8) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment as chair or as another member of the MPTS; and the rules may, in particular, require the General Council to set and publish those criteria.
- (9) Rules under this paragraph may include provision with regard to—
- (a) the maximum period for which a member of the MPTS may hold office during a specified period;
 - (b) the maximum period for which a member of the MPTS may serve as chair of the MPTS during a specified period;
 - (c) the education and training of members of the MPTS, and the rules may provide for the General Council to include the requirements with regard to education and training of members of the MPTS in standing orders, and for those standing orders to provide for—
 - (i) the education and training to be the responsibility of another body, and
 - (ii) those requirements to be set and varied by that body from time to time;
 - (d) the attendance of members of the MPTS at meetings of the MPTS;
 - (e) the effect (if any) of any vacancy in the membership of the MPTS or any defect in the appointment of a member.
- (10) The MPTS must maintain a system for the declaration and registration of private interests of their members.
- (11) The MPTS must publish in such manner as they see fit entries recorded in the register of members' private interests.
- (12) In this paragraph, “registrant member” and “lay member” each have the same meaning as in paragraph 1A.
- (13) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient.]

^{F29}Medical Practitioners Tribunals and Interim Orders Tribunals

Textual Amendments

F29 Sch. 1 para. 19G inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **3(3)**; [S.I. 2015/1579](#), art. 2(b)

- 19G. (1) Medical Practitioners Tribunals and Interim Orders Tribunals are to be constituted as provided by rules made under this paragraph by the General Council.
- (2) Rules under this paragraph must include provision with regard to—
- (a) the appointment by the MPTS of persons to—
 - (i) a list of persons eligible to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal;

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- (ii) a list of persons eligible to serve as a registrant member of either such Tribunal;
 - (iii) a list of persons eligible to serve as a lay member of either such Tribunal;
 - (b) the determination by the MPTS of the terms on which a person holds a position on a list referred to in paragraph (a) (a “panel list”) and of the grounds on which the MPTS may suspend or remove a person from holding a position on a panel list;
 - (c) the selection by the MPTS of persons who are on a panel list to serve as the chair and the other members of a Medical Practitioners Tribunal or Interim Orders Tribunal;
 - (d) the quorum for a Medical Practitioners Tribunal or Interim Orders Tribunal.
- (3) A person appointed to a panel list within sub-paragraph (2)(a)(ii) or (iii) may also be appointed to a panel list within sub-paragraph (2)(a)(i).
- (4) Rules under this paragraph must secure that—
 - (a) only a person who is not a member of the General Council, the Investigation Committee, a Registration Panel or a Registration Appeals Panel, or who is not an officer of the General Council, may be appointed to a panel list;
 - (b) a person who serves as a member of an Interim Orders Tribunal, or as a member of a Medical Practitioners Tribunal in arrangements made under section 41A(A1), may not serve as a member of a Medical Practitioners Tribunal in any subsequent proceedings in the case concerned.
- (5) Rules under this paragraph may provide for a person to be appointed to a panel list either generally or only for particular proceedings or a particular class of proceedings.
- (6) Rules under this paragraph must provide that a person appointed to a panel list holds and ceases to hold a position on the list in accordance with the terms of that person’s appointment.
- (7) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment to a panel list or for selection to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal; and the rules may, in particular, require the MPTS to set and publish those criteria.
- (8) Rules under this paragraph may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of functions conferred on the MPTS by virtue of sub-paragraph (2)(a) or (b).
- (9) The MPTS must provide or arrange for the provision of—
 - (a) such training as they may determine for persons appointed to a panel list;
 - (b) such training as they may determine for persons whom they propose to appoint to a panel list.
- (10) Rules under this paragraph may include provision with regard to the effect (if any) of any defect in the appointment of a person to a panel list or in the selection of a person to serve as the chair or another member of a Medical Practitioners Tribunal or an Interim Orders Tribunal.

Status: Point in time view as at 25/05/2018.

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)

- (11) The MPTS must maintain a system for the declaration and registration of private interests of persons appointed to a panel list.
- (12) The MPTS must publish in such manner as they see fit entries recorded in the register of appointees’ private interests.
- (13) There are to be paid to persons appointed to a panel list such remuneration and such travelling, subsistence or other expenses as the General Council may allow.
- (14) In this paragraph, “registrant member” and “lay member” each have the same meaning as in paragraph 1A.
- (15) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient.]

Supplementary

- 23 Rules under [F30 paragraph 19C] above shall secure that—
- (a) only persons who are not members of the General Council shall be members of F31...a Registration Appeals PanelF31...
 - F32(b); and
 - (c) a person who is a member of the Investigation Committee or a [F33Registration Panel] may not at the same time be a member of F31... a Registration Appeals PanelF31....

Textual Amendments

F30 Words in Sch. 1 para. 23 substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(a)**; S.I. 2015/1952, art. 2(c)

F31 Words in Sch. 1 para. 23(a)(c) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(b)**; S.I. 2015/1952, art. 2(c)

F32 Sch. 1 para. 23(b) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(c)**; S.I. 2015/1952, art. 2(c)

F33 Words in Sch. 1 para. 23(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

- 23B Rules under paragraph [F3419B, 19C or 19D] above may make provision as to quorum.

Textual Amendments

F34 Words in Sch. 1 para. 23B substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(2)**; S.I. 2015/1952, art. 2(c)

Status: Point in time view as at 25/05/2018.

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)

- [^{F35}23C. Rules under any of the paragraphs mentioned in paragraph 23B [^{F36}or under paragraph 19F] may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the General Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the panels or the committee to which those paragraphs relate, including any function relating to tenure of office or suspension or removal from office.]

Textual Amendments

- F35** Sch. 1 para. 23C inserted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(8)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F36** Words in Sch. 1 para. 23C inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(3)**; S.I. 2015/1579, art. 2(c) (with art. 3)

- [^{F37}23D. The overriding objective of the General Council in exercising the power to make rules under paragraph 19F or 19G is to secure that Medical Practitioners Tribunals and Interim Orders Tribunals deal with cases fairly and justly][^{F38}; and where the General Council consider that there is a conflict between meeting the objective under this paragraph and the over-arching objective, they must give priority to meeting the objective under this paragraph.]

Textual Amendments

- F37** Sch. 1 para. 23D inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(4)**; S.I. 2015/1579, art. 2(c) (with art. 3)
- F38** Words in Sch. 1 para. 23D inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **21(7)** (with art. 1(4)); S.I. 2015/1579, art. 2(1)

- 24 Rules under paragraph [^{F39}19B, 19C, 19D, 19F or 19G] above shall not come into force until approved by order of the Privy Council.

Textual Amendments

- F39** Words in Sch. 1 para. 24 substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(5)**; S.I. 2015/1579, art. 2(c) (with art. 3)

- 25 (1) Without prejudice to the preceding provisions of this Part of this Schedule the General Council may constitute ^{F40}... one or more committees.

[^{F41}(1A) Any committee of the General Council may consist of or include persons who are not members of the Council.]

[^{F42}(2) [^{F43}Subject to and in accordance with [^{F44}paragraphs 19B, 19C, 19D, 19F, 19G and 23] above,] 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.]

Status: Point in time view as at 25/05/2018.

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)

- (3) The General Council may delegate to any committee of the Council [^{F45}(other than the MPTS or a Medical Practitioners Tribunal or Interim Orders Tribunal)] such of the Council's functions as they think fit^{F46}....
- [^{F47}(4) Except where rules made [^{F48}under paragraph 19F(3)(f) or 19G(2)(d) or] by virtue of paragraph 23B above make provision as to quorum in the case of any of the statutory committees, the quorum of a committee of the General Council shall be such as the Council may from time to time determine.
- (5) There shall be paid to the members of the committees of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow.]

Textual Amendments

- F40** Words in Sch. 1 para. 25(1) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(a)** (with Sch. 2)
- F41** Sch. 1 para. 25(1A) inserted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(b)** (with Sch. 2)
- F42** Sch. 1 para. 25(2) substituted (3.8.2000) by [S.I. 2000/1803](#), **art. 15(f)**
- F43** Words in Sch. 1 para. 25(2) inserted (7.7.2004 as notified in the London Gazette dated 2.7.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(c)** (with Sch. 2)
- F44** Words in Sch. 1 para. 25(2) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(6)**; [S.I. 2015/1952](#), art. 2(c)
- F45** Words in Sch. 1 para. 25(3) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(7)**; [S.I. 2015/1952](#), art. 2(c)
- F46** Words in Sch. 1 para. 25(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(4)**
- F47** Sch. 1 para. 25(4)(5) substituted for Sch. 1 para. 25(4) (1.7.2003 in so far as it relates to new para. 25(5), as notified in the London Gazette dated 1.7.2003, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(d)** (with Sch. 2)
- F48** Words in Sch. 1 para. 25(4) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(8)**; [S.I. 2015/1952](#), art. 2(c)

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.
- [^{F49}(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.]

Status: Point in time view as at 25/05/2018.

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)

(3) The General Council may delegate to a branch council such of the functions of the General Council ^{F50} ... as the General Council think fit.

Textual Amendments

F49 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)

F50 Words in Sch. 1 para. 26(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(b)**

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.

[^{F51}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

F51 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)

^{F52}SCHEDULE 2

Section 17.

PRIMARY EUROPEAN QUALIFICATIONS

Textual Amendments

F52 Sch. 2 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **31**

.....

Status: Point in time view as at 25/05/2018.

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)

[^{F53}SCHEDULE 2A

Section 18

VISITING MEDICAL PRACTITIONERS FROM RELEVANT EUROPEAN STATES

Textual Amendments

F53 Sch. 2A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 32

Application and interpretation

- 1 This Schedule applies to an exempt person who is lawfully established in medical practice in a relevant European State other than the United Kingdom.
- 2 In this Schedule—
- (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
 - (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established in medical practice; and
 - (c) a reference to the provision of occasional medical services is a reference to the provision of medical services in the United Kingdom on a temporary and occasional basis.

Registration in respect of provision of occasional medical services

- 3 (1) A visiting practitioner is entitled to be registered under this Schedule in the register if the practitioner is entitled under paragraph 4 or 7 to provide occasional medical services; and the Registrar shall give effect to the entitlement.
- (2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the register, but who is not registered in the register's list of visiting medical practitioners from relevant European States, shall be treated as registered in that list.
- (3) Sub-paragraph (4) applies where a person's entitlement under sub-paragraph (1) to be registered in the register ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional medical services.
- (4) If the person's name is registered in the register's list of visiting medical practitioners from relevant European States, the Registrar may erase the person's name from that list.
- (5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which a medical practitioner's name may be erased from the register or under which a medical practitioner's registration in the register may be suspended.

Entitlement to provide occasional medical services: first year

- 4 A visiting practitioner is entitled to provide occasional medical services if—
- (a) the practitioner has complied with the requirements of paragraph 5, and

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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)

- (b) where the practitioner's case falls within regulation [F543(8)(a), (c) or (e)] of the General Systems Regulations, the provision by the practitioner of occasional medical services is in accordance with regulations [F5519 to 23] of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

but paragraph 8 contains provision about the duration of entitlement under this paragraph.

Textual Amendments

- F54** Words in Sch. 2A para. 4(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(2)(a)** (with reg. 155)
- F55** Words in Sch. 2A para. 4(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(2)(b)** (with reg. 155)

First provision of services: required documents

- 5 (1) A visiting practitioner who proposes to provide occasional medical services for the first time must, before providing any such services, send or produce to the Registrar the required documents.
- (2) The required documents are—
- (a) a written declaration that—
- (i) states the practitioner's wish to provide occasional medical services,
F56 ...
- (ii) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability;
- [confirms that the practitioner does not have a criminal conviction;
F57(iii) and
- (iv) confirms that the practitioner is not subject to a temporary or final suspension preventing practice as a medical practitioner;]
- [a written declaration as to whether the practitioner has the necessary
F58(aa) knowledge of English;]
- (b) if the practitioner is a national of a relevant European State, proof of nationality;
- (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
- (d) evidence of medical qualifications (see paragraph 6); and
- (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
- (i) that the practitioner is lawfully established in medical practice in that State, and
- (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner there.
- (3) A declaration under sub-paragraph (2)(a) [F59 or (aa)] may be supplied by any means.

Status: Point in time view as at 25/05/2018.

