

SCHEDULE 1

Article 16(1)

CONSEQUENTIAL AMENDMENTS

PART I

PRIMARY LEGISLATION

Prison Act 1952 (c. 52)

1. In section 7 of the Prison Act 1952(1) (prison officers), in subsection (4), for “duly registered under the Medical Acts” substitute “a registered medical practitioner”.

Human Tissue Act 1961 (c. 54)

2. In section 2 of the Human Tissue Act 1961(2) (post-mortem examinations) after “fully registered medical practitioner” insert “who holds a licence to practise”.

Human Tissue Act (Northern Ireland) 1962 (c. 19 (N.I.))

3. In section 2(2) of the Human Tissue Act (Northern Ireland) 1962 (post-mortem examinations), after “registered medical practitioner” insert “who holds a licence to practise”.

Children and Young Persons Act 1963 (c. 37)

4. In section 26 of the Children and Young Persons Act 1963(3) (medical evidence by certificate), after “a fully registered medical practitioner” insert “who holds a licence to practise”.

Criminal Procedure (Insanity) Act 1964 (c. 84)

5. In section 8(2) of the Criminal Procedure (Insanity) Act 1964(4) (interpretation), in the definition of “registered medical practitioner”, after “Medical Act 1983” insert “who holds a licence to practise”.

Criminal Appeal Act 1968 (c. 19)

6. In section 51(1) of the Criminal Appeal Act 1968(5) (interpretation), in the definition of “registered medical practitioner” after “Medical Act 1983” insert “who holds a licence to practise”.

(1) Section 7 was previously amended by the Sex Discrimination Act 1975 (c. 65), section 18(2); and modified by the Criminal Justice Act 1991 (c. 53), section 87.

(2) Section 2 was previously amended by the Anatomy Act 1984 (c. 14), section 13.

(3) Section 26 was previously amended by the Criminal Justice Act 1991 (c. 53), section 100 and Schedule 11, paragraph 40.

(4) Section 8 was previously amended by: the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), sections 7, 8(1)(c) and (3), Schedule 3, paragraph 1 and Schedule 4; and the Mental Health Act 1983 (c. 20), section 148(1) and (2), and Schedule 4, paragraph 18(b).

(5) Section 51 was previously amended by: the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, paragraph 57(3) of Part II; the Immigration Act 1971 (c. 77), section 34(1) and 35(1) and Schedule 6; the Supreme Court Act 1981 (c. 54), section 152(4) and Schedule 7; the Mental Health Act 1983 (c. 20), section 148 and Schedule 4, paragraph 23; the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), section 7 and Schedule 3, paragraph 5; and S.I.2000/90.

Health and Safety at Work etc. Act 1974 (c. 37)

7.—(1) In section 56 of the Health and Safety at Work etc. Act 1974 (functions of authority responsible for maintaining the service), at the end of subsection (2) add “who holds a licence to practise”.

(2) In section 60 of the Health and Safety at Work etc. Act 1974(6) (supplementary) in subsection (1), after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service Act 1977 (c. 49)

8. For section 29(8) and (9) of the National Health Service Act 1977(7) (arrangements and regulations for general medical services) substitute—

“(8) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of his physical or mental health;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) by an interim order under section 41A of that Act (interim orders),

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.

(9) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of deficient professional performance;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as provided by a determination in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.”.

National Health Service (Scotland) Act 1978 (c. 29)

9. For section 19(7) and (7A) of the National Health Service (Scotland) Act 1978(8) (arrangements and regulations for general medical services) substitute—

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- (6) Section 60 was previously amended by: the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 99; and the National Health Service Reform and Health Care Professions Act 2000 (c. 17), section 2(5) and Schedule 2, paragraph 41 of Part 2.
 - (7) Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17, and amended by: the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); S.I. 1985/39, article 7(3); the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8. Subsection (9) was added by paragraph 28 of the Schedule to the Medical (Professional Performance) Act 1995 (c. 51).
 - (8) Subsection (7A) was added by paragraph 29 of the Schedule to the Medical (Professional Performance) Act 1995.

“(7) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of his physical or mental health;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) by an interim order under section 41A of that Act (interim orders),

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.

(7A) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of deficient professional performance;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as provided by a determination in accordance with regulations under subsection (2) above, terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.”.

Interpretation Act 1978 (c. 30)

10. In Schedule 1 to the Interpretation Act 1978(9) (words and expressions defined) for the definition of “Registered medical practitioner” substitute—

““Registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act.”.

