

## SCHEDULE 1

### CONSEQUENTIAL AMENDMENTS

## 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 <sup>M1</sup> (interpretation), in the definition of “appointed doctor” after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

#### Marginal Citations

M1 [S.I. 1950/65](#).

#### Mines (Medical Examinations) Regulations 1964

15. In regulation 5(8) of the Mines (Medical Examination) Regulations 1964 <sup>M2</sup> (medical examination of young persons and the giving of certificates), after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

#### Marginal Citations

M2 [S.I. 1964/209](#); the relevant amending instrument is [S.I. 1974/2013](#).

#### 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 <sup>M3</sup> (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;

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

#### Marginal Citations

**M3** [S.I. 1972/1265 \(N.I. 14\)](#).

### 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 <sup>M4</sup> (interpretation), in the definition of “registered medical practitioner” at the end add “ who holds a licence to practise ”.

#### Marginal Citations

**M4** [S.I. 1974/2211](#); the relevant amending instruments are [S.I. 1986/2062](#), 1990/2371, 1993/1813 and 1994/1405.

### 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 <sup>M5</sup> (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, ”.

#### Marginal Citations

**M5** [S.I. 1978/20](#).

### 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 <sup>M6</sup> (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 ”.

#### Marginal Citations

**M6** [S.I. 1978/1039 \(N.I. 9\)](#).

## 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 <sup>M7</sup>—

(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).”

### Marginal Citations

M7 [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 <sup>M8</sup> (interpretation), at the appropriate place insert—  
““doctor” means a registered medical practitioner.”

### Marginal Citations

M8 [S.I. 1979/1585](#); the relevant amending instrument is [S.I. 1979/1745](#).

## Pension Appeals Tribunals (England and Wales) Rules 1980

22. In rule 12 of the Pension Appeals Tribunals (England and Wales) Rules 1980 <sup>M9</sup> (evidence), in paragraphs (1) and (2), for “doctor”, wherever it appears, substitute “registered medical practitioner”.

### Marginal Citations

M9 [S.I. 1980/1120](#).

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### **Public Lending Right Scheme 1982 (Commencement) Order 1982**

**23.** In the Appendix to the Public Lending Right Scheme 1982 (Commencement) Order 1982 <sup>M10</sup>, 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, ”.

#### **Marginal Citations**

**M10** [S.I. 1982/719](#); the relevant amending instrument is 1999/1042.

### **Nursing Homes and Mental Nursing Homes Regulations 1984**

**24.** In regulation 2(1) of the Nursing Homes and Mental Nursing Homes Regulations 1984 <sup>M11</sup> (interpretation), in the definition of “medical practitioner”, after “Medical Act 1983” insert “ who holds a licence to practise ”.

#### **Marginal Citations**

**M11** [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](#).

### **Dental Auxiliaries Regulations 1986**

**25.—(1)** In regulation 5(c) of the Dental Auxiliaries Regulations 1986 <sup>M12</sup> (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 ”.

#### **Marginal Citations**

**M12** [S.I. 1986/887](#).

### **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 <sup>M13</sup> (interpretation), in the definition of “doctor”, after “Medical Act 1983” insert “ who holds a licence to practise ”.

#### **Marginal Citations**

**M13** [S.I. 1989/1230](#).

### **Abortion (Scotland) Regulations 1991**

**27.** In regulation 5 of the Abortion (Scotland) Regulations 1991 <sup>M14</sup> (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 ”.

**Marginal Citations**

**M14** [S.I. 1991/460](#).

**Abortion Regulations 1991**

**28.** In regulation 5 of the Abortion Regulations 1991 <sup>M15</sup> (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 ”.

**Marginal Citations**

**M15** [S.I. 1991/499](#); the relevant amending instrument is [S.I. 2002/887](#).

**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 <sup>M16</sup> (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

**Marginal Citations**

**M16** [S.I. 1992/434](#).

**National Health Service (General Medical Services) Regulations 1992**

<sup>F1</sup>**30.** .....

**Textual Amendments**

**F1** Sch. 1 para. 30 revoked (E.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), art. 1(1), **Sch. 2**; and revoked (W.) (1.4.2004) by [The General Medical Services Transitional and Consequential Provisions \(Wales\) \(No. 2\) Order 2004 \(S.I. 2004/1016\)](#), art. 1(1), **Sch. 2**

**National Health Service (Pharmaceutical Services) Regulations 1992**

**31.** In regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992 <sup>M17</sup> (interpretation), in the definition of “doctor”, after “means a” insert “ registered ”.

**Marginal Citations**

**M17** [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.

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

32. In regulation 2(1) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 <sup>M18</sup> (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

**Marginal Citations**

**M18** [S.I. 1995/414](#).

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

<sup>F2</sup>33. ....