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)

Textual Amendments

- F56** Word in Sch. 2A para. 5(2)(a)(i) omitted (18.11.2016) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(3)(a)(i)** (with reg. 155)
- F57** Sch. 2A para. 5(2)(a)(iii)(iv) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(3)(a)(ii)** (with reg. 155)
- F58** Sch. 2A para. 5(2)(aa) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(3)(b)** (with reg. 155)
- F59** Words in Sch. 2A para. 5(3) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(3)(c)** (with reg. 155)

- 6 (1) Subject to sub-paragraph (4), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the medical services that the practitioner proposes to provide in the United Kingdom on a temporary and occasional basis.
- (2) For the purposes of this paragraph and subject to sub-paragraph (4), the evidence of qualifications must, if the visiting practitioner proposes to provide any services as a general practitioner or a specialist medical practitioner in the United Kingdom on a temporary and occasional basis, include evidence of the European-recognised qualifications which entitle the practitioner to provide, in the practitioner's home State, those services as a general practitioner or a specialist medical practitioner.
- (3) This sub-paragraph applies to a visiting practitioner whose case falls within regulation [^{F60}3(8)(a), (c) or (e)] of the General Systems Regulations (with the result that the practitioner is not entitled to provide occasional medical services unless their provision by the practitioner is in accordance with regulations [^{F61}19 to 23] of those Regulations).
- (4) If sub-paragraph (3) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's medical qualifications is evidence of the qualifications which entitle the practitioner to practise as a medical practitioner in his home State.
- (5) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

Textual Amendments

- F60** Words in Sch. 2A para. 6(3) substituted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(4)(a)** (with reg. 155)
- F61** Words in Sch. 2A para. 6(3) substituted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **10(4)(b)** (with reg. 155)

Entitlement to provide occasional medical services after first year: renewals

- 7 (1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional medical services.

Status: Point in time view as at 25/05/2018.

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)

- (2) The visiting practitioner is entitled to continue to provide occasional medical services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.
- (3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—
 - (a) who is not entitled under this Schedule to provide occasional medical services;
 - (b) who has been previously entitled under this Schedule to provide occasional medical services; and
 - (c) whose registration in the list of visiting medical practitioners from relevant European States is not suspended.
- (4) The visiting practitioner is once again entitled to provide occasional medical services but, in a case where the practitioner's name is not in the list of visiting medical practitioners from relevant European States as a result of erasure otherwise than under paragraph 3(4), only if the Registrar decides, after having regard (in particular) to the fact of that erasure and the reasons for it, that the entitlement should be renewed. Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.
- (5) In relation to a visiting practitioner “the required renewal documents” are—
 - (a) a renewal declaration; and
 - (b) each evidence of change document (if any).
- (6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
 - (a) states the practitioner's wish to provide occasional medical services in a further year; and
 - (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.
- (7) Where a document—
 - (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
 - (b) is not a declaration under paragraph 5(2)(a), and
 - (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the Registrar,the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the Registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).
- (8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlement to provide occasional medical services

- 8 (1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

Status: Point in time view as at 25/05/2018.

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)

- (2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.
- (3) For the purposes of sub-paragraph (2)—
- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
 - (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).
- (4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.
- (5) An entitlement under this Schedule to provide occasional medical services ceases if—
- (a) the visiting practitioner concerned becomes established in medical practice in the United Kingdom; or
 - (b) a relevant decision is made against the visiting practitioner concerned.
- (6) In sub-paragraph (5) “relevant decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner's home State [^{F62}or, if different, a relevant European State in which the practitioner practises or has practised as a medical professional] that has the effect that the practitioner—
- (a) ceases in that State to be registered or otherwise officially recognised as a medical practitioner; or
 - (b) is prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner in that State.
- (7) If in the case of a visiting practitioner—
- (a) the practitioner's registration in the list of visiting medical practitioners from relevant European States is suspended or the practitioner's name is erased from that list, and
 - (b) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional medical services,
- that entitlement ceases at that time.

Textual Amendments

F62 Words in [Sch. 2A para. 8\(6\)](#) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), [regs. 1, 10\(5\)](#) (with [reg. 155](#))

Conditions

- 9 (1) Paragraph (2) applies if—
- (a) the establishment of a visiting practitioner in the practitioner's home State is subject to a condition relating to the practitioner's medical practice;

Status: Point in time view as at 25/05/2018.

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)

- (b) the practitioner's name is registered in the register; and
 - (c) for any of the purposes of this Act it falls to be decided whether the practitioner's fitness to practise is or may be impaired on the ground of misconduct.
- (2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional medical services that is, or would be if the condition applied in relation to medical practice outside the practitioner's home State, a breach of the condition.
- (3) In paragraphs (1) and (2) “condition” includes limitation.]

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 [F63section [F643, 14A, 15, 15A or 19A]] 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

F63 Words in Sch. 3 para. 1(1) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(a\)](#)

F64 Words in Sch. 3 para. 1(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), regs. 1\(2\), 33\(2\)](#)

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 [F65section 3(1)(a)][F66, 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 [F67section 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 [F68section 3(1)(b)][F69, 14A or 19A] 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;
 - F70(b)

Status: Point in time view as at 25/05/2018.

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)

(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.

Textual Amendments

- F65** 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)
- F66** Words in Sch. 3 para. 2(1)(a) substituted (4.12.2000) by [S.I. 2000/3041](#), [reg. 4\(7\)\(b\)](#)
- F67** 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)
- F68** 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)
- F69** Words in Sch. 3 para. 2(2)(a) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [regs. 1\(2\)](#), [33\(3\)](#)
- F70** Sch. 3 para. 2(2)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), [9\(4\)\(d\)](#) (with Sch. 2)

Proof of qualifications

3 (1) Subject to sub-paragraph (2) below, a person making an application for registration under ^[F71]section ^[F72]3, 14A, 15, 15A or 19A of this Act or an application under section 16 of this Act for the registration of ^[F73]any primary United Kingdom or primary European qualifications he holds when he is registered under ^[F74]section 3, 14A, 15 or 15A of this Act 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.

^[F75](1A) An exempt person (“A”) who—

- (a) makes an application for registration under section 3(1)(b) of this Act,
- (b) holds a qualification listed in Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training), and
- (c) satisfies the requirements of article 24 of the Directive (basic medical training),

shall produce or send to the Registrar a certificate as mentioned in sub-paragraph (1B).

(1B) The certificate—

- (a) must be a certificate issued by a competent authority in A's attesting State (as defined by section 44BA(6)); and
- (b) must certify that the document conferring or evidencing A's qualification produced or sent by A under sub-paragraph (1) is evidence of formal qualifications listed in relation to that State in Annex V, point 5.1.1 of the Directive.]

(2) Any ^[F76]body or combination of bodies included in the list maintained under section 4(1) 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

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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 [F71section 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.

F77(3)

Textual Amendments

- F71 Words in Sch. 3 para. 3(1)(2)(b) substituted (4.12.2000) by S.I. 2000/3041, **reg. 4(7)(c)**
- F72 Words in Sch. 3 para. 3(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(4)(a)(i)**
- F73 Words in Sch. 3 para. 3(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(4)(a)(ii)**
- F74 Words in Sch. 3 para. 3(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(4)(a)(iii)**
- F75 Sch. 3 para. 3(1A)(1B) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(4)(b)**
- F76 Words in Sch. 3 para. 3(2) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 22**; S.I. 2008/2556, art. 2(1)(a)
- F77 Sch. 3 para. 3(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **53**

- 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 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.

[F78Proof of nationality

Textual Amendments

- F78 Sch. 3 paras. 4A, 4B and cross-headings inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(5)**

- 4A An exempt person (“A”) making an application for registration under section 3(1) (b), 14A, 15A or 19A of this Act shall produce or send to the appropriate registrar—
- (a) if A is a national of a relevant European State, proof of A's nationality;

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- (b) if A is not a national of a relevant European State, proof of the Community right by virtue of which A is an exempt person.

Acknowledgement of applications

- 4B Where a person makes an application for registration under section 3, 14A, 15, 15A or 19A of this Act, the appropriate registrar, within the period of one month beginning with the date of receipt of the application, must—
- (a) acknowledge receipt of the application; and
 - (b) inform the applicant of any missing document required for the purposes of the application.]

Issue of certificates of registration

- 5 [F79(1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under [F80section [F813, 14A, 15, 15A or 19A]] 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) F82 ... shall do so before the end of the requisite period.]
- [F83(1A) In this paragraph “the requisite period”—
- (a) in the case of an application under section 14A or 19A of this Act, means the period of four months beginning with—
 - (i) the date when the Registrar receives the application, or
 - (ii) if any document required for the purposes of the application is missing when the Registrar receives the application, the date on which the Registrar first has all the documents required for those purposes; and
 - (b) in the case of any other application, means the period of three months beginning with the date on which the appropriate registrar receives all the documents enabling him to be satisfied of the applicant's entitlement to be registered in accordance with the application.]
- (2) On registering a person under section 19, 21, [F8421B, 21C, 27A or 27B] 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 F85 ... and shall state the name of the applicant and such other particulars as may be prescribed by the regulations.
- [F86(4A) A certificate of registration required to be issued under sub-paragraph (2) or (3) above shall be issued before the end of the requisite period.]

Status: Point in time view as at 25/05/2018.

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Textual Amendments

- F79** Sch. 3 para. 5(1)(1A) substituted for Sch. 3 para. 5(1) (10.7.1996) by [S.I. 1996/1591](#), [reg. 7](#), [Sch. 2 para. 14\(2\)](#)
- F80** Words in Sch. 3 para. 5(1) substituted (4.12.2000) by [S.I. 2000/3041](#), [reg. 4\(7\)\(c\)](#)
- F81** Words in Sch. 3 para. 5(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [regs. 1\(2\)](#), [33\(6\)\(a\)](#)
- F82** Words in Sch. 3 para. 5(1)(b) omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(3\)](#), [9\(5\)\(a\)](#) (with [Sch. 2](#))
- F83** Sch. 3 para. 5(1A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [regs. 1\(2\)](#), [33\(6\)\(b\)](#)
- F84** Words in Sch. 3 para. 5(2) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), [art. 1\(2\)\(b\)\(c\)\(3\)](#), [43](#)
- F85** Words in Sch. 3 para. 5(4) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), [art. 1\(2\)\(b\)\(c\)\(3\)](#), [17\(a\)](#)
- F86** Sch. 3 para. 5(4A) inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), [arts. 1\(2\)\(3\)](#), [9\(5\)\(d\)](#) (with [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—
- (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 ^{F87} ... ; or
- (b) if he is the Registrar, forthwith cause an appropriate entry or alteration to be made in the register ^{F88}
- (3) An entry or alteration made in [^{F89}the register] in pursuance of this paragraph shall bear the same date as the certificate of registration by virtue of which it is made.

Textual Amendments

- F87** Words in Sch. 3 para. 6(2)(a) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), [art. 1\(2\)\(b\)\(c\)\(3\)](#), [17\(b\)\(i\)](#)
- F88** Words in Sch. 3 para. 6(2)(b) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), [art. 1\(2\)\(b\)\(c\)\(3\)](#), [17\(b\)\(i\)](#)

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F89 Words in Sch. 3 para. 6(3) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(ii)**

[^{F90}Visiting medical practitioners from relevant European States

Textual Amendments

F90 Sch. 3 para. 7 and cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(7)**

- 7 (1) No application shall be required in respect of registration in the list of visiting medical practitioners from relevant European States.
- (2) The Registrar may issue certificates of registration to persons who are registered in the list of visiting medical practitioners from relevant European States.]

^{F91}^{F92}SCHEDULE 3A

Section 34B

REGISTRATION [^{F91}AND TRAINING] APPEALS

Textual Amendments

F91 Words in Sch. 3A heading inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(2)**; S.I. 2010/478, art. 2(b)

F92 Sch. 3A inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(2)** (with Sch. 2)

Modifications etc. (not altering text)

C2 Sch. 3A extended (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(6)**

^{F91}*Interpretation*

^{F91}₁ In this Schedule—

“appealable registration decision” shall be construed in accordance with ^{F93}... [^{F93}paragraphs 2 and 2A] below;

“person concerned” means the person in respect of whom an appealable registration decision is made or, as the case may be, an applicant to whom paragraph 3(2) [^{F94}or (3)] below applies;

“person making the decision” means—

- (a) in relation to a decision on an application made under paragraph 2 of Schedule 3 to this Act, the appropriate registrar as defined in subparagraph (3) of that paragraph;

Status: Point in time view as at 25/05/2018.

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- (b) in relation to a decision under [^{F95}section ^{F96}... 39, 44, 44B or 44C] of this Act, [^{F97}or under Schedule 2A to this Act,] the Registrar; and
- (c) in any other case, the General Council; and

^{F98}

...

[^{F98}“the requisite period” has the meaning given—

- (a) in relation to a decision which is treated as an appealable registration decision by virtue of paragraph 2A(1), by regulations under paragraph 2A(5); or
- (b) in any other case, by paragraph 5(1A) of Schedule 3 to this Act.]

