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STATUTORY INSTRUMENTS

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**2004 No. 1731**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
DOCTORS**

The Medical Act 1983 (Amendment) Order  
2002 (Saving Provision) Order of Council 2004

<i>Made</i>	- - - -	<i>7th July 2004</i>
<i>Laid before Parliament</i>		<i>7th July 2004</i>
<i>Coming into force</i>	- -	<i>7th July 2004</i>

Their Lordships, in exercise of the powers conferred upon them by article 16(3) of the Medical Act 1983 (Amendment) Order 2002<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 and shall come into force on 7th July 2004.

(2) In this Order—

- (a) “the Act” means the Medical Act 1983<sup>(2)</sup>; and
- (b) “the Principal Order” means the Medical Act 1983 (Amendment) Order 2002.

(3) In this Order any reference to an old paragraph in the Act shall be construed as a reference to that paragraph as it had effect immediately prior to its substitution by the Principal Order and a reference to a new paragraph of the Act shall be construed as a reference to that paragraph as substituted by the Principal Order.

**Saving**

2. Notwithstanding the coming into force of—

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(1) S.I.2002/3135.  
(2) 1983 c. 54 as amended by the Medical (Professional Performance) Act 1985 (c. 51), the National Health Service (Primary Care) Act 1997 (c. 46), the National Health Service Reform and Health Care Professions Act 2002 (c. 17), and the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and S.I. 1986/23, 1996/1591, 2000/1803, 2000/3041 and 2002/3135.

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- (a) article 13 of the Principal Order in so far as it relates to section 43 of the Act in so far as it relates to new paragraphs 1, 5A(1), (3), (3A) and (9), 6 and 7(3), (4) and (6) of Schedule 4 to the Act (proceedings before Professional Conduct, Health and Preliminary Proceedings Committees); and
- (b) article 14 of the Principal Order in so far as it relates to new paragraphs 1, 5A(1), (3), (3A) and (9), 6 and 7(3), (4) and (6) of Schedule 4 to the Act,

old paragraphs 1, 5A, 6 and 7 of Schedule 4 to the Act, shall continue to apply for the purpose of the making and continuing operation of rules thereunder until the coming into force of section 35C of the Act (functions of the Investigation Committee)(3).

*A.K. Galloway*  
Clerk of the Privy Council

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(3) Section 35C is inserted into the Act by article 13 of the Principal Order from a date to be specified by the Secretary of State in accordance with article 1(2) and (3) of the Principal Order.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order makes a saving in respect of the commencement of certain provisions of the Medical Act 1983 (Amendment) Order 2002 (“the Principal Order”), so as to provide for the existing rules relating to fitness to practise proceedings in respect of doctors to continue to apply until the coming into force of the new fitness to practise regime provided for in the Principal Order.