Dentists Act 1984 (c. 24)

11. For section 37(3) of the Dentists Act 1984 (definition of practice of dentistry) substitute—

“(3) In this section “medical authority” means one of the universities or other bodies listed in section 4(2) of the Medical Act 1983 (qualifying examinations and primary United Kingdom qualifications) which is entitled to hold qualifying examinations for the purpose of granting one or more primary United Kingdom medical qualifications.”.

Merchant Shipping Act 1995 (c. 21)

12. In section 53 of the Merchant Shipping Act 1995 (medical treatment on board ship), for “doctor” substitute “registered medical practitioner”.

National Health Service Reform and Health Care Professions Act 2002 (c. 17)

13. In section 29(1) of the National Health Service Reform and Health Care Professions Act 2002 (reference of disciplinary cases by Council to courts), for paragraphs (c) and (d) substitute—

(9) This definition was previously amended by the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 18.

- “(c) a direction by a Fitness to Practise Panel of the General Medical Council under section 35D of the Medical Act 1983 (c. 54) that the fitness to practise of a medical practitioner was impaired otherwise than by reason of his physical or mental health.”.

PART II

SECONDARY LEGISLATION

Pottery (Health and Welfare) Special Regulations 1950

14. In regulation 2(2) of the Pottery (Health and Welfare) Special Regulations 1950(10) (interpretation), in the definition of “appointed doctor” after “fully registered medical practitioner” insert “who holds a licence to practise”.

Mines (Medical Examinations) Regulations 1964

15. In regulation 5(8) of the Mines (Medical Examination) Regulations 1964(11) (medical examination of young persons and the giving of certificates), after “fully registered medical practitioner” insert “who holds a licence to practise”.

Health and Personal Social Services (Northern Ireland) Order 1972

16. For Article 56(4C) and (4D) of the Health and Personal Social Services (Northern Ireland) Order 1972(12) (arrangements for general medical services) substitute—

“(4C) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of his physical or mental health;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) by an interim order under section 41A of that Act (interim orders),

the suspension shall not terminate any arrangements made with him for the provision of general medical services, but he shall not provide such services during the suspension.

(4D) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

- (a) by a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) following a finding that his fitness to practise was impaired by reason of deficient professional performance;
- (b) by an order of a Fitness to Practise Panel under section 38(1) of that Act (power to order immediate suspension etc.); or
- (c) under rules made by virtue of paragraph 5A(3) of Schedule 4 to that Act (procedure of committees),

the suspension shall not, except in so far as provided by a determination in accordance with regulations under paragraph (2), terminate any arrangements made with him for the

(10) S.I. 1950/65.

(11) S.I. 1964/209; the relevant amending instrument is S.I. 1974/2013.

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

provision of general medical services, but he shall not provide such services during the suspension.”.

Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974

17. In article 2(1) of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974(13) (interpretation), in the definition of “registered medical practitioner” at the end add “who holds a licence to practise”.

Pharmaceutical Society (Statutory Committee) Order of Council 1978

18. In Part IV of the Appendix to the Pharmaceutical Society (Statutory Committee) Order of Council 1978(14) (applications for relief from consequences of previous decisions), in regulation 31, for “the Medical Acts 1956 to 1969” substitute “the Medical Act 1983, including a fully registered medical practitioner who does not hold a licence to practise,”.

Health and Safety at Work (Northern Ireland) Order 1978

19.—(1) In Article 48 of the Health and Safety at Work (Northern Ireland) Order 1978(15) (the employment medical advisory service), at the end of paragraph (4) add “who holds a licence to practise”.

(2) In Article 50 of the Health and Safety at Work (Northern Ireland) Order 1978 (supplementary) after “fully registered medical practitioner” insert “who holds a licence to practise”.

General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979

20. In the Appendix to the General Medical Council (Review Board for Overseas Qualified Practitioners Rules) Order of Council 1979(16)—

(a) for rule 10 substitute—

“10.—(1) There shall be an oral hearing of the application if the applicant so requests in the application mentioned in rule 9(a) or if the Board considers that such a hearing is desirable.

(2) Subject to paragraph (3), the hearing shall be in public if the applicant so requests or if the Board otherwise considers it appropriate but the Board may, if satisfied that it is in the interests of the applicant, exclude the public from being present during any part of the proceedings.