Textual Amendments

- F93** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(a)**; S.I. 2010/478, art. 2(b)
- F94** Words in Sch. 3A para. 1 inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(b)**; S.I. 2010/478, art. 2(b)
- F95** Words in Sch. 3A para. 1 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(a)**
- F96** Word in Sch. 3A para. 1 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(i)**
- F97** Words in Sch. 3A para. 1 inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(ii)**
- F98** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(c)**; S.I. 2010/478, art. 2(b)

Modifications etc. (not altering text)

- C3** Sch. 3A para. 1 modified (temp.) (19.10.2007) by [The Medical Act 1983 Amendments \(Further Transitional Provisions\) Order of Council 2007 \(S.I. 2007/2796\)](#), arts. 1(1), **5**

^{F91}Appealable registration decisions

- 2 (1) The following decisions are appealable registration decisions for the purposes of this Schedule—
- (a) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 3 of this Act as a fully registered medical practitioner (registration by virtue of primary United Kingdom or primary European qualifications);
 - [^{F99}(aa) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 14A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc without certain acquired rights certificates);
 - (ab) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 14A(1) to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]

Status: Point in time view as at 25/05/2018.

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- (b) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15 of this Act (provisional registration);
- (c) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15A of this Act (provisional registration for EEA nationals);
- (d) a decision on an application made under Schedule 3 to this Act not to register a qualification under section 16(1) of this Act (registration of qualifications);
- ^{F100}(e)
- (f) a decision not to direct that a person shall be registered under section 19(1) of this Act (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.);
- ^{F101}[(fa) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 19A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom);
- (fb) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 19A to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]
- (g) a decision not to direct that a person shall be registered provisionally under section 21(2) of this Act (provisional registration);
- ^{F102}(h)
- ^{F103}(i)
- ^{F103}(j)
- ^{F103}(k)
- ^{F104}[(ka) a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
- (kb) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);]
- (l) a decision not to register a qualification under section 26(1) ^{F105}... of this Act (registration of qualifications);
- ^{F106}[(m) a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to any conditions specified in a direction that a person be registered under that section;
- (ma) a decision under section 27B of this Act (special purpose registration)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to the conditions specified in a direction that a person be registered under that section;]
- ^{F107}[(mb) a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register^{F108}, the General Practitioner Register or the Specialist Register;]
- (n) a decision under section 44 of this Act (effect of disqualification in another member State on registration in the United Kingdom)—

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- (i) under subsection (1) ^{F109} ... , not to register a person, or
 - (ii) under subsection (3), to remove a person's name from the register;
 - ^{F110}(o) [a decision under section 44B of this Act (fitness to practise matters prior to registration) to refuse to register a person or to erase a person's name from the register;]
 - ^{F111}(p) [a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.]
 - ^{F112}(q) [a decision that a person shall not, or shall no longer, be registered under Schedule 2A to this Act in the list of visiting medical practitioners from relevant European States.]
- (2) But a decision is not an appealable registration decision for the purposes of this Schedule if it is a decision to refuse registration to a person, or to erase a person's name from the register, by reason only that the person failed to—
- (a) pay the prescribed fee for registration;
 - (b) make an application as required under this Act; or
 - (c) produce a certificate obtained under section 10 of this Act.

Textual Amendments

- F99** Sch. 3A para. 2(1)(aa)(ab) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(i)**
- F100** Sch. 3A para. 2(1)(e) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(ii)**
- F101** Sch. 3A para. 2(1)(fa)(fb) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iii)**
- F102** Sch. 3A para. 2(1)(h) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(i)**
- F103** Sch. 3A para. 2(1)(i)-(k) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(a)**
- F104** Sch. 3A para. 2(1)(ka)(kb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(ii)**
- F105** Words in Sch. 3A para. 2(1)(l) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(b)**
- F106** Sch. 3A para. 2(1)(m)(ma) substituted for Sch. 3A para. 2(1)(m) (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(iii)**
- F107** Sch. 3A para. 2(1)(mb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(b)**
- F108** Words in Sch. 3A para. 2(1)(mb) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(4)**; S.I. 2010/478, art. 2(b)
- F109** Words in Sch. 3A para. 2(1)(n)(i) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iv)**

Status: Point in time view as at 25/05/2018.

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)

- F110** Sch. 3A para. 2(1)(o) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **54**
- F111** Sch. 3A para. 2(1)(p) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **71**
- F112** Sch. 3A para. 2(1)(q) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(v)**

^{F91}Appealable decisions relating to postgraduate medical education and training

^{F91}
^{F113}
2A (1) The following decisions are also appealable registration decisions for the purposes of this Schedule—

- (a) a decision on an application made under section 34C(3) not to include a person's name in the General Practitioner Register;
 - (b) a decision on an application made under section 34D(4) not to include a person's name in the Specialist Register;
 - (c) a decision on an application made under section 34D(4) not to indicate a field in the Specialist Register;
 - (d) a decision on a request made under section 34G(2) not to issue a certificate for the purposes of Article 30(1) of the Directive;
 - (e) a decision on an application made under section 34L(1) to refuse to award a CCT;
 - (f) a decision to withdraw a CCT under section 34L(7).
- (2) But a decision mentioned in sub-paragraph (1)(a) or (b) is not to be treated as an appealable registration decision under this paragraph if, in respect of that decision, there is a right of appeal by virtue of section 29F(1)(d) or (e).
 - (3) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar as to the length of additional training, the fields to be covered by it or any examination, assessment (including a specified period of assessment) or other test of competence that the Registrar has specified when notifying the person concerned of the decision.
 - (4) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.
 - (5) In relation to any appealable registration decision falling within sub-paragraph (1), references in this Schedule to the requisite period are references to such period as may be prescribed by the General Council in rules; and different periods may be prescribed in relation to different decisions.
 - (6) Rules under sub-paragraph (5) shall not come into force until approved by order of the Privy Council.]

Status: Point in time view as at 25/05/2018.

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)

Textual Amendments

F113 Sch. 3A para. 2A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(5)**; S.I. 2010/478, art. 2(b)

^{F91}Notice of appealable registration decisions

- 3 (1) Where an appealable registration decision is made, the person making the decision shall give the person concerned notice of—
- the decision;
 - the reasons for the decision; and
 - the person's right to appeal under paragraph 4 below.
- (2) Failure to notify an applicant of a decision made in respect of an application for registration under section [^{F114}3, 14A, 15, 15A, 19, 19A or 21] of this Act within the requisite period shall be treated as a decision from which the applicant may appeal under paragraph 4 below.
- [^{F115}3] Failure to notify an applicant of a decision made in respect of an application for inclusion in the General Practitioner Register or the Specialist Register within the requisite period shall, in cases prescribed by the General Council in rules, be treated as a decision from which the applicant may appeal under paragraph 4.
- (4) Rules under sub-paragraph (3) shall not come into force until approved by order of the Privy Council.]

Textual Amendments

- F114** Words in Sch. 3A para. 3(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(c)**
- F115** Sch. 3A para. 3(3)(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(6)**; S.I. 2010/478, art. 2(b)

^{F91}Appeals from appealable registration decisions

- 4 (1) A person in respect of whom an appealable registration decision has been made may appeal against the decision to a Registration Appeals Panel.
- (2) An appeal under sub-paragraph (1) above shall be made by giving notice of appeal to the Registrar.
- (3) Any such notice of appeal must be given before the end of the period of 28 days beginning with the date on which notice of the decision was given under paragraph 3(1) above.
- This sub-paragraph is subject to any extension of time under paragraph 7 below.
- (4) In the case of an appeal by virtue of paragraph 3(2) [^{F116}or (3)] above, notice of appeal must be given before the end of the period of 28 days following the end of the requisite period.

Status: Point in time view as at 25/05/2018.

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- (5) Where a decision to erase or remove a medical practitioner from the register is an appealable registration decision, the decision shall not be carried into effect—
- (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
 - (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (6) Any rules made under paragraph 3 of Schedule 3B to this Act shall apply in relation to an appeal under this Schedule as they apply in relation to an appeal under section 29F of this Act.
- (7)^{F117} ... [^{F117}Paragraph 2 of Schedule 4 and, subject to sub-paragraph (7A), paragraph 7 of that Schedule] shall apply in relation to proceedings under this Schedule before a Registration Appeals Panel as they apply to proceedings before [^{F118}the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)].
- [Where the chair of a Registration Appeals Panel is a legally qualified person,^{F119}(7A) paragraph 7 of Schedule 4 is to be taken to authorise but not require the General Council to appoint an assessor to the Panel under that paragraph.
- (7B) In sub-paragraph (7A), “legally qualified person” means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 or who is an advocate or solicitor in Scotland or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.]
- (8) In disposing of an appeal under this paragraph, a Registration Appeals Panel may determine to—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against;
 - (c) substitute for the decision appealed against any other decision which could have been made by the person making the decision;
 - (d) remit the case to the person making the decision to dispose of in accordance with the directions of the Registration Appeals Panel,
- and a Panel may make such order as to costs (or, in Scotland, expenses) as they think fit.
- (9) A Registration Appeals Panel shall, as soon as reasonably practicable—
- (a) give the person concerned, and the person making the decision, notice of the Panel’s determination on an appeal under sub-paragraph (1) above and of the reasons for that determination; and
 - (b) if that determination is not a determination under sub-paragraph (8)(b) above, give the person concerned notice of his right of appeal under paragraph 5 below.

Textual Amendments

F116 Words in Sch. 3A para. 4(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(a)**; S.I. 2010/478, art. 2(b)

Status: Point in time view as at 25/05/2018.

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)

F117 Words in Sch. 3A para. 4(7) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(b)**; S.I. 2010/478, art. 2(b)

F118 Words in Sch. 3A para. 4(7) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **23(1)**; S.I. 2015/1952, art. 2(o)

F119 Sch. 3A para. 4(7A)(7B) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(7)(c)**; S.I. 2010/478, art. 2(b)

Modifications etc. (not altering text)

C4 Sch. 3A para. 4 extended (30.9.2005 as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), art. 1(2)(3), **23(2)**

Appeals from a Registration Appeals Panel

- 5 (1) Where—
- (a) a Registration Appeals Panel determines an appeal under paragraph 4 above; and
 - (b) the Panel’s determination is any determination other than a determination under paragraph 4(8)(b) above to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notice of the determination was given to him under paragraph 4(9), appeal against the determination to the relevant court.
- (2) In this paragraph, “the relevant court” means the county court or, in Scotland, the sheriff.
- (3) In sub-paragraph (2) above, “the sheriff” means the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the address of the person concerned; or
 - (b) which would have been so shown if the person concerned were registered.
- (4) On an appeal under this paragraph from a Registration Appeals Panel, the relevant court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the determination appealed against;
 - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Panel;
 - (d) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of the case in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

Notices

- 6 (1) Any notice required to be given under paragraph 3 or 4(9) above to the person concerned may be given—

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- (a) by delivering it to him;
 - (b) by leaving it at his proper address;
 - (c) by sending it by a registered post service; or
 - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (2) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, the proper address of the person concerned shall be—
- (a) the address—
 - (i) which is shown in the register as his address, or
 - (ii) which would have been so shown if he were registered; or
 - (b) if the conditions in sub-paragraph (3) below are satisfied, his last known address.
- (3) The conditions are that—
- (a) the last known address of the person concerned differs from the address mentioned in sub-paragraph (2)(a) above; and
 - (b) it appears to the body or person giving the notice that a letter sent to the person concerned at his last known address is more likely to reach him.
- (4) For the purposes of this paragraph—
- (a) the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
 - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.

Modifications etc. (not altering text)

- C5** Sch. 3A para. 6 applied (1.4.2005) by [The General Medical Council \(Registration Appeals Panels Procedure\) Rules Order of Council 2005 \(S.I. 2005/400\)](#), Sch. rules 1, **13(1)**
- C6** Sch. 3A para. 6 applied (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(7)**

Extension of time for appealing

- 7 Where—
- (a) any notice required by paragraph 3(1) above to be given to the person concerned is given by sending it to him by post; and
 - (b) the Registrar is satisfied, on the application of that person, that he did not receive the notice within the period of 14 days beginning with the day on which the person making the decision gave the decision to which the notice relates, the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(2) above.]

Status: Point in time view as at 25/05/2018.

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[^{F120}SCHEDULE 3B

Section 29F

LICENCE TO PRACTISE AND REVALIDATION: APPEALS

Textual Amendments

F120 Sch. 3B inserted (24.1.2005 for the insertion of Sch. 3B para. 3(1)-(3)(5)-(8) as notified in the London Gazette dated 14.1.2005, 16.11.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), [11](#) (with [Sch. 2](#))

Manner of, and time for, appealing

- 1 (1) A medical practitioner who wishes to appeal to a Registration Appeals Panel under section 29F of this Act against a decision of a licensing authority must give written notice of appeal to the Registrar.
- (2) Any such notice of appeal must be given within the period of 28 days beginning with the day on which the practitioner is given notice of the decision of the licensing authority.
- (3) Sub-paragraph (2) above is subject to paragraph 2 below.

