

## SCHEDULE 2 **U.K.**

### TRANSITIONAL PROVISIONS

#### *Miscellaneous*

**31.** A person shall be entitled to recover any charge under the new section 46(1) of the Act notwithstanding that he does not hold a licence to practise if the charge relates to a matter which took place before the commencement of article 12(4) of this Order, and for these purposes the new section 46(3) of the Act shall apply as if the words “and holds a licence to practise” were omitted.

**32.** A certificate signed by a person who is fully registered but who does not hold a licence to practise shall be valid notwithstanding the new section 48 of the Act if the certificate was signed before the commencement of article 12(6) of this Order.

**33.** The new section 53(2) of the Act shall apply to an order of the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee under the old section 38 of the Act.

**34.** Subject to paragraph 35, where—

- (a) proceedings are pending before the Committee on Professional Performance; or
- (b) an appeal against a direction of that Committee is pending,

on the date of the commencement of article 15(6)(c) of this Order in so far as it relates to the definition of “professional performance”, the Committee or the court shall dispose of the proceedings as if that provision, in so far as it relates to the definition of “professional performance”, were not in force.

**35.** An assessment carried out by virtue of the old paragraph 5A of Schedule 4 to the Act after the coming into force of article 15(6)(c) of this Order in so far as it relates to the definition of “professional performance” may include—

- (a) an assessment of a registered person’s professional performance at any time prior to the assessment; and
- (b) an assessment of the standard of his professional performance at the time of the assessment.

**36.** In any case where, as a result of the provisions of this Schedule, a direction or order has been made under the old sections 36 to 39, 41, 44 or 45 of the Act, any further consideration of that case otherwise than by way of an appeal shall be dealt with as if the order or direction had been made under the corresponding new sections of the Act.

**37.** Until the coming into force of the new section 44A(3) of the Act, if registration is refused or if a person’s name is removed from the register in accordance with subsection (1) or (2) of that section—

- (a) the Registrar shall serve notification of the refusal or removal on that person;
- (b) the Registrar shall, on request, state in writing the reasons for the refusal or removal;
- (c) the person may appeal by giving notice to the General Council; and
- (d) any such appeal shall be determined by the General Council or, if the Council have delegated their functions under this paragraph to a committee, by that committee,

and the old paragraph 8 of Schedule 4 to the Act or the new paragraph 8 of Schedule 4 to the Act shall apply to any notification served under sub-paragraph (a) above.

**38.** The first Regulations made under new section 29A of the Act shall provide, except in prescribed cases or circumstances, that persons who on the date on which any provision of those regulations comes into force are registered under the Act with full or limited registration, shall be granted a licence to practise.

**Changes to legislation:**

There are currently no known outstanding effects for the The Medical Act 1983 (Amendment) Order 2002, Miscellaneous.