



Medical Act 1983

1983 CHAPTER 54

[^{F1}PART V

FITNESS TO PRACTISE AND MEDICAL ETHICS

[^{F1} ^{F2}44BA] **Fitness to practise of exempt persons: sufficient evidence**

- (1) Subsections (2) to (5) apply in relation to an exempt person (“E”) who applies for registration under section 3(1)(b), 14A or 19A of this Act.
- (2) For the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good health a certificate which—
 - (a) attests to E's good physical and mental health; and
 - (b) is required of a person who wishes to practise medicine in E's attesting State.
- (3) If no such certificate is required of persons who wish to practise medicine in E's attesting State, for the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good health a certificate which—
 - (a) attests to E's good physical and mental health; and
 - (b) is issued by a competent authority in E's attesting State.
- (4) For the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good character a certificate which—
 - (a) attests to E's good character or good repute; and
 - (b) is issued by a competent authority in E's attesting State.
- (5) If no such certificate is issued by a competent authority in E's attesting State, for the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good character a certificate—
 - (a) attesting to the authenticity of a declaration on oath made by E—
 - (i) before a competent judicial or administrative authority, notary or qualified professional body of E's attesting State, and
 - (ii) attesting to E's good character; and

Status: Point in time view as at 09/07/2008.

Changes to legislation: Medical Act 1983, Section 44BA is up to date with all changes known to be in force on or before 09 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) issued by the authority, notary or body referred to in paragraph (a)(i).
 In this subsection, “declaration on oath” includes a solemn declaration.
- (6) In subsections (2) to (5) the “attesting State”, in relation to E, is—
- (a) the relevant European State in which E obtained his medical qualification; or
 (b) (if different) the relevant European State from which E comes to the United Kingdom.
- (7) The Registrar shall not accept any certificate referred to in subsection (2), (3), (4) or (5) if it is presented more than three months after the date on which it was issued.]]

Textual Amendments

- F1** Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004, 16.11.2009 for the insertion of s. 41C as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **13** (with Sch. 2)
- F2** [S. 44BA](#) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **24**

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