Extension of time for appealing

- 2 Where—
 - (a) any notice required by section 29B or 29D to be given to a medical practitioner by the Registrar is given by sending it to him by post; and
 - (b) the Registrar is satisfied, on the application of the practitioner, that the practitioner did not receive the notice within the period of 14 days beginning with the day on which the licensing authority gave the decision to which the notice relates,the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 1 above.

Rules as to procedure and evidence

- 3 (1) The General Council shall make rules as to—
 - (a) the procedure to be followed; and
 - (b) the rules of evidence which are to apply,in proceedings before a Registration Appeals Panel.
- (2) Rules made under this paragraph shall include provision—
 - (a) securing that notice of the time and place of any hearing is given, at such time and in such manner as may be specified in the rules, to the medical practitioner to whom the proceedings relate;
 - (b) securing that any party to proceedings before a Registration Appeals Panel shall, if he so requires, be entitled to be heard by the Panel;
 - (c) enabling any party to the proceedings to be represented by counsel or 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; and

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- (d) requiring proceedings to be held in public^{F121} ..., unless and to the extent that the rules provide otherwise.
- (3) In sub-paragraph (2) above, “party”, in relation to any proceedings, means—
- (a) the medical practitioner to whom the proceedings relate; or
 - (b) ^{F122}...the General Council.
- (4) Paragraphs 2 and 7 of Schedule 4 to this Act shall apply in relation to proceedings before a Registration Appeals Panel as they apply in relation to proceedings before [^{F123}the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)].
- (5) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (6) The Privy Council may approve such rules—
- (a) as submitted to them; or
 - (b) subject to such modifications as appear to them to be requisite.
- (7) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
- (a) notify the General Council of the modifications they propose to make; and
 - (b) consider any observations which the General Council may make on the modifications.
- (8) Before making rules under this paragraph the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.

Textual Amendments

F121 Words in Sch. 3B para. 3(2)(d) omitted (19.7.2006, 9.9.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **67**

F122 Words in Sch. 3B para. 3(3)(b) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **26(1)**; S.I. 2015/1952, art. 2(o)

F123 Words in Sch. 3B para. 3(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **23(2)**; S.I. 2015/1952, art. 2(o)

References to the Investigation Committee

- 4 (1) Where a matter—
- (a) arises in the course of proceedings relating to a medical practitioner before a Registration Appeals Panel; and
 - (b) ought, in the opinion of the Panel, to be investigated by the Investigation Committee,
- sub-paragraph (2) below applies.
- (2) In any such case, the Registration Appeals Panel may—
- (a) adjourn the proceedings; and

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- (b) give a direction to the Registrar to refer the matter to the Investigation Committee.

Powers of Registration Appeal Panels disposing of an appeal

- 5 In disposing of an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, the determinations that may be made by a Registration Appeals Panel are—
- (a) if the appeal is against a decision to refuse to grant a licence to practise, that a licence to practise should, or (as the case may be) should not, be granted to the practitioner;
 - (b) if the appeal is against a decision to withdraw a licence to practise, that a licence to practise should, or (as the case may be) should not, be withdrawn from the practitioner; or
 - (c) if the appeal is against a decision to refuse to restore a licence to practise, that a licence to practise should, or (as the case may be) should not, be restored to the practitioner,
- and a Panel may make such orders as to costs (or, in Scotland, expenses) as they think fit.

Successful appeals

- 6 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should be granted to the medical practitioner;
 - (b) that a licence to practise should not be withdrawn from the medical practitioner; or
 - (c) that a licence to practise should be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar informing him of the determination and directing him accordingly—
- (a) to grant the licence;
 - (b) not to withdraw the licence; or
 - (c) to restore the licence.
- (3) The Registrar shall give notice of the determination to the medical practitioner.
- (4) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

Unsuccessful appeals

- 7 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should not be granted to the medical practitioner;
 - (b) that a licence to practise should be withdrawn from the medical practitioner; or
 - (c) that a licence to practise should not be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar—

Status: Point in time view as at 25/05/2018.

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- (a) informing him of the determination; and
 - (b) if the determination is that a licence to practise should be withdrawn from the medical practitioner, directing him to withdraw the licence.
- (3) The Registrar shall give the medical practitioner notice of—
- (a) the determination; and
 - (b) his right under paragraph 8 below to appeal against the determination.
- (4) Any direction under sub-paragraph (2)(b) above has effect subject to section 29F(3) of this Act (no implementation pending appeal).
- (5) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

Further appeal to court against determination within paragraph 7

- 8 (1) Where, on an appeal under section 29F of this Act by a medical practitioner, a Registration Appeals Panel makes a determination falling within sub-paragraph (1) of paragraph 7 above, the practitioner may appeal against the determination.
- (2) Any such appeal must be made within the period of 28 days beginning with the day on which the practitioner is given notice under paragraph 7 above of the determination of the Registration Appeals Panel.
- (3) Any such appeal must be made [^{F124}in England and Wales to the county court or, in Northern Ireland,] to a county court or, in Scotland, to the sheriff.
- (4) In sub-paragraph (3) above “the sheriff” means the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the practitioner’s address; or
 - (b) which would be so shown, if the practitioner were registered.
- (5) On appeal under this paragraph from a Registration Appeals Panel, the county court or the sheriff may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against; or
 - (c) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of in accordance with the directions of the court (or the sheriff),
- and may make such orders as to costs (or, in Scotland, expenses) as it (or he) thinks fit.]

Textual Amendments

F124 Words in [Sch. 3B para. 8\(3\)](#) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 110](#); [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Status: Point in time view as at 25/05/2018.

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[^{F125}SCHEDULE 4

Section 43

[^{F126}PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

Textual Amendments

- F125** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **14** (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)
- F126** Sch. 4 title substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

[^{F127}Procedure of and evidence before the Investigation Committee, Medical Practitioners Tribunals and Interim Orders Tribunals]

Textual Amendments

- F127** Sch. 4 para. 1 cross-heading substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(1)**; S.I. 2015/1952, art. 2(e)

- 1 (1) Subject to the provisions of this paragraph, the General Council shall make rules
^{F128}...with respect to—
- (a) the reference of cases to the Investigation Committee [^{F129}or the MPTS];
 - [^{F130}(aa) the arrangements by the MPTS for a Medical Practitioners Tribunal or Interim Orders Tribunal to consider a matter;] and
 - (b) the procedure to be followed and rules of evidence to be observed in proceedings before [^{F131}the Investigation Committee or a Medical Practitioners Tribunal or Interim Orders Tribunal].
- [^{F132}(1A) The overriding objective of the General Council in making rules under this Schedule with respect to the procedure to be followed in proceedings before a Medical Practitioners Tribunal or an Interim Orders Tribunal, or with respect to the procedure to be followed by the Investigation Committee when deciding whether to give a warning under section 35C(6), is to secure that the Tribunal or Committee (as the case may be) deals with cases fairly and justly.]
- [^{F133}(1B) Where the General Council consider that there is a conflict between meeting the objective under sub-paragraph (1A) and the over-arching objective, they must give priority to meeting the objective under sub-paragraph (1A).]
- (2) Rules made under this paragraph in connection with the consideration by the Investigation Committee of whether to warn a person regarding his future conduct or performance under section 35C(6) above shall include provision—
- (a) securing that notice shall be given to this effect to the person concerned;

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- (b) securing that the person concerned shall be entitled to make representations in writing to the Committee;
- (c) securing that if the Committee determines that there should be an oral hearing, the person concerned shall, if he so requires, be entitled to be heard by the Committee;
- (d) enabling the person concerned 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; and
- (e) securing that notice be served on the person concerned of any decision taken in relation to him by the Committee.

[^{F134}(2ZA) Rules made under this paragraph in connection with the referral of a matter to, or the consideration of a matter by, a Medical Practitioners Tribunal or Interim Orders Tribunal may include provision for—

- (a) the Investigation Committee to continue to investigate the matter after the referral is made or consideration by the Tribunal has begun (as the case may be); and
- (b) the withdrawal of the matter (or part of it) by the Investigation Committee if they decide that the matter (or part of it) should not be considered by a Medical Practitioners Tribunal or they are of the opinion that an Interim Orders Tribunal should not consider making an order.

(2ZB) Section 35CC(1) applies to functions of the Investigation Committee by virtue of sub-paragraph (2ZA) as it applies to their functions under section 35C.]

(2A) [^{F135}Rules made under this paragraph may include provision—

- (a) for enabling the Investigation Committee, whether before or after a matter has been referred to a Medical Practitioners Tribunal (but before the Tribunal's hearing of the matter has begun), and in such circumstances as may be specified in the rules, to agree with the person concerned that the person will comply with such undertakings as the Committee consider appropriate; and
- (b) with respect to the procedure to be followed where any such undertakings are breached.

(2B) Section 35CC(1) applies to the functions of the Investigation Committee by virtue of sub-paragraph (2A) as it applies to their functions under section 35C.

(2C) Rules made under this paragraph may include provision—

- (a) for enabling the General Council, where a Medical Practitioners Tribunal find that a person's fitness to practise is impaired, to agree with the person concerned that the person will comply with such undertakings as the Council consider appropriate;
- (b) for enabling a Medical Practitioners Tribunal to take any such undertakings into account;
- (c) with respect to the procedure to be followed—
 - (i) where there is a breach of any such undertakings, or
 - (ii) where the General Council consider that any such undertakings should no longer apply and that a direction under section 35D should instead be given.

(2D) Rules making provision by virtue of sub-paragraph (2C)(c) may, make provision—

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- (a) for enabling or requiring a Medical Practitioners Tribunal to review whether the undertakings should continue to apply;
 - (b) for treating the requirements contained in the undertakings as if they were requirements specified in a direction given under section 35D(2)(c); and
 - (c) for enabling a Medical Practitioners Tribunal to give a direction under section 35D—
 - (i) where there is a breach of any such undertakings, or
 - (ii) where the General Council consider that any such undertakings should no longer apply.
- (2E) For the purposes of sub-paragraph (2D), the rules may apply sections 35D and 35E with such modifications, and may make such consequential modifications of this Act, as the Council think fit; and accordingly where the rules make such provision, references in this Act to section 35D or 35E include a reference to that section as so applied.]
- [^{F136}(2F) Where rules made under this paragraph include provision under sub-paragraph (2A) (a), the Investigation Committee or such person as is by virtue of sub-paragraph (2B) exercising the function conferred by the provision must, in exercising the function, have regard to the over-arching objective.
- (2G) Where rules made under this paragraph include provision under sub-paragraph (2C) (b), or provision under sub-paragraph (2C)(c) of the kind mentioned in sub-paragraph (2D), a Medical Practitioners Tribunal must, in exercising the function conferred by the provision, have regard to the over-arching objective.]
- (3) Rules made under this paragraph in connection with the consideration by [^{F137}an Interim Orders Tribunal or a Medical Practitioners Tribunal] of the making of an interim suspension order or an order for interim conditional registration under section 41A above, or in connection with the review of such an interim order, 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 whom the proceedings relate;
 - (b) securing that a person in relation to whom an order has been made shall, if he so requires, be entitled to be heard by [^{F138}the Tribunal] on each occasion on which they review the order;
 - (c) enabling the person in relation to whom the order has been made to be represented before [^{F138}the Tribunal] 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;
 - (d) for service on the person to whom the proceedings relate of notice of any decision taken in relation to him by [^{F138}the Tribunal]; and
 - (e) determining when proceedings before [^{F138}the Tribunal] are to be held in public and when in private (including provision securing that they are to be held in public if the person to whom the proceedings relate so requests).
- (4) Rules made under this paragraph in connection with any other proceedings before [^{F139}a Medical Practitioners Tribunal] 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;

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- (b) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by [^{F140}a Tribunal];
 - (c) enabling any party to the proceedings to be represented before [^{F141}the Tribunal] 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) ^{F142}... for proceedings before [^{F140}a Tribunal] to be held in public unless and to the extent that the rules provide otherwise; ^{F143}...
 - ^{F143}(e)
- [^{F144}(4A) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal may include provision for preliminary hearings.
- (4B) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal which include provision with respect to the consequences of a failure to comply with those rules or with directions given by the Tribunal or a case manager appointed under paragraph 7A may, in particular—
- (a) where the failure relates to the admission of evidence, enable the Tribunal to refuse to admit the evidence and enable a case manager appointed under paragraph 7A to direct the Tribunal to consider whether to admit the evidence;
 - (b) confer power on the Tribunal to draw adverse inferences;
 - (c) confer power on the Tribunal to award costs (or, in Scotland, expenses).
- (4C) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal may include provision for the award of costs (or, in Scotland, expenses) in a case where a party's, or a party's representative's, conduct of the proceedings has been unreasonable.
- (4D) Provision by virtue of sub-paragraph (4B)(c) or (4C) may, in particular, include—
- (a) provision for assessment or taxation of costs (or, in Scotland, taxation of expenses);
 - (b) provision for a wasted costs order (or, in Scotland, wasted expenses order);
 - (c) provision requiring regard to be had to a party's ability to pay;
 - (d) provision conferring on either party a right of appeal against an award of costs to the High Court (or, in Scotland, against an award of expenses to the Court of Session);
 - (e) provision for the enforcement of an award of costs (or, in Scotland, expenses) in the same manner as if the award had been made by order of the county court (or, in Scotland, by decree of the sheriff court or, in Northern Ireland, by order of a county court).]