(3) The Board may for the purpose of deliberation, at any time exclude the applicant, his representative, any representative of the Council or the public.”; and

(b) in rule 11—

“(i) omit paragraph (a),
(ii) in paragraph (b) omit “also”, and
(iii) omit paragraph (f).”

(13) S.I. 1974/2211; the relevant amending instruments are S.I. 1986/2062, 1990/2371, 1993/1813 and 1994/1405.

(14) S.I. 1978/20.

(15) S.I. 1978/1039 (N.I. 9).

(16) S.I. 1979/29.

Medicines (Contact Lens Fluid and Other Substances) (Exemptions from Licences) Order 1979

21. In article 1(2) of the Medicines (Contact Lens Fluid and Other Substances) (Exemptions from Licences) Order 1979(17) (interpretation), at the appropriate place insert—

““doctor” means a registered medical practitioner;”.

Pension Appeals Tribunals (England and Wales) Rules 1980

22. In rule 12 of the Pension Appeals Tribunals (England and Wales) Rules 1980(18) (evidence), in paragraphs (1) and (2), for “doctor”, wherever it appears, substitute “registered medical practitioner”.

Public Lending Right Scheme 1982 (Commencement) Order 1982

23. In the Appendix to the Public Lending Right Scheme 1982 (Commencement) Order 1982(19), both in Article 14A(c)(ii) (forms of application in respect of posthumously eligible books) and in paragraph 5 of Part I of Schedule 1 (application for first registration), for “doctor” substitute “registered medical practitioner, who need not hold a licence to practise,” .

Nursing Homes and Mental Nursing Homes Regulations 1984

24. In regulation 2(1) of the Nursing Homes and Mental Nursing Homes Regulations 1984(20) (interpretation), in the definition of “medical practitioner”, after “Medical Act 1983” insert “who holds a licence to practise”.

Dental Auxiliaries Regulations 1986

25.—(1) In regulation 5(c) of the Dental Auxiliaries Regulations 1986(21) (the rolls and enrolment), after “practitioner” insert “who need not hold a licence to practise”.

(2) In regulation 18(2) of the Dental Auxiliaries Regulations 1986 (restoration after erasure for misconduct), after “practitioners” insert “who need not hold licences to practise”.

Sight Testing (Examination and Prescription)(No. 2) Regulations 1989

26. In regulation 2(1) of the Sight Testing (Examination and Prescription)(No. 2) Regulations 1989(22) (interpretation), in the definition of “doctor”, after “Medical Act 1983” insert “who holds a licence to practise”.

Abortion (Scotland) Regulations 1991

27. In regulation 5 of the Abortion (Scotland) Regulations 1991(23) (restriction on disclosure of information), in paragraph (h), for “there has been serious professional misconduct by a practitioner” substitute “the fitness to practise of the practitioner is impaired”.

(17) S.I. 1979/1585; the relevant amending instrument is S.I. 1979/1745.

(18) S.I. 1980/1120.

(19) S.I. 1982/719; the relevant amending instrument is 1999/1042.

(20) S.I. 1984/1578; the relevant amending instruments are S.I. 1991/2532 and 2002/324. Regulation 2 was modified by S.I. 1996/971.

(21) S.I. 1986/887.

(22) S.I. 1989/1230.

(23) S.I. 1991/460.

Abortion Regulations 1991

28. In regulation 5 of the Abortion Regulations 1991(**24**) (restriction on disclosure of information), in paragraph (h), for “there has been serious professional misconduct by a practitioner” substitute “the fitness to practise of the practitioner is impaired”.

National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992

29. In regulation 1(2) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(**25**) (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service (General Medical Services) Regulations 1992

30.—(1) In regulation 2(1) of the National Health Service (General Medical Services) Regulations 1992(**26**) (interpretation)—

- (a) in the definition of “medical register” for “section 34” substitute “section 2”;
- (b) the definitions of “Preliminary Proceedings Committee” and “Professional Conduct Committee” shall be omitted; and
- (c) in the appropriate places there shall be inserted ““Fitness to Practise Panel” means a Fitness to Practise Panel referred to in section 1(3) of the Medical Act 1983;” and ““Investigation Committee” means the Investigation Committee of the General Medical Council referred to in section 1(3) of the Medical Act 1983;”.

