



# Medical Act 1983

## 1983 CHAPTER 54

### PART VI

#### PRIVILEGES OF REGISTERED PRACTITIONERS

#### 46 Recovery of fees.

(1) Except as provided in [<sup>F1</sup>subsection (2A)] below, no person shall be entitled to recover any charge in any court of law for any medical advice or attendance, or for the performance of any operation, <sup>F2</sup>... unless he proves that he is fully registered.

<sup>F3</sup>(2) .....

[<sup>F4</sup>(2A) Subsection (1) above shall not apply to fees in respect of medical services lawfully provided—

- (a) under arrangements to provide services as part of the health service, the Northern Ireland health service or the Scottish health service (those terms having the same meaning here as in section 29G(3) above);
- (b) by any person who is not a medical practitioner but who is entitled to provide those medical services by virtue of an enforceable Community right;
- (c) by a person who is a member of a profession regulated by a body, apart from the General Council, mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.]

(3) Where a practitioner is a fellow of a college of physicians, fellows of which are prohibited by byelaw from recovering by law their expenses, charges or fees, then, notwithstanding that he is fully registered, the prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceedings instituted by him for the recovery of expenses, charges or fees.

#### Textual Amendments

**F1** Words in s. 46(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **26(a)**

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*Status: Point in time view as at 03/12/2007. This version of this provision has been superseded.*

*Changes to legislation: Medical Act 1983, Section 46 is up to date with all changes known to be in force on or before 07 July 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)*

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- F2** Words in s. 46(1) omitted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **73(a)(ii)**
- F3** S. 46(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), **26(b)**
- F4** S. 46(2A) inserted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **73(b)**

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