[^{F145}(4E) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal may contain such provisions as appear to the General Council expedient for securing that, where the chair of the Tribunal is a legally qualified person and the chair advises the Tribunal on any question of law as to evidence, procedure or any other matter specified in the rules, the chair shall either—

 - (a) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or

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- (b) inform every such party or person of the advice that the chair has tendered, if the advice is tendered after the Tribunal have begun their deliberations, whether by including the advice in the Tribunal’s decision or by some other means,
- and the rules may also contain such incidental and supplementary provisions as appear to the General Council expedient.
- (4F) In sub-paragraph (4E), “legally qualified person” means a person who satisfies the criteria set under paragraph 7(1C) in relation to legal qualifications and legal experience.]
- (5) Rules made under this paragraph shall specify the relevant date for the purposes of sections 35A and 35B of this Act.
- (6) Before making rules under this paragraph the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the General Council requisite to be consulted.
- (7) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (8) The Privy Council may approve such rules—
- (a) as submitted to them; or
 - (b) subject to such modifications as appear to them to be requisite.
- (9) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
- (a) notify the General Council of the modifications they propose to make; and
 - (b) consider any observations which the General Council may make on the modifications.

^{F146}(10)

Textual Amendments

- F128** Words in Sch. 4 para. 1(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(a)**; S.I. 2015/1952, art. 2(e)
- F129** Words in Sch. 4 para. 1(1)(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(b)**; S.I. 2015/1952, art. 2(e)
- F130** Sch. 4 para. 1(1)(aa) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(c)**; S.I. 2015/1952, art. 2(e)
- F131** Words in Sch. 4 para. 1(1)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(d)**; S.I. 2015/1952, art. 2(e)
- F132** Sch. 4 para. 1(1A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)
- F133** Sch. 4 para. 1(1B) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(8)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)

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- F134** Sch. 4 para. 1(2ZA)(2ZB) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(2)**; S.I. 2015/1579, art. 2(e)
- F135** Sch. 4 para. 1(2A)-(2E) substituted for Sch. 4 para. 1(2A) (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **9(1)**; S.I. 2015/1579, art. 2(f)
- F136** Sch. 4 para. 1(2F)(2G) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(9)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F137** Words in Sch. 4 para. 1(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(3)(a)**; S.I. 2015/1952, art. 2(e)
- F138** Words in Sch. 4 para. 1(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(3)(b)**; S.I. 2015/1952, art. 2(e)
- F139** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(a)**; S.I. 2015/1952, art. 2(e)
- F140** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(b)**; S.I. 2015/1952, art. 2(e)
- F141** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(c)**; S.I. 2015/1952, art. 2(e)
- F142** Words in Sch. 4 para. 1(4)(d) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(1)(b)**
- F143** Sch. 4 para. 1(4)(e) and preceding word omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(1)(c)**
- F144** Sch. 4 para. 1(4A)-(4D) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(5)**; S.I. 2015/1579, art. 2(e)
- F145** Sch. 4 para. 1(4E)(4F) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(6)**; S.I. 2015/1579, art. 2(e)
- F146** Sch. 4 para. 1(10) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(1)(d)**

- 2 (1) For the purpose of proceedings in England or Wales or in Northern Ireland before—
- (a) the Investigation Committee;
 - (b) [^{F147}an Interim Orders Tribunal]; or
 - (c) [^{F148}a Medical Practitioners Tribunal],
- the Committee [^{F149}or Tribunal] may administer oaths, and any party to the proceedings may issue a writ of subpoena 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 [^{F150}Senior Courts Act 1981] or section 67 of the Judicature (Northern Ireland) Act 1978 (which provide a special procedure for the issue of such

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writs so as to be in force throughout the United Kingdom) shall apply in relation to proceedings before the Investigation Committee, [F147an Interim Orders Tribunal] or [F148a Medical Practitioners Tribunal] 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 the Investigation Committee, [F147an Interim Orders Tribunal] or [F148a Medical Practitioners Tribunal] in Scotland, the Committee [F149or Tribunal] 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 [F149or Tribunal] 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

- F147** Words in Sch. 4 para. 2 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(7)(a)**; S.I. 2015/1952, art. 2(e)
- F148** Words in Sch. 4 para. 2 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(7)(b)**; S.I. 2015/1952, art. 2(e)
- F149** Words in Sch. 4 para. 2 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(7)(c)**; S.I. 2015/1952, art. 2(e)
- F150** Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

3 Where—

- (a) several sittings of the Investigation Committee, [F151a Medical Practitioners Tribunal or an Interim Orders Tribunal]^{F152} ... are required to enable [F153the Committee or a Tribunal]^{F154} ... to dispose of a case; or
- (b) on an appeal to the relevant court under section 40 of this Act, the case is remitted to the Registrar for him to refer the case to [F155the MPTS for them to arrange for]^{F156} a Medical Practitioners Tribunal^{F157} ... ^{F158} ... ^{F157} ... to dispose of the case in accordance with directions given by the court,

the validity of the proceedings on the case before the [F159Committee or Tribunal]^{F160} ..., as the case may be, shall not be called into question by reason only that members of the [F159Committee or Tribunal]^{F160} ... who were present at a former meeting were not present at a later meeting of the [F159Committee or Tribunal]^{F160} ... or that members present at a later meeting were not present at a former meeting of the [F159Committee or Tribunal]^{F160} ..., as the case may be.

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Textual Amendments

- F151** Words in Sch. 4 para. 3(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(a)**; S.I. 2015/1952, art. 2(e)
- F152** Words in Sch. 4 para. 3(a) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(b)**; S.I. 2015/1952, art. 2(e)
- F153** Words in Sch. 4 para. 3(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(c)**; S.I. 2015/1952, art. 2(e)
- F154** Words in Sch. 4 para. 3 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(i)**; S.I. 2015/1952, art. 2(e)
- F155** Words in Sch. 4 para. 3(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(d)**; S.I. 2015/1952, art. 2(e)
- F156** Words in Sch. 4 para. 3(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(e)**; S.I. 2015/1952, art. 2(e)
- F157** Words in Sch. 4 para. 3(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(f)**; S.I. 2015/1952, art. 2(e)
- F158** Words in Sch. 4 para. 3(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(g)**; S.I. 2015/1952, art. 2(e)
- F159** Words in Sch. 4 para. 3 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(h)**; S.I. 2015/1952, art. 2(e)
- F160** Words in Sch. 4 para. 3 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(i)**; S.I. 2015/1952, art. 2(e)

Reference and transfer of cases to the Investigation Committee

F1613A

Textual Amendments

- F161** Sch. 4 para. 3A omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(9)**; S.I. 2015/1952, art. 2(e)

F125 Reference and transfer of cases to the Health Committee

F1254

F125 Preliminary proceedings

F1255

Status: Point in time view as at 25/05/2018.

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[^{F162}Professional performance assessments and health assessments]

Textual Amendments

F162 Words in Sch. 4 para. 5A(1)(a) and cross-heading substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(1)(a)**; S.I. 2015/1579, art. 2(g)

- 5A (1) The General Council may make rules—
- (a) authorising the giving of directions by any of—
 - (i) the Investigation Committee,
 - (ii) [^{F163}a Medical Practitioners Tribunal],
 - (iii) such other persons as may be specified in the rules,requiring [^{F164}an assessment of a kind referred to in sub-paragraph (1A)] to be carried out;
 - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.
- [^{F165}(1A) The assessments referred to in sub-paragraph (1) are—
- (a) in the case of a registered person, an assessment of the standard of a person’s professional performance;
 - (b) in the case of a person applying under section 41, or by virtue of section 31(8) or 31A(1)(c), for his name to be restored to the register, an assessment of the standard of professional performance of which the person would be capable if the person’s name were to be restored to the register;
 - (c) in either case, an assessment of the person’s physical or mental health.]
- (2) [^{F166}An assessment by virtue of this paragraph is to be carried out in accordance with such directions as the Registrar may give as to—
- (a) whether the assessment is to be carried out by an Assessment Team or by an individual assessor;
 - (b) the form or content of the assessment.
- (2ZA) Where the assessment is to be carried out by an Assessment Team, the Team—
- (a) must include at least one fully registered person selected by the Registrar; and
 - (b) is otherwise to be constituted in accordance with directions given by the Registrar.
- (2ZB) Where the assessment is to be carried out by an individual assessor, the assessor must be a fully registered person selected by the Registrar.
- (2ZC) The General Council may make rules as to—
- (a) the appointment of fully registered persons and of other persons to a list of persons eligible to be members of an Assessment Team and the appointment of fully registered persons to a list of persons eligible to be individual assessors;
 - (b) the procedure to be followed in carrying out an assessment by virtue of this paragraph;

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- (c) the procedure to be followed following the making of a report on an assessment carried out by virtue of this paragraph.
- (2ZD) Where there are rules made under sub-paragraph (2ZC)(a), a person selected under sub-paragraph (2ZA) or (2ZB) must be a person who is included in the applicable list of eligible persons provided for in the rules.
- (2ZE) The General Council may make rules authorising the Assessment Team which, or individual assessor who, is to carry out an assessment by virtue of this paragraph to determine the procedure to be followed in carrying out the assessment in so far as it is not provided for in rules under sub-paragraph (2ZC)(b).]
- (2A) An assessment of the standard of a registered person's professional performance may include an assessment of his professional performance at any time prior to the assessment and may include an assessment of the standard of his professional performance at the time of the assessment.
- [^{F167}(2B) An assessment of a person's physical or mental health may include an assessment of the person's physical or mental health at any time prior to the assessment and may include an assessment of the person's physical or mental health at the time of the assessment.]
- [^{F168}(3) If the Registrar is of the opinion that a registered person who is required to submit to an assessment by virtue of this paragraph has failed to submit to that assessment or to comply with requirements imposed in respect of the assessment, the Registrar—
- (a) may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal, and
 - (b) if he does so, must without delay serve on the person concerned a notification of the making of such a referral.
- (3A) If the Investigation Committee are of the opinion that a registered person who is required to submit to an assessment by virtue of this paragraph has failed to submit to that assessment or to comply with requirements imposed in respect of that assessment—
- (a) the Investigation Committee may direct the Registrar to refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal; and
 - (b) the Registrar, having been given a direction under paragraph (a), must make the referral to the MPTS and must without delay serve on the person concerned a notification of the making of the referral.
- (3B) Where a matter is referred to the MPTS under sub-paragraph (3) or (3A), the MPTS must arrange for the matter to be considered by a Medical Practitioners Tribunal.
- (3C) Where a Medical Practitioners Tribunal, having given a direction by virtue of this paragraph to require a registered person to submit to an assessment, are of the opinion that the person concerned has failed to submit to that assessment or to comply with requirements imposed in respect of that assessment, the Tribunal must consider that matter.
- (3D) The Medical Practitioners Tribunal, on their consideration of a matter under sub-paragraph (3B) or (3C), may, if they think fit—
- (a) direct that the person's registration in the register is to be suspended (that is to say, is not to have effect) during such period not exceeding twelve months as may be specified in the direction; or

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- (b) direct that the person's registration is to be conditional on the person's compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Tribunal think fit to impose for the protection of members of the public or in the person's interests.
- (3E) Where, under sub-paragraph (3D), the Tribunal give a direction for suspension or a direction for conditional registration, the MPTS must without delay serve on the person concerned notification of the direction and of the person's right to appeal against it under sub-paragraph (5).
- (3F) Where, under sub-paragraph (3D), the Tribunal give a direction for suspension or a direction for conditional registration, or where the Tribunal decide not to give a direction under that sub-paragraph, the MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction or decision.
- (3G) While a person's registration in the register is suspended by virtue of a direction under sub-paragraph (3D)—
- (a) the person is to be treated as not being registered in the register notwithstanding that the person's name still appears in it, but
 - (b) sections 31A, 35C, 35CC, 35D, 35E and 39 are to continue to apply to the person.]
- [^{F169}(3H) In deciding whether to give a direction under sub-paragraph (3D), a Medical Practitioners Tribunal must have regard to the over-arching objective.]
- (5) An appeal shall lie to the relevant court (within the meaning of section 40(5) of this Act) from any direction of [^{F170}a Medical Practitioners Tribunal] given [^{F171}under sub-paragraph (3D)] above, and on an appeal under this sub-paragraph the relevant court may—
- (a) quash the direction;
 - (b) substitute for the direction any other direction which [^{F172}the Tribunal] could have made; or
 - (c) remit the case to [^{F173}the MPTS for them to arrange for][^{F170}a Medical Practitioners Tribunal] to [^{F174}dispose of it] in accordance with the court's directions,
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- [^{F175}(5A) Subject to paragraph 9, an appeal under sub-paragraph (5) must be brought before the end of 28 days beginning with the date on which notification of the direction was served under sub-paragraph (3E).]
- (6) An Assessment Team [^{F176}or an individual assessor], 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; and
 - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the Team [^{F177}or the assessor] in legible form.
- (7) A person who, without reasonable excuse, obstructs an Assessment Team [^{F178}or an individual assessor] in the execution of [^{F179}... powers under sub-paragraph (6) above