(2) In regulation 7 of the National Health Service (General Medical Services) Regulations 1992 (removal from the medical list)—

- (a) in paragraph (1) for sub-paragraph (c) substitute—

“(c) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”;

- (b) in paragraph (3) for sub-paragraph (a) substitute—

“(a) any period during which the doctor provided no general medical services by reason only that his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(3) In regulation 18E(2) of the National Health Service (General Medical Services) Regulations 1992(**27**) (criteria for approval and nomination) for sub-paragraph (b) substitute—

- “(b) that his entry in the Medical Register is subject to conditions imposed pursuant to section 35D (impairment of fitness to practice) or section 41A (interim orders) of the Medical Act 1983.”.

(24) S.I. 1991/499; the relevant amending instrument is S.I. 2002/887.

(25) S.I. 1992/434.

(26) S.I. 1992/635; the relevant amending instruments are S.I. 1995/3093, 1996/702, 1997/2468, 1998/682 and 2838, 1999/326, 2000/220 and 1707, 2001/3742, and 2002/554, 881, 916 and 1920.

(27) Regulation 18E was inserted by S.I. 1998/2838.

Status: This is the original version (as it was originally made).

(4) In Schedule 2 of the National Health Service (General Medical Services) Regulations 1992 (terms of service for doctors) in paragraph 18A (out of hours arrangements), in sub-paragraph (7) (h), for (ii), substitute—

“(ii) he has been notified under section 35C(5) of the Medical Act 1983 that the Investigation Committee of the General Medical Council has decided that a case of which he is the subject should be referred to a Fitness to Practise Panel.”.

(5) In Part III of Schedule 3 of the National Health Service (General Medical Services) Regulations 1992 (information and undertakings to be given etc.), in paragraph 6 at the end insert “who holds a licence to practise”.

National Health Service (Pharmaceutical Services) Regulations 1992

31. In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992⁽²⁸⁾ (interpretation), in the definition of “doctor”, after “means a” insert “registered”.

National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

32. In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995⁽²⁹⁾ (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

National Health Service (General Medical Services) (Scotland) Regulations 1995

33.—(1) In regulation 7A of the National Health Service (General Medical Services) (Scotland) Regulations 1995⁽³⁰⁾ (removal from the medical list where a doctor has died etc.), for paragraph (c) substitute—

“(c) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”.

(2) In paragraph 17A(h) of Schedule 1 to the National Health Service (General Medical Services) (Scotland) Regulations 1995 (out of hours arrangements), for head (ii) substitute—

“(ii) he has been notified under section 35C(5) of the Medical Act 1983 that the Investigation Committee of the General Medical Council has decided that he should be referred to a Fitness to Practise Panel.”.

Children (Northern Ireland) Order 1995

34. In Article 2(2) of the Children (Northern Ireland) Order 1995⁽³¹⁾ (interpretation), in the definition of “medical practitioner” after “Medical Act 1983” insert “who holds a licence to practise”.

⁽²⁸⁾ S.I. 1992/662; the relevant amending instruments are S.I. 1994/2402, 1996/698, 1998/681 and 224, 1999/696, 2000/121 and 593, 2001/1396 and 2888, and 2002/551 and 2016.

⁽²⁹⁾ S.I. 1995/414.

⁽³⁰⁾ S.I. 1995/416; the relevant amending instruments are S.I. 1996/842 and 2000/28.

⁽³¹⁾ S.I. 1995/755 (N.I. 2).

Merchant Shipping (Ships' Doctors) Regulations 1995

35. In regulation 2 of the Merchant Shipping (Ships' Doctors) Regulations 1995(32) (interpretation), in the definition of “qualified doctor” at the end add “who holds a licence to practise”.

Cosmetic Products (Safety) Regulations 1996

36. In regulation 8 of the Cosmetic Products (Safety) Regulations 1996(33) (product information), in paragraph (3)(b), after “fully registered medical practitioner” insert “and holds a licence to practise”.

The Adoption Agencies (Scotland) Regulations 1996

37. In the Adoption Agencies (Scotland) Regulations 1996(34)—

- (a) in regulation 8(b) (duties of adoption agencies in making arrangements for freeing for adoption), after “fully registered practitioner” insert “who holds a licence to practise”;
- (b) in regulation 9 (duties of adoption agencies in making arrangements after adoption), after “fully registered practitioner” insert “who holds a licence to practise”;
- (c) in paragraph 17 of Part I of Schedule 2 (particulars relating to the child), after “fully registered medical practitioner” insert “who holds a licence to practise”;
- (d) in paragraph 15 of Part II of Schedule 2 (particulars relating to each parent, including where appropriate, a father or mother who does not have parental responsibilities or rights in relation to the child), after “fully registered medical practitioner” insert “who holds a licence to practise”; and
- (e) in paragraph 25 of Part IV of Schedule 2 (particulars relating to each prospective adopter), after “fully registered medical practitioner” insert “who holds a licence to practise”.