**Textual Amendments**

**F2** Sch. 1 para. 33 revoked (S.) (31.5.2004) by [The Primary Medical Services \(Consequential and Ancillary Amendments\) \(Scotland\) Order 2004 \(S.S.I. 2004/212\)](#), art. 1, **sch. 2**

### **Children (Northern Ireland) Order 1995**

34. In Article 2(2) of the Children (Northern Ireland) Order 1995 <sup>M19</sup> (interpretation), in the definition of “medical practitioner” after “Medical Act 1983” insert “ who holds a licence to practise ”.

**Marginal Citations**

**M19** [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 <sup>M20</sup> (interpretation), in the definition of “qualified doctor” at the end add “ who holds a licence to practise ”.

**Marginal Citations**

**M20** [S.I. 1995/1803](#).

### **Cosmetic Products (Safety) Regulations 1996**

36. In regulation 8 of the Cosmetic Products (Safety) Regulations 1996 <sup>M21</sup> (product information), in paragraph (3)(b), after “fully registered medical practitioner” insert “ and holds a licence to practise ”.

**Marginal Citations**

**M21** [S.I. 1996/2925](#); the relevant amending instrument is [S.I. 1997/2914](#).

## **The Adoption Agencies (Scotland) Regulations 1996**

37. In the Adoption Agencies (Scotland) Regulations 1996 <sup>M22</sup>—
- (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 ”.

### **Marginal Citations**

**M22** [S.I. 1996/3266](#).

## **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 <sup>M23</sup> (interpretation), insert at the appropriate place—
- ““doctor” means a registered medical practitioner;”.

### **Marginal Citations**

**M23** [S.I. 1997/307](#).

## **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 <sup>M24</sup> (interpretation), in the definition of “practitioner”, after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

### **Marginal Citations**

**M24** [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 <sup>M25</sup> (young persons’ medical certificates), after “Medical Act 1983” insert “ who holds a licence to practise ”.

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**Marginal Citations**

M25 [S.I. 1998/2411](#).

**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 <sup>M26</sup> (interpretation), in the definition of “doctor”, after “fully registered medical practitioner” insert “ who holds a licence to practise ”.

**Marginal Citations**

M26 [S.I. 1998/659](#).

**Prison Rules 1999**

42. In rule 20(3) of the Prison Rules 1999 <sup>M27</sup> (medical attendance), after “Medical Act 1983” insert “ who holds a licence to practise ”.

**Marginal Citations**

M27 [S.I. 1999/728](#).

**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 <sup>M28</sup> (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;”.

**Marginal Citations**

M28 [S.I. 1999/1379](#); the relevant amending instrument is [S.I. 2002/881](#).

**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 <sup>M29</sup> are hereby revoked.

**Marginal Citations**

M29 [S.I. 2000/1803](#).



### Young Offender Institution Rules 2000

45. In rule 27(3) of the Young Offender Institution Rules 2000 <sup>M30</sup> (medical attendance), after “Medical Act 1983” insert “ who holds a licence to practise ”.

.....  
**Marginal Citations**

**M30** [S.I. 2000/3371](#).

### 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 <sup>M31</sup> (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 (order for immediate suspension or immediate conditional registration after a finding of impairment of fitness to practise);”.

.....  
**Marginal Citations**

**M31** [S.I. 2001/72](#).

### Detention Centre Rules 2001

47. In rule 33(1) of the Detention Centre Rules 2001 <sup>M32</sup> (medical practitioner and health care team), after “Medical Act 1983” add “ who holds a licence to practise ”.

.....  
**Marginal Citations**

**M32** [S.I. 2001/238](#).

### Life Sentences Review (Northern Ireland) Order 2001

48. In Article 3(6) of the Life Sentences Review (Northern Ireland) Order 2001 <sup>M33</sup> (Life Sentence Review Commissioners) after “Medical Act 1983” add “ who holds a licence to practise ”.

.....  
**Marginal Citations**

**M33** [S.I. 2001/2564 \(N.I. 2\)](#).

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

49. In regulation 9 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 <sup>M34</sup> (medical advice) at the end add “ who holds a licence to practise ”.

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**M34** [S.I. 2001/3455](#).

**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 <sup>M35</sup> (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);”;

and

(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);”.

**Marginal Citations**

**M35** [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 <sup>M36</sup> (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”.

**Marginal Citations**

**M36** [S.I. 2002/152](#) (W. 20) (O.S. 2002/152 (Cy. 20)).

## **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 <sup>M37</sup> (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);”;

and

(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 ôl 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)—

(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

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

a

(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 (gorchymynion interim);”.

**Marginal Citations**

**M37** [S.I. 2002/1882](#) (W. 191) (O.S. 2002/1882 (Cy. 191).

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