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (8) Nothing in this paragraph shall require or permit any disclosure of information which is prohibited by or under any other enactment [^{F180}or the GDPR]; 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 Team [^{F178}or an individual assessor] may, in exercising ^{F179}... powers under sub-paragraph (6) above, require that the information be put into a form in which it is not capable of identifying an individual.
- [^{F181}(8A) In determining for the purposes of sub-paragraph (8) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this paragraph.]
- (9) Sub-paragraphs (6) and (7) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.
- [^{F182}(10) In this paragraph a reference to the standard of a ^{F183}... person's professional performance includes the standard of the person's knowledge of English and, in particular, whether the person has the necessary knowledge of English.
- (11) But an assessment [^{F184}of a person's professional performance] carried out by virtue of this paragraph must not be limited to an assessment of whether a person has the necessary knowledge of English.
- (12) Where an assessment is required to be undertaken by virtue of paragraph 5C below, that assessment [^{F185}shall not be undertaken as part of an assessment carried out by virtue of this paragraph] .]
- [^{F186}(13) The General Council may by rules provide that an assessment of a person's knowledge of English undertaken as part of an assessment of the person's professional performance by virtue of this paragraph is to be undertaken in accordance with such provision as is made in rules under paragraph 5C(2) subject to such modifications as the General Council consider necessary or expedient.]
- [^{F187}(14) In this paragraph, "the GDPR" and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).]

Textual Amendments

- F163** Words in Sch. 4 para. 5A(1)(a)(ii) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(1)(a)**; S.I. 2015/1952, art. 2(g)
- F164** Words in Sch. 4 para. 5A(1)(a) substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(1)(b)**; S.I. 2015/1579, art. 2(g)
- F165** Sch. 4 para. 5A(1A) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(2)**; S.I. 2015/1579, art. 2(g)

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- F166** Sch. 4 para. 5A(2)-(2ZE) substituted for Sch. 4 para. 5A(2) (3.8.2015 for specified purposes, 31.12.2015 in so far as not already in force) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(3)**; S.I. 2015/1579, art. 2(g); S.I. 2015/1952, art. 2(g)
- F167** Sch. 4 para. 5A(2B) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(4)**; S.I. 2015/1579, art. 2(g)
- F168** Sch. 4 paras. 5A(3)-(3G) substituted for Sch. 4 para. 5A(3)(3A) (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(5)**; S.I. 2015/1952, art. 2(g)
- F169** Sch. 4 para. 5A(3H) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(10)** (with art. 1(4)); S.I. 2015/1952, art. 2(m)
- F170** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(a)**; S.I. 2015/1952, art. 2(g)
- F171** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(b)**; S.I. 2015/1952, art. 2(g)
- F172** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(c)**; S.I. 2015/1952, art. 2(g)
- F173** Words in Sch. 4 para. 5A(5)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(7)(a)**; S.I. 2015/1952, art. 2(g)
- F174** Words in Sch. 4 para. 5A(5)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(7)(b)**; S.I. 2015/1952, art. 2(g)
- F175** Sch. 4 para. 5A(5A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(8)**; S.I. 2015/1952, art. 2(g)
- F176** Words in Sch. 4 para. 5A(6) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(9)(a)**; S.I. 2015/1952, art. 2(g)
- F177** Words in Sch. 4 para. 5A(6)(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(9)(b)**; S.I. 2015/1952, art. 2(g)
- F178** Words in Sch. 4 para. 5A(7)(8) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(10)(a)**; S.I. 2015/1952, art. 2(g); S.I. 2015/1952, art. 2(g)
- F179** Word in Sch. 4 para. 5A(7)(8) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(10)(b)**; S.I. 2015/1952, art. 2(g); S.I. 2015/1952, art. 2(g)
- F180** Words in Sch. 4 para. 5A(8) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 25(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F181** Sch. 4 para. 5A(8A) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 25(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F182** Sch. 4 paras. 5A(10)-(12) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(2)** (with arts. 11, 12)

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- F183** Word in Sch. 4 para. 5A(10) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(1)**; S.I. 2015/1579, art. 2(h)
- F184** Words in Sch. 4 para. 5A(11) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(2)**; S.I. 2015/1579, art. 2(h)
- F185** Words in Sch. 4 para. 5A(12) substituted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(3)**; S.I. 2015/1579, art. 2(h)
- F186** Sch. 4 para. 5A(13) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(4)**; S.I. 2015/1579, art. 2(h)
- F187** Sch. 4 para. 5A(14) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 25(4)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

- 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 Team [^{F188}or an individual assessor] that there are reasonable grounds for suspecting that the team [^{F189}or assessor] 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 Team (who must, if so required, produce documents identifying themselves)^{F190}, or (as the case may be) an individual assessor (who must, if so required, produce documents identifying himself),] 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(6) 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.

Textual Amendments

- F188** Words in Sch. 4 para. 5B(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(11)(a)**; S.I. 2015/1952, art. 2(g)
- F189** Words in Sch. 4 para. 5B(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(11)(b)**; S.I. 2015/1952, art. 2(g)
- F190** Words in Sch. 4 para. 5B(2) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(12)**; S.I. 2015/1952, art. 2(g)

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Knowledge of English Assessments

- [^{F191}5(1) The General Council may make rules—
- (a) authorising the giving of directions by any of—
 - (i) the Investigation Committee,
 - (ii) [^{F192}a Medical Practitioners Tribunal],
 - (iii) such other persons as may be specified in the rules,requiring a registered person [^{F193}or a person seeking restoration to the register] to undertake an assessment of that person's knowledge of English;
 - (b) specifying circumstances in which such an assessment may be undertaken otherwise than in accordance with a direction.

[The reference in sub-paragraph (1) to a person seeking restoration to the register is
^{F194}(1A) a reference to a person applying under section 41, or by virtue of section 31(8) or 31A(1)(c), for the person's name to be restored to the register.]

- (2) An assessment required to be undertaken by virtue of this paragraph must be undertaken in accordance with rules made by the General Council under this paragraph; and the rules shall, in particular, provide—
 - (a) for the procedures to be followed ^{F195}... when directing a ^{F196}... person to undertake such an assessment;
 - (b) for the ^{F196}... person who is required to undertake such an assessment to provide information in respect of that assessment to such persons as may be prescribed under the rules;
 - (c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed under the rules.
- (3) If the Registrar is of the opinion that a [^{F197}registered] person who is required to undertake an assessment of that person's knowledge of English has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information requested in respect of that assessment the Registrar^{F198}...—
 - (a) [^{F199}may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal,] and
 - (b) if he does so, shall without delay serve on the person a notification of the making of such a referral.

[If the Investigation Committee are of the opinion that a registered person who is
^{F200}(3A) required to undertake an assessment of that person's knowledge of English has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information requested in respect of that assessment—

- (a) the Investigation Committee may direct the Registrar to refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal; and
 - (b) the Registrar, having been given a direction under paragraph (a), must make the referral to the MPTS and must without delay serve on the person concerned a notification of the making of the referral.
- (3B) Where a matter is referred to the MPTS under sub-paragraph (3) or (3A), the MPTS must arrange for the matter to be considered by a Medical Practitioners Tribunal.
- (3C) If a Medical Practitioners Tribunal, having given a direction by virtue of this paragraph to require a person to undertake an assessment of that person's knowledge

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of English, are of the opinion that the person concerned has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information required in respect of that assessment, the Tribunal must consider that matter.]

- (4) [^{F201}The Medical Practitioners Tribunal, on their consideration of a matter under sub-paragraph (3B) or (3C) may], if they think fit—
- (a) direct that the person’s registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding 12 months as may be specified in the direction; or
 - (b) direct that the person’s registration shall be conditional on the person’s compliance, during such period not exceeding 3 years as may be specified in the direction, with such requirements so specified as [^{F202}the Tribunal] think fit to impose for the protection of members of the public or in the person’s interests.
- [In deciding whether to give a direction under sub-paragraph (4), a Medical
^{F203}(4A) Practitioners Tribunal must have regard to the over-arching objective.]
- (5) Where under sub-paragraph (4), [^{F204}the Medical Practitioners Tribunal] give a direction for suspension or a direction for conditional registration [^{F205}the MPTS] must without delay serve on the person concerned notification of the direction and of the person’s right to appeal against it under sub-paragraph (7).
- [Where, under sub-paragraph (4), the Medical Practitioners Tribunal give a direction
^{F206}(5A) for suspension or a direction for conditional registration, or where the Tribunal decide not to give a direction under that sub-paragraph, the MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction or decision.]
- (6) While a person’s registration in the register is suspended by virtue of a direction under sub-paragraph (4)—
- (a) the person is to be treated as not being registered in the register notwithstanding that the person’s name still appears in it, but
 - (b) sections 31A, 35C, 35CC, 35D, 35E and 39 are to continue to apply to the person.
- (7) An appeal shall lie to the relevant court (within the meaning of section 40(5) of this Act) from any direction of [^{F207}a Medical Practitioners Tribunal] given under sub-paragraph (4) and on an appeal under this paragraph the relevant court may—
- (a) quash the direction,
 - (b) substitute for the direction any other direction which [^{F208}the Tribunal] could have made, or
 - (c) remit the case to [^{F209}the MPTS for them to arrange for][^{F207}a Medical Practitioners Tribunal] to [^{F210}dispose of it] in accordance with the court’s directions,
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (8) Subject to paragraph 9, an appeal under sub-paragraph (7) must be brought before the end of the period of 28 days beginning with the date on which notification of the direction was served under sub-paragraph (5).
- (9) Sub-paragraphs (6) to (9) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.]

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Textual Amendments

- F191** Sch. 4 para. 5C inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(3)** (with arts. 11, 12)
- F192** Words in Sch. 4 para. 5C(1)(a)(ii) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(5)(a)**; S.I. 2015/1952, art. 2(h)
- F193** Words in Sch. 4 para. 5C(1)(a) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(5)(b)**; S.I. 2015/1579, art. 2(h)
- F194** Sch. 4 para. 5C(1A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(6)**; S.I. 2015/1579, art. 2(h)
- F195** Words in Sch. 4 para. 5C(2)(a) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(7)(a)**; S.I. 2015/1579, art. 2(h)
- F196** Word in Sch. 4 para. 5C(2)(a)(b) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(7)(b)**; S.I. 2015/1579, art. 2(h)
- F197** Word in Sch. 4 para. 5C(3) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(a)**; S.I. 2015/1579, art. 2(h)
- F198** Word in Sch. 4 para. 5C(3) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(b)**; S.I. 2015/1952, art. 2(h)
- F199** Words in Sch. 4 para. 5C(3)(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(c)**; S.I. 2015/1952, art. 2(h)
- F200** Sch. 4 paras. 5C(3A)-(3C) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(9)**; S.I. 2015/1952, art. 2(h)
- F201** Words in Sch. 4 para. 5C(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(10)(a)**; S.I. 2015/1952, art. 2(h)
- F202** Words in Sch. 4 para. 5C(4)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(10)(b)**; S.I. 2015/1952, art. 2(h)
- F203** Sch. 4 para. 5C(4A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(11)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F204** Words in Sch. 4 para. 5C(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(11)(a)**; S.I. 2015/1952, art. 2(h)
- F205** Words in Sch. 4 para. 5C(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(11)(b)**; S.I. 2015/1952, art. 2(h)
- F206** Sch. 4 para. 5C(5A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(12)**; S.I. 2015/1952, art. 2(h)
- F207** Words in Sch. 4 para. 5C(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(a)**; S.I. 2015/1952, art. 2(h)

Status: Point in time view as at 25/05/2018.