Reserve Forces (Call-out and Recall) (Exemptions Etc.) Regulations 1997

38. In regulation 2(1) of the Reserve Forces (Call-out and Recall) (Exemptions Etc.) Regulations 1997(35) (interpretation), insert at the appropriate place—

““doctor” means a registered medical practitioner;”.

National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998

39. In regulation 2(1) of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(36) (interpretation), in the definition of “practitioner”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

(32) S.I. 1995/1803.

(33) S.I. 1996/2925; the relevant amending instrument is S.I. 1997/2914.

(34) S.I. 1996/3266.

(35) S.I. 1997/307.

(36) S.I. 1998/5.

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998

40. In regulation 8(1) of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Employment of Young Persons) Regulations 1998(37) (young persons' medical certificates), after “Medical Act 1983” insert “who holds a licence to practise”.

National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998

41. In regulation 1(2) of the National Health Service (Choice of Medical Practitioner) (Scotland) Regulations 1998(38) (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “who holds a licence to practise”.

Prison Rules 1999

42. In rule 20(3) of the Prison Rules 1999(39) (medical attendance), after “Medical Act 1983” insert “who holds a licence to practise”.

Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999

43. In Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(40) (general definitions) for the definition of “registered medical practitioner” substitute—

““registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act;”.

Medical Act 1983 (Amendment) Order 2000

44. Articles 3 to 14, 15(a) to (e) and 16 of the Medical Act 1983 (Amendment) Order 2000(41) are hereby revoked.

Young Offender Institution Rules 2000

45. In rule 27(3) of the Young Offender Institution Rules 2000(42) (medical attendance), after “Medical Act 1983” insert “who holds a licence to practise”.

National Health Service (Personal Medical Services) (Scotland) Regulations 2001

46. In regulation 7(2) of the National Health Service (Personal Medical Services) (Scotland) Regulations 2001(43) (performance of personal medical services by medical practitioners), for subparagraph (e) substitute—

“(e) is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act

(37) S.I. 1998/2411.

(38) S.I. 1998/659.

(39) S.I. 1999/728.

(40) S.I. 1999/1379; the relevant amending instrument is S.I. 2002/881.

(41) S.I. 2000/1803.

(42) S.I. 2000/3371.

(43) S.I. 2001/72.

(order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”.

Detention Centre Rules 2001

47. In rule 33(1) of the Detention Centre Rules 2001(**44**) (medical practitioner and health care team), after “Medical Act 1983” add “who holds a licence to practise”.

Life Sentences Review (Northern Ireland) Order 2001

48. In Article 3(6) of the Life Sentences Review (Northern Ireland) Order 2001(**45**) (Life Sentence Review Commissioners) after “Medical Act 1983” add “who holds a licence to practise”.

Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

49. In regulation 9 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001(**46**) (medical advice) at the end add “who holds a licence to practise”.

National Health Service (General Medical Services Supplementary List) Regulations 2001

50.—(1) In regulation 4 of the National Health Service (General Medical Services Supplementary List) Regulations 2001(**47**) (application for inclusion in the supplementary list), in paragraph (2)(f) after “in the Medical Register” add “who holds a licence to practise”.

(2) In regulation 6(1) of the National Health Service (General Medical Services Supplementary List) Regulations 2001 (grounds for refusal) for sub-paragraph (f) substitute—

“(f) where his registration in the register of medical practitioners is subject to conditions imposed pursuant to section 35D (impairment of fitness to practise) or section 41A (interim orders) of the Medical Act 1983.”.

(3) In regulation 10 of the National Health Service (General Medical Services Supplementary List) Regulations 2001 (removal from supplementary list)—

(a) in paragraph (1) for sub-paragraph (f) substitute—

“(f) he is the subject of a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding by that Panel that his fitness to practise was impaired by reason of misconduct, conviction or determination, or of an order made by that Panel under section 38(1) of that Act (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”;

(b) in paragraph (8), for sub-paragraph (a) substitute—

“(a) during which his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(44) S.I. 2001/238.

