

2004 No. 2610

**HEALTH CARE AND ASSOCIATED PROFESSIONS
DOCTORS**

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

Made - - - - - *4th October 2004*

Laid before Parliament *7th October 2004*

Coming into force - - *1st November 2004*

At the Council Chamber, Whitehall, the 4th day of October 2004

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships, in exercise of the powers conferred upon them by article 16(3) of the Medical Act 1983 (Amendment) Order 2002(a) 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 (Transitional Provision) Order of Council 2004 and shall come into force on 1st November 2004.

(2) In this Order—

“the Act” means the Medical Act 1983(b);

“the General Council” means the General Medical Council;

“the Principal Order” means the Medical Act 1983 (Amendment) Order 2002; and

“the Registrar” means the Registrar of the General Council.

(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.

Transitional provisions

2.—(1) Until the coming into force of new section 44(4) of the Act, if registration is refused under new section 44(1) or a person's name is removed from the register in accordance with new section 44(3) of the Act—

(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;

(a) S.I. 2002/3135.

(b) 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.

(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 function under this article to a committee, by that committee,
and new paragraph 8 of Schedule 4 to the Act shall apply to any notification served under paragraph (a).

(2) If the appeal under paragraph (1) is successful the Registrar shall implement the Council's or the committee's decision.

3. If on the date of the coming into force of this Order any appeal under old section 44(4) of the Act is pending before the General Council or a committee, that appeal shall continue to be dealt with by the Council or the committee notwithstanding the coming into force of article 13 of the Principal Order and if the appeal is successful the Registrar shall implement the Council's or the committee's decision.

4. Where a person appeals under paragraph 37 of Schedule 2 to the Principal Order and that appeal is successful, the Registrar shall implement the Council's or the committee's decision.

A .K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provision in relation to section 44 (effect of disqualification in another member State on registration in the United Kingdom) and 44A (effect of disqualification or conviction on registration) of the Medical Act 1983 (“the Act”).

Article 2 makes transitional provision until the coming into force of new section 44(4) of the Act. Section 44(4) refers to an appealable registration decision, but until article 8 of the Medical Act 1983 (Amendment) Order 2002 (“the Principal Order”) is brought into force no system exists for the hearing of appealable registration decisions under new Schedule 3A to the Act.

Article 3 makes provision for outstanding appeals under old section 44(4) of the Act.

Article 4 makes provision for the implementation of appeals determined under paragraph 37 of Schedule 2 to the Principal Order relating to appeals under new section 44A(1) or (2) of the Act.

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