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- F208** Words in Sch. 4 para. 5C(7)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(b)**; S.I. 2015/1952, art. 2(h)
- F209** Words in Sch. 4 para. 5C(7)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(c)**; S.I. 2015/1952, art. 2(h)
- F210** Words in Sch. 4 para. 5C(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(d)**; S.I. 2015/1952, art. 2(h)

Proceedings for erasure of entries fraudulently or incorrectly made

F211₆

Textual Amendments

F211 Sch. 4 para. 6 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(2)**

Legal assessors

- 7 (1) For the purposes of advising—
- (a) the Investigation Committee where it is considering giving a warning to a person;
 - F212**(b)
 - F213**(c)
- on questions of law arising in proceedings before [**F214**the Committee], there shall in all such proceedings be an assessor to [**F215**the Committee] who shall be appointed by the General Council^{**F216**}....
- [**F217**(1A) The General Council must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1).]
- [**F218**(1B) The MPTS must appoint a person as an assessor to a Medical Practitioners Tribunal or an Interim Orders Tribunal for the purpose of advising the Tribunal on questions of law arising in proceedings before them—
- (a) if the chair of the Tribunal is not a legally qualified person, or
 - (b) in any other case where they consider it appropriate to do so.
- (1C) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1B).
- (1D) In sub-paragraph (1B), “legally qualified person” means a person who satisfies such criteria as are set under sub-paragraph (1C) in relation to legal qualifications and legal experience.]
- (2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.

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- [^{F219}(2A) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as an assessor.]
- (3) [^{F220}The General Council] may make rules as to the functions of assessors appointed under this paragraph, including without prejudice to the generality of the powers to make such rules, the function of advising on the drafting of decisions.
- (4) Rules made under this paragraph in connection with proceedings before the Investigation Committee, [^{F221}a Medical Practitioners Tribunal or an Interim Orders Tribunal] may in particular contain such provisions as appear to [^{F222}the General Council] expedient for—
- (a) securing that where an assessor advises the Committee or [^{F223}a Tribunal] on any question of law as to evidence, procedure or any other matter specified in the rules, he shall either—
- (i) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
- (ii) inform every such party or person of the advice that he has tendered, if the advice is tendered after the Committee or [^{F223}the Tribunal] have begun their deliberations;
- (b) securing that every such party or person shall be informed if in any case the Committee or [^{F223}the Tribunal] do not accept the advice of the assessor on any such question,
- and may also contain such incidental and supplementary provisions as appear to [^{F222}the General Council] expedient.
- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- [^{F224}(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.]

Textual Amendments

- F212** Sch. 4 para. 7(1)(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(a)**; S.I. 2015/1952, art. 2(j)
- F213** Sch. 4 para. 7(1)(c) and preceding word omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(b)**; S.I. 2015/1952, art. 2(j)
- F214** Words in Sch. 4 para. 7(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(c)**; S.I. 2015/1952, art. 2(j)
- F215** Word in Sch. 4 para. 7(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(d)**; S.I. 2015/1952, art. 2(j)
- F216** Words in Sch. 4 para. 7(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(e)**; S.I. 2015/1952, art. 2(j)

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- F217** Sch. 4 para. 7(1A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(2)**; S.I. 2015/1952, art. 2(j)
- F218** Sch. 4 para. 7(1B)-(1D) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(3)**; S.I. 2015/1952, art. 2(j)
- F219** Sch. 4 para. 7(2A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(4)**; S.I. 2015/1579, art. 2(j)
- F220** Words in Sch. 4 para. 7(3) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(a)** (with art. 91)
- F221** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(5)(a)**; S.I. 2015/1952, art. 2(j)
- F222** Words in Sch. 4 para. 7(4) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(b)** (with art. 91)
- F223** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(5)(b)**; S.I. 2015/1952, art. 2(j)
- F224** Sch. 4 para. 7(6) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(c)** (with art. 91)

^{F225}Case managers

Textual Amendments

- F225** Sch. 4 para. 7A inserted (3.8.2015 for specified purposes, 31.12.2015 in so far as not already in force) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **14**; S.I. 2015/1579, art. 2(k); S.I. 2015/1952, art. 2(k)

- 7A. (1) For the purpose of conducting the management of cases before a Medical Practitioners Tribunal, the MPTS may appoint persons as case managers.
- (2) A person may be appointed as a case manager either generally or for any particular proceedings or class of proceedings; accordingly, when appointing a person as a case manager for particular proceedings, the MPTS may appoint—
- (a) a person whom they have already appointed generally or for proceedings of the class in question, or
 - (b) a person whom they have not already appointed but wish to appoint for the particular proceedings.
- (3) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under this paragraph.
- (4) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as a case manager.

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- (5) The chair of a Medical Practitioners Tribunal may be appointed as a case manager for the proceedings before that Tribunal if the chair satisfies such criteria as are set under sub-paragraph (3) in relation to legal qualifications and legal experience.
- (6) The General Council may make rules as to the functions of case managers appointed under this paragraph including, without prejudice to the generality of the powers to make such rules, provision—
 - (a) enabling the case manager to give directions (including directions as to the adjournment of proceedings);
 - (b) requiring directions given by the case manager to be treated as binding except in cases or circumstances specified in the rules;
 - (c) (where the rules include provision by virtue of paragraph 1(4D)(a)) enabling the case manager to assess costs (or, in Scotland, to tax expenses or, in Northern Ireland, to tax costs) and requiring the case manager to have regard to a party's ability to pay.
- (7) Nothing in this paragraph prevents a Medical Practitioners Tribunal from themselves collectively conducting the management of the case before them.
- (8) The General Council may pay to persons appointed under this paragraph such remuneration as the Council may determine.
- (9) Rules made under this paragraph may also contain such incidental and supplementary provisions as appear to the General Council expedient.
- (10) Rules under this paragraph do not come into force until approved by order of the Privy Council.]

Service of notifications of decisions

- 8 (1) This paragraph applies to any notice required to be served on a person under section 35C(5), (7) or (8), 35E(1), 39(2), [F226 41(10) or 41A(5)] of this Act [F227 or paragraph [F228 5A(3), (3A) or (3E) or] 5C(3)[F229, (3A)] or (5) above][F230 or by virtue of section 35CC(6)].
- (2) Any such notice may be so served—
 - (a) by delivering it to him;
 - (b) by leaving it at his proper address;
 - (c) by sending it by a registered post service; F231 ...
 - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded[F232; or
 - (e) by sending it to an email address which the person provides for the purpose of fitness to practise proceedings]
- (3) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, a person's proper address shall be—
 - (a) his address in the register; or
 - (b) if the conditions in sub-paragraph (4) below are satisfied, his last known address.
- (4) The conditions are that—
 - (a) the person's last known address differs from his address in the register; and

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- (b) it appears to the Registrar that a letter sent to the person at his last known address is more likely to reach him.
- (5) For the purposes of this paragraph—
- (a) the serving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
- (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.
- [^{F233}(6) For the purposes of this paragraph, service of a notice sent by email is effected only if there is an electronic receipt showing that the email has been opened (or if the recipient acknowledges receipt in some other way).]

Textual Amendments

- F226** Words in Sch. 4 para. 8(1) substituted (3.12.2007) by *The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)*, regs. 1(2), **35**
- F227** Words in Sch. 4 para. 8(1) inserted (29.4.2014) by *The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101)*, arts. 1(1), **9(4)** (with arts. 11, 12)
- F228** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **12(12)(a)**; S.I. 2015/1952, art. 2(i)
- F229** Word in Sch. 4 para. 8(1) inserted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **12(12)(b)**; S.I. 2015/1952, art. 2(i)
- F230** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **22(2)**; S.I. 2015/1952, art. 2(n)
- F231** Word in Sch. 4 para. 8(2) omitted (31.12.2015) by virtue of *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **24(1)(a)**; S.I. 2015/1952, art. 2(o)
- F232** Sch. 4 para. 8(2)(e) and preceding word inserted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **24(1)(b)**; S.I. 2015/1952, art. 2(o)
- F233** Sch. 4 para. 8(6) inserted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)*, arts. 1(3), **24(2)**; S.I. 2015/1952, art. 2(o)

Modifications etc. (not altering text)

- C7** Sch. 4 para. 8 applied (1.11.2004) by *The Medical Act 1983 (Amendment) Order 2002 (Transitional Provision) Order of Council 2004 (S.I. 2004/2610)*, arts. 1(1), **2**

Extension of time for appealing

- 9 Where—
- (a) any notice required by section 35E(1) or 39(2) of this Act [^{F234}or paragraph [^{F235}5A(3E) or] 5C(5) above] to be served on a person by the Registrar [^{F236}or the MPTS] is served on him by sending it by post; and

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- (b) the Registrar is ^{F237} or (as the case may be) the MPTS are] satisfied, on an application of that person, that the person did not receive the notice within 14 days beginning with the day of the giving of the decision to which the notification relates,

the Registrar ^{F238} or (as the case may be) the MPTS] may, if ^{F239} he or they think] fit, by authorisation in writing extend the time within which an appeal under section 40 of this Act ^{F240} or paragraph ^{F241}5A(5) or] 5C(7) above ^{F242}...] may be brought against the decision.

Textual Amendments

- F234** Words in Sch. 4 para. 9(a) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(5)(a)** (with arts. 11, 12)
- F235** Word in Sch. 4 para. 9(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(a)**; S.I. 2015/1952, art. 2(i)
- F236** Words in Sch. 4 para. 9(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(a)**; S.I. 2015/1952, art. 2(d)
- F237** Words in Sch. 4 para. 9(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(b)**; S.I. 2015/1952, art. 2(d)
- F238** Words in Sch. 4 para. 9 inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(c)**; S.I. 2015/1952, art. 2(d)
- F239** Words in Sch. 4 para. 9 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(d)**; S.I. 2015/1952, art. 2(d)
- F240** Words in Sch. 4 para. 9 inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(5)(b)** (with arts. 11, 12)
- F241** Word in Sch. 4 para. 9 inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(b)**; S.I. 2015/1952, art. 2(i)
- F242** Words in Sch. 4 para. 9 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(c)**; S.I. 2015/1952, art. 2(i)

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 ^{F243}a Medical Practitioners Tribunal] under section 35D of ^{F244}this Act or a] variation by ^{F243}a Medical Practitioners Tribunal] under section 35D(12) ^{F245}... shall take effect—
- (a) where no appeal under section 40 is brought against the direction or variation within the time specified in 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.

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- (2) Where the time for appealing against a direction or variation is extended by an authorisation under paragraph 9 above—
- (a) sub-paragraph (1) shall apply to the direction as if the reference in paragraph (a) to the time specified in section 40 of this Act were a reference to that time as so extended; and
 - (b) if the authorisation is given after the expiration of the time specified in section 40 of this Act, 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.
- (3) 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

- F243** Words in Sch. 4 para. 10(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(10)**; S.I. 2015/1952, art. 2(e)
- F244** Words in Sch. 4 para. 10(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(a)**
- F245** Words in Sch. 4 para. 10(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(b)**

- [^{F246}10(A)] A direction for suspension or for conditional registration given by a Medical Practitioners Tribunal under paragraph 5A(3D) is to take effect—
- (a) where no appeal under paragraph 5A(5) is brought against the direction within the time specified in paragraph 5A(5A), 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) Where the time for appealing against a direction is extended by an authorisation under paragraph 9—
- (a) sub-paragraph (1) is to apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5A(5A) were a reference to that time as so extended; and
 - (b) if the authorisation is given after the expiration of the time specified in paragraph 5A(5A), the direction is 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 is to be construed accordingly.]

Status: Point in time view as at 25/05/2018.

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Textual Amendments

F246 Sch. 4 para. 10A inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(14)**; S.I. 2015/1952, art. 2(i)

[^{F247}10B.] A direction for suspension or for conditional registration given by [^{F248}the Medical Practitioners Tribunal] under paragraph 5C(4) above shall take effect—

- (a) where no appeal under paragraph 5C(7) above is brought against the direction within the time specified in paragraph 5C(8) above, 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) Where the time for appealing against a direction is extended by an authorisation under paragraph 9 above—

- (a) sub-paragraph (1) above shall apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5C(8) above were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in paragraph 5C(8) above, the direction 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.]

Textual Amendments

F247 Sch. 4 para. 10B inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(6)** (with arts. 11, 12)

F248 Words in Sch. 4 para. 10B(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(11)**; S.I. 2015/1952, art. 2(e)

11 (1) If, while a person's registration is suspended under [^{F249}section 35D] of this Act [^{F250}or under paragraph [^{F251}5A(3D) or] 5C(4) above^{F252} ...], a direction is given under [^{F253}subsection (5)(a), (b) or (c)] or (8)(a) or (c) of [^{F254}section 35D], the suspension of his registration shall continue to have effect throughout any period which may intervene between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when^{F255}—

- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
- (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
- (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]

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- (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 [^{F256}section 35D] of this Act [^{F257}or under paragraph [^{F258}5A(3D) or] 5C(4) above^{F259}...], a direction is given under subsection (10) or (12) of [^{F260}section 35D] 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^{F261}—
- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
 - (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
 - (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]
- (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.
- [^{F262}(5) A reference in this paragraph to an appeal under this Act does not include a reference to an appeal under section 40A.]