(45) S.I. 2001/2564 (N.I. 2).

(46) S.I. 2001/3455.

(47) S.I. 2001/3740; the relevant amending instrument is S.I. 2002/848.

Education (Special Educational Needs) (Wales) Regulations 2002 (Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002)

51.—(1) In regulation 9 of the Education (Special Educational Needs) (Wales) Regulations 2002(48) (medical advice), at the end add “who holds a licence to practise”.

(2) Yn rheoliad 9 o Reoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002 (cyngor meddygol), rhowch ar y diwedd y geiriau “ac sy'n dal trwydded i ymarfer”.

National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (Rheoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002)

52.—(1) In regulation 4 of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002(49) (application for inclusion in the supplementary list), in paragraph (2)(f) after “in the Medical Register” add “who holds a licence to practise”.

(2) In regulation 6(1) of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (grounds for refusal) for sub-paragraph (f) substitute—

“(f) where his registration in the register of medical practitioners is subject to conditions imposed pursuant to section 35D (impairment of fitness to practise) or section 41A (interim orders) of the Medical Act 1983.”.

(3) In regulation 10 of the National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002 (removal from supplementary list)—

(a) for sub-paragraph (1)(f) substitute—

“(f) he is the subject of—

(i) a direction given by a Fitness to Practise Panel under section 35D of the Medical Act 1983 (impairment of fitness to practise) that his name be erased or that his registration in the register be suspended following a finding that his fitness to practise was impaired by reason of misconduct, conviction or determination, or

(ii) an order made by that Panel under section 38(1) of that Act (order for immediate suspension);”;

(b) for sub-paragraph 10(8)(a) substitute—

“(a) during which his registration as a medical practitioner was suspended under section 35D of the Medical Act 1983 by a Fitness to Practise Panel following a finding by that Panel that his fitness to practise was impaired by reason of his physical or mental health or by interim order under section 41A of the Medical Act 1983 (interim orders);”.

(4) Yn rheoliad 4 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002, (cais i gynnwys enw ar y rhestr atodol), ym mharagraff 2(dd) ar ô 244 l y geiriau “Gofrestr Feddygol” rhowch y geiriau “ac sy'n dal trwydded i ymarfer”.

(5) Yn rheoliad 6 o Reoliadau'r Gwasanaeth Iechyd Gwladol (Rhestr Atodol Gwasanaethau Meddygol Cyffredinol) (Cymru) 2002 (rhesymau dros wrthod) yn lle is-baragraff (1)(dd) rhowch—

“(dd) os yw cofrestriad y meddyg yn y gofrestr o ymarferwyr cyffredinol yn ddarostyngedig i amodau a osodwyd yn unol ag adran 35D (amhariad ar ffitrwydd i ymarfer) neu adran 41A (gorchmynion interim) o Ddeddf Feddygol 1983;”.

(6) Yn rheoliad 10 (tynnu oddi ar restr atodol)—

(48) S.I. 2002/152 (W. 20) (O.S. 2002/152 (Cy. 20)).

(49) S.I. 2002/1882 (W. 191) (O.S. 2002/1882 (Cy. 191)).

(a) yn lle is-baragraff (1)(dd) rhowch—

“(dd) bod y meddyg yn destun

(i) cyfarwyddyd a roddwyd gan Banel Ffitrwydd i Ymarfer o dan adran 35D o Ddeddf Feddygol 1983 (amhariad ar ffitrwydd i ymarfer) i ddileu ei enw neu atal dros dro ei gofrestrriad yn y gofrestr, yn dilyn dyfarniad bod camymddygiad, collfarniad neu benderfyniad wedi amharu ar ei ffitrwydd i ymarfer, neu

(ii) gorchymyn a wnaed gan y Panel hwnnw o dan adran 38(1) o'r Ddeddf honno (gorchymyn i atal dros dro ar unwaith);”;

(b) yn lle is-baragraff 10(8)(a) rhowch—

“(a) pan atalwyd dros dro gofrestrriad y meddyg fel ymarferydd cyffredinol o dan adran 35D o Ddeddf Feddygol 1983 gan Banel Ffitrwydd i Ymarfer yn dilyn dyfarniad gan y Panel hwnnw bod ei iechyd corfforol neu feddyliol wedi amharu ar ei ffitrwydd i ymarfer neu drwy orchymyn interim o dan adran 41A o Ddeddf Feddygol 1983 (gorchmynion interim);”.