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STATUTORY INSTRUMENTS

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**2005 No. 399**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
DOCTORS**

The General Medical Council (Registration (Fees)  
(Amendment) Regulations) Order of Council 2005

*Made* - - - - - *2nd February 2005*

*Coming into force* - - - - - *1st April 2005*

At the Council Chamber, Whitehall, the 2nd day of February 2005

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

Whereas, in exercise of their powers under section 32 of the Medical Act 1983<sup>(1)</sup> and of all other powers enabling it in that behalf, the General Medical Council has made the Medical Practitioners Registration (Fees) (Amendment) Regulations 2005 as set out in the Schedule to this Order:

And whereas by section 32(8) of that Act, such Regulations shall not come into force until approved by Order of the Privy Council:

Now, therefore, Their Lordships, having taken these Regulations into consideration, are pleased to, and do hereby approve them.

This Order may be cited as the General Medical Council (Registration (Fees) (Amendment) Regulations) Order of Council 2005, and shall come into force on 1st April 2005.

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

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(1) 1983 c. 54; section 32 was amended by the Medical (Professional Performance) Act 1995, section 4, Schedule, paragraph 3 and S.I. 1996/1591.

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## SCHEDULE

### THE MEDICAL PRACTITIONERS (FEES) (AMENDMENT) REGULATIONS 2005

The General Medical Council in exercise of their powers under section 32 of the Medical Act 1983, and of all other powers enabling them in that behalf, hereby make the following Regulations:

#### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Medical Practitioners Registration (Fees) (Amendment) Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations “the principal Regulations” means the Medical Practitioners Registration (Fees) Regulations 1985<sup>(2)</sup>.

#### **Amendment of the principal Regulations**

2. The principal Regulations shall be amended as follows—

- (a) in regulation 2(1) the definition of “the Overseas List” shall be omitted;
- (b) regulation 3 shall be omitted;
- (c) for regulation 5(3) there shall be substituted the following—

“(3) Any person who is required to pay an annual retention fee under this regulation shall become liable to pay it in full on each anniversary of the date on which he was—

- (a) first fully registered; or
- (b) provisionally registered,

except that where he has lodged with the Registrar a duly completed and valid Bank authority consisting of a variable direct debit, that person may elect to pay the annual retention fee by four equal payments at the beginning of each quarter during the current year.

(4) Paragraph (3) shall apply to a person first registered on 29th February as if he had been registered on 1st March.”;

- (d) for regulation 7 (Discount) there shall be substituted the following—

#### **“Refunds and discounts**

7.—(1) Where the Registrar is satisfied that a person’s gross annual income in the current year or in the forthcoming registration year will be less than £19,700 he shall grant to that person a refund or discount of one half of any fee which has been paid or would otherwise be payable by that person under regulation 4 or 5 in respect of the current year or the forthcoming registration year as appropriate.

(2) Where a person—

- (a) has made an application for registration under section 3, 19, 21, 21A, 25 or 27 of the Act which has been refused; and
- (b) has paid a fee under regulation 4(2)(c), (d), (dd), (e), (f) or (g),

the Registrar shall refund to him the amount of the fee less a scrutiny charge of £100.

(3) Where the name of a medical practitioner is erased from the register by virtue of regulations made under section 31A (voluntary removal from the register) of the Act during the first, second or third quarter of his registration year, the Registrar shall refund

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(2) S.I. 1986/149 amended by S.I. 1995/2786, 1997/1884, 2000/2141, 2001/3668, 2003/1074 and 2004/3409.

to him 75 per cent, 50 per cent or 25 per cent respectively as the case may be of the annual retention fee for his current registration year.

### **Recoupment of refunds and discounts**

**7A.—**(1) If it appears to the Registrar that a registered medical practitioner who has been granted a refund or a discount under regulation 7(1)—

- (a) has earned or will earn more than £19,700 in the registration year in respect of which the refund or discount was granted;
- (b) has made a false declaration of his gross annual income;
- (c) has supplied incorrect information in connection with his application for a refund or a discount; or
- (d) has following a request in writing by the Registrar refused or failed to supply evidence of his gross annual income in the registration year in respect of which the refund or discount was granted;

he shall proceed as follows.

(2) The Registrar shall as soon as practicable write to the registered medical practitioner at his registered address—

- (a) stating the matters which appear to raise a question that the registered medical practitioner has received a discount or refund to which he is not entitled;
- (b) providing him with copies of any documents received by the General Council in support of sub-paragraph (a) above; and
- (c) inviting him to:
  - (i) make written representations as to why he is or was entitled to the discount or refund; or
  - (ii) pay the balance of the fee owing;

in either case within the period of 14 days from the date of posting of the letter.

(3) On receipt of any written representations from the registered medical practitioner or on the expiry of 14 days from the date of posting of the letter sent under paragraph (2) the Registrar may send him notice that if the outstanding amount is not paid within 28 days of the date of the notice his name may be erased from the register.”;

(e) for regulation 10(3) there shall be substituted the following—

“(3) Where a person is liable under the provisions of regulation 5 to pay an annual retention fee and is in arrears of payment of the fee due from him for more than 28 days, the Registrar shall send him notice, or in the case of a person to whom paragraph (2) does not apply, further notice, warning that if the outstanding amount is not paid within 28 days of the date of the notice his name may be erased from the register.”.

(f) in regulation 10(4) there shall be inserted after “paragraphs (1) and (3)” the words “or under regulation 7A(3)”;

(g) for regulation 12 there shall be substituted the following—

“**12.** Where a person is liable to pay an annual retention fee under regulation 5 or has been granted a discount or a refund under regulation 7, and—

- (a) a notice or notices have been sent to him as required by the provisions of regulation 7A(3) or 10 as appropriate,
- (b) a period of 28 days has elapsed from the date of the notice referred to in regulation 7A(3) or 10, and

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(c) the outstanding amount has not been received by the Council,  
the Registrar may erase his name from the register.”

Given under the official seal of the General Medical Council this 25th day of January 2005

L.S.

Graeme Catto  
President

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#### EXPLANATORY NOTE

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

The Regulations approved by this Order (“the Amending Regulations”) amend the Medical Practitioners Registration (Fees) Regulations 1985 (scheduled to S.I.1986/149) (“the Principal Regulations”).

First, scrutiny fees are abolished except where an application for registration is refused (regulation 2(b) of the Amending Regulations and new regulation 7(2) of the Principal Regulations (as inserted by regulation 2(d) of the Amending Regulations)).

Secondly, provision is made for payment of retention fees by variable direct debit (regulation 2(c) of the Amending Regulations).

Thirdly, a refund is provided for where the name of a medical practitioner is removed from the register under section 31A (voluntary removal from the register) of the Medical Act 1983 (new regulation 7(3) of the Principal Regulations (as inserted by regulation 2(d) of the Amending Regulations)).

Fourthly, provision is made for the recoupment of refunds and discounts (new regulation 7A of the Principal Regulations (as inserted by regulation 2(d) of the Amending Regulations)).

Regulations 2(e), (f) and (g) of the Amending Regulations make minor amendments consequential on these amendments. The amendment made by regulation 2(a) of the Amending Regulations is consequential on the abolition of the Overseas List.