Textual Amendments

- F249** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(a)**; S.I. 2015/1952, art. 2(i)
- F250** Words in Sch. 4 para. 11(1) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(a)(i)** (with arts. 11, 12)
- F251** Words in Sch. 4 para. 11(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(b)**; S.I. 2015/1952, art. 2(i)
- F252** Words in Sch. 4 para. 11(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(c)**; S.I. 2015/1952, art. 2(i)
- F253** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(d)**; S.I. 2015/1952, art. 2(i)
- F254** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(e)**; S.I. 2015/1952, art. 2(i)
- F255** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)

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- F256** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(a)**; S.I. 2015/1952, art. 2(i)
- F257** Words in Sch. 4 para. 11(3) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(b)(i)** (with arts. 11, 12)
- F258** Words in Sch. 4 para. 11(3) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(b)**; S.I. 2015/1952, art. 2(i)
- F259** Words in Sch. 4 para. 11(3) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(c)**; S.I. 2015/1952, art. 2(i)
- F260** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(d)**; S.I. 2015/1952, art. 2(i)
- F261** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)
- F262** Sch. 4 para. 11(5) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **17(2)**; S.I. 2015/1952, art. 2(l) (with Sch. para. 2)

Recording of directions for suspension or conditional registration

- 12 Where a direction under section 35D of this Act [^{F263}or under paragraph [^{F264}5A(3D) or] 5C(4) of this Schedule]^{F265}... for suspension or for conditional registration takes effect in relation to any person the Registrar shall record in the register the fact that that person’s registration is suspended or subject to conditions.

Textual Amendments

- F263** Words in Sch. 4 para. 12 inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(8)** (with arts. 11, 12)
- F264** Words in Sch. 4 para. 12 inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(17)(a)**; S.I. 2015/1952, art. 2(i)
- F265** Words in Sch. 4 para. 12 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(17)(b)**; S.I. 2015/1952, art. 2(i)

Meaning of “party”

- 13 In this Schedule “party”, in relation to proceedings before the Investigation Committee, [^{F266}a Medical Practitioners Tribunal or Interim Orders Tribunal] means any person to whose registration the proceedings relate, or ^{F267}...the General Council.]

Textual Amendments

- F266** Words in Sch. 4 para. 13 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(12)**; S.I. 2015/1952, art. 2(e)

Status: Point in time view as at 25/05/2018.

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F267 Words in Sch. 4 para. 13 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **26(2)**; S.I. 2015/1952, art. 2(o)

[^{F268}SCHEDULE 4A

Section 49B

DIRECTIVE 2005/36: FUNCTIONS OF THE GENERAL COUNCIL UNDER SECTION 49B(3)

Textual Amendments

F268 Sch. 4A inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **36**

<i>Provision of Directive</i>	<i>Function of General Council</i>
[^{F269} Article 4f	Considering applications for partial access to the medical profession under regulations 10 and 11 of the General Systems Regulations.]
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established, in the United Kingdom, as medical practitioners.
Article 8(1)	[^{F270} In the event of justified doubts, receiving] information from, or providing information to, other competent authorities in relation to— <ul style="list-style-type: none"> (a) the legality of a person's establishment as a medical practitioner; [^{F271}(aa) the legality of a person's establishment as a specialist or as a general practitioner;] (b) the good conduct of such a person; (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person. [^{F272} Receiving information from, or providing information to, other competent authorities in relation to a person's training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.]
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing medical services.
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to medical practitioners.

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- Article 23(6) [^{F273}Issuing certificates stating that medical qualifications awarded in the United Kingdom which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.1, 5.1.2, 5.1.3 or 5.1.4 of Annex V to the Directive (as the case may be), certify, as the case may be, successful completion of—
- (a) basic medical training that is in accordance with Article 24 of the Directive;
 - (b) specialist training that is in accordance with Article 25 of the Directive;
 - (c) training in general practice that is in accordance with Article 28 of the Directive;
 - (d) training under Article 22(a) of the Directive which is to be treated as training in accordance with Article 25 or 28 of the Directive.]
- Article 50(1) and paragraph 1(b) of Annex VII Providing information to other competent authorities concerning the training in the United Kingdom of a medical practitioner to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
- Article 50(1) and paragraph 1(d) of Annex VII Issuing, in respect of practice as a medical practitioner, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
- Article 50(1) and paragraph 1(e) of Annex VII Issuing, in respect of practice as a medical practitioner, the certificates of good health referred to in sub-paragraph (e) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
- Article 50(1) and paragraph 2 of Annex VII Issuing certificates stating that [^{F274}a person's primary United Kingdom qualifications or their CCT] are qualifications covered by the Directive.
- Article 50(2) In cases of justified doubts—
- (a) requiring confirmation of the authenticity of non-UK medical qualifications;
 - [^{F275}(aa) providing confirmation to competent authorities of other relevant European States of the authenticity of a person's CCT;]
 - (b) requiring confirmation that holders of non-UK medical qualifications satisfy the minimum training conditions set out in article 24 of the Directive;
 - [^{F276}(ba) providing confirmation that holders of a CCT satisfy the minimum training conditions set out in Article 25 or 28 of the Directive (as the case

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- may be) or are to be treated as satisfying those conditions under Article 22(a) of the Directive;]
- (c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's primary United Kingdom qualification;
 - (d) providing confirmation that holders of primary United Kingdom qualifications satisfy the minimum training conditions set out in article 24 of the Directive.
- Article 50(3) In cases of justified doubts—
- (a) verifying information provided in connection with non-UK medical qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
 - (b) providing information in connection with a person's primary United Kingdom qualification awarded following training in another relevant European State [^{F277} or a CCT awarded following such training].
- [^{F278} Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the medical profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.
- Article 50(3b) Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.
- Article 53 Ensuring that any language controls imposed on a medical practitioner are compliant with article 53 of the Directive.
- Article 55a When considering an application for registration as a fully registered practitioner, ensuring that in respect of professional traineeships—
- (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;
 - (b) traineeships undertaken in a third country are taken into account.
- Article 56(1) Ensuring the confidentiality of information exchanged with other competent authorities.
- Article 56(2) Receiving information from, or providing information to, other competent authorities regarding disciplinary

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action, criminal sanctions or other serious circumstances likely to have consequences for practice as a medical practitioner.

Where such information is received by the General Council—

- (a) examining the veracity of the circumstances;
- (b) deciding the nature and scope of any investigations that need to be carried out;
- (c) informing other competent authorities of the General Council's conclusions.]

[^{F279}Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with [^{F280}the GDPR] and [Directive 2002/58/EC](#) and through the IMI.]

[^{F281}Article 56(2a)

Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.

Article 56a(1) and (2)

Informing all other competent authorities, by way of an alert through the IMI, about a medical practitioner whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information provided is limited to the information referred to in article 56a(2) of the Directive.

Article 56a(3)

Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.

Article 56a(4)

Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with [^{F282}the GDPR] and [Directive 2002/58/EC](#).

Article 56a(5)

Informing all other competent authorities through the IMI without delay when—

- (a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired;
- (b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.

Article 56a(6)

Notifying the medical practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive,

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in writing at the same time as the alert is sent, that the practitioner—

- (a) is the subject of an alert sent under article 56a(1) or (3) of the Directive;
- (b) has the right to appeal the decision or to apply for rectification of the decision;
- (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.

Informing competent authorities, where applicable, that an alert is subject to appeal proceedings by the practitioner.

Article 56a(7)

Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of—

- (a) the date of adoption of the revoking decision; or
- (b) the expiry of the prohibition or restriction referred to in that article.

Article 57a(1)

Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a medical practitioner may be easily completed by the applicant remotely and by electronic means.]]

Textual Amendments

- F269** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(2)** (with reg. 155)
- F270** Words in Sch. 4A substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(3)(a)** (with reg. 155)
- F271** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(2)**; S.I. 2010/478, art. 2(b)
- F272** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(3)(b)** (with reg. 155)
- F273** Words in Sch. 4A substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(3)**; S.I. 2010/478, art. 2(b)
- F274** Words in Sch. 4A substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(4)**; S.I. 2010/478, art. 2(b)
- F275** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(5)(a)**; S.I. 2010/478, art. 2(b)
- F276** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(5)(b)**; S.I. 2010/478, art. 2(b)
- F277** Words in Sch. 4A added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(6)**; S.I. 2010/478, art. 2(b)

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- F278** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(4)** (with reg. 155)
- F279** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(5)** (with reg. 155)
- F280** Words in Sch. 4A substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 26(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F281** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(6)** (with reg. 155)
- F282** Words in Sch. 4A substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 26(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

SCHEDULE 5

Section 56(1).

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1 **F283**

Textual Amendments

F283 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^{M1} 1959

Marginal Citations

M1 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^{M2} 1960

Marginal Citations

M2 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 **F284**

Textual Amendments

F284 Sch. 5 para. 4 repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, **Sch. 7**

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Medicines Act^{M3} 1968

Marginal Citations

M3 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 ^{M4}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

M4 1969 c. 6 (N.I.).

Nurses and Midwives Act (Northern Ireland)^{M5} 1970

Marginal Citations

M5 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)^{M6} 1971

Marginal Citations

M6 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 ”.

Misuse of Drugs Act^{M7} 1971

Marginal Citations

M7 1971 c. 38.

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- 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^{M8} 1972

Marginal Citations

M8 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^{M9} 1972

Marginal Citations

M9 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^{M10} 1972

Marginal Citations

M10 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”.

Births and Deaths Registration (Northern Ireland) Order^{M11} 1976

Marginal Citations

M11 S.I. 1976/1041 (N.I. 14).

Status: Point in time view as at 25/05/2018.

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)

- 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 ^{M12}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

M12 S.I. 1976/1213 (N.I. 22).

Poisons (Northern Ireland) Order ^{M13} 1976

Marginal Citations

M13 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 ^{M14} 1977

Marginal Citations

M14 1977 c. 49.

- 16 In the National Health Service Act 1977—
^{F285}(a)
^{F286}(b)

Textual Amendments

F285 Sch. 5 para. 16(a) repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(f) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)

F286 Sch. 5 para. 16(b) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

National Health Service (Scotland) Act ^{M15} 1978

Marginal Citations

M15 1978 c. 29.

Status: Point in time view as at 25/05/2018.

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)

- 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^{M16} 1978

Marginal Citations

M16 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 ^{F287}

Textual Amendments

F287 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.
- 4 The repeal of section 4 of the 1978 Act by this Act shall not affect the operation of [^{F288}Article] 3 of the ^{M17}Irish Republic (Termination of 1927 Agreement) Order 1979 but after the commencement of this Act, except where the context otherwise requires, the references in [^{F288}that Article] to provisions of the 1956 Act shall have effect as references to the corresponding provisions of this Act.

Status: Point in time view as at 25/05/2018.

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)

Textual Amendments

F288 Words substituted by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(1), [Sch. 5 para. 15](#)

Marginal Citations

M17 [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 ^{M18}Medical Act 1969, or section 41(7) of the 1956 Act or the corresponding enactment repealed by that Act.

Marginal Citations

M18 [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 [^{F289}registered medical practitioner][^{F290}who holds a licence to practise].
- (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 [^{F289}registered medical practitioner][^{F291}who holds a licence to practise].

Status: Point in time view as at 25/05/2018.

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)

Textual Amendments

- F289** Words in Sch. 6 para. 11(1)(2) substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(8)** (with Sch. 2)
- F290** Words in Sch. 6 para. 11(1) added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 19**; S.I. 2010/478, art. 2(b)
- F291** Words in Sch. 6 para. 11(2) added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 19**; S.I. 2010/478, art. 2(b)

- 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 ^{M19}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

- M19** 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.

- ^{F292}14

Textual Amendments

- F292** Sch. 6 para. 14 omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 6**

- 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.

Status: Point in time view as at 25/05/2018.

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)

- 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 ^{F293} ... 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.

Textual Amendments

F293 Words in Sch. 6 para. 18 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), s. 42\(3\)](#), [Sch. 8 para. 15](#), [Sch. 9 Pt. 2](#); S.I. 2003/833, art. 3(b)(c) (with art. 4)

- 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.

^{F294}23

Textual Amendments

F294 Sch. 6 para. 23 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **19**

- 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.

Status: Point in time view as at 25/05/2018.

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)

- (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).
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.

Status: Point in time view as at 25/05/2018.

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		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 [^{F150} Senior Courts 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.
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:

Point in time view as at 25/05/2018.

Changes to legislation:

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