



# Medical Act 1983

## 1983 CHAPTER 54

An Act to consolidate the Medical Acts 1956 to 1978 and certain related provisions, with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission. [26th July 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

C1 Act: power to modify conferred (15.3.2000) by 1999 c. 8, s. 60(1)(2)(a)(4), Sch. 3; S.I. 2000/779, art. 2(1)

### PART I

#### PRELIMINARY

##### *The General Medical Council*

#### **1 The General Medical Council.**

(1) There shall continue to be a body corporate known as the General Medical Council (in this Act referred to as “the General Council”) having the functions assigned to them by this Act.

[<sup>F1</sup>(1A) The over-arching objective of the General Council in exercising their functions is the protection of the public.

(1B) The pursuit by the General Council of their over-arching objective involves the pursuit of the following objectives—

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- (a) to protect, promote and maintain the health, safety and well-being of the public,
- (b) to promote and maintain public confidence in the medical profession, and
- (c) to promote and maintain proper professional standards and conduct for members of that profession.]

[<sup>F2</sup>(2) The General Council shall be constituted as provided for by order of the Privy Council, subject to Part I of Schedule 1 to this Act.]

[<sup>F3</sup>(3) The General Council shall have the following committees—

- <sup>F4</sup>(a) .....
- <sup>F5</sup>(b) .....
- (c) one or more [<sup>F6</sup>Registration Panels],
- (d) one or more Registration Appeals Panels,
- (e) the Investigation Committee,
- <sup>F5</sup>(f) .....
- [<sup>F7</sup>(g) the Medical Practitioners Tribunal Service (“the MPTS”),]
- [<sup>F8</sup>(h) one or more Medical Practitioners Tribunals,
- (i) one or more Interim Orders Tribunals,]

constituted in accordance with Part III of Schedule 1 to this Act and having the functions assigned to them by or under this Act.

(3A) The committees of the General Council specified in <sup>F9</sup>...subsection (3) above are referred to in this Act as “the statutory committees”.]

(4) Schedule 1 to this Act shall have effect with respect to the General Council, its branch councils and committees, its proceedings, its officers and its accounts.

#### Textual Amendments

- F1** S. 1(1A)(1B) substituted for s. 1(1A) (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(1)** (with art. 1(4)); S.I. 2015/1579, art. 2(1)
- F2** S. 1(2) substituted (1.1.2009) by The Health Care and Associated Professions (Miscellaneous Amendments) Order 2008 (S.I. 2008/1774), art. 1(5), **Sch. 1 para. 1**; S.I. 2008/2556, art. 2(2)(a)(i)
- F3** S. 1(3)(3A) substituted for s. 1(3) (1.11.2004 as notified in the London Gazette dated 8.10.2004) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), **5(2)** (with Sch. 2)
- F4** S. 1(3)(a) omitted (1.1.2009) by virtue of The Medical Profession (Miscellaneous Amendments) Order 2008 (S.I. 2008/3131), art. 1(3), **Sch. 1 para. 1(a)**
- F5** S. 1(3)(b)(f) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **3(1)(a)**; S.I. 2015/1952, art. 2(b)
- F6** Words in s. 1(3)(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **3(1)(a)**
- F7** S. 1(3)(g) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **2(1)**; S.I. 2015/1952, art. 2(a)
- F8** S. 1(3)(h)(i) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **3(1)(b)**; S.I. 2015/1952, art. 2(b)

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**F9** Words in s. 1(3A) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(2)**; S.I. 2015/1952, art. 2(a)

## 2 Registration of medical practitioners.

- (1) There shall continue to be kept by the registrar of the General Council (in this Act referred to as “the Registrar”) [<sup>F10</sup>a register] of medical practitioners registered under this Act containing the names of those registered and the qualifications they are entitled to have registered under this Act.
- (2) The [<sup>F11</sup>register referred to is] “the register of medical practitioners” consisting of [<sup>F12</sup>the following lists]—
  - (a) the principal list,
  - [<sup>F13</sup>(aa) if anyone is registered under section 18A, the emergency powers doctors list,]
  - [<sup>F14</sup>(b) .....
  - (c) the visiting overseas doctors list, and
  - [<sup>F15</sup>(d) the list of visiting medical practitioners from relevant European States]
  - [<sup>F16</sup>.....
- (3) Medical practitioners shall be registered as fully registered medical practitioners or provisionally [<sup>F17</sup>... as provided in Parts II and III of this Act and in the appropriate list of the register of medical practitioners [<sup>F18</sup>... as provided in Part IV of this Act.
- [<sup>F19</sup>(4) Section 35C(2)(da) (the necessary knowledge of English) shall not apply in determining whether a person’s fitness to practise is impaired for the purposes of registration under this Act.]

### Textual Amendments

- F10** Words in s. 2(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **4(a)** (with arts. 84, 85)
- F11** Words in s. 2(2) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **4(b)(i)** (with arts. 84, 85)
- F12** Words in s. 2(2) substituted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 2(a)**
- F13** S. 2(2)(aa) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 2(b)**
- F14** S. 2(2)(b) omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **9(1)(b)** (with Sch. 2)
- F15** S. 2(2)(d) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **3**
- F16** Words in s. 2(2) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **4(b)(ii)** (with arts. 84, 85)
- F17** Words in s. 2(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **4(c)(i)** (with arts. 84, 85)

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- F18** Words in s. 2(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **4(c)(ii)** (with arts. 84, 85)
- F19** S. 2(4) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **2(2)** (with arts. 11, 12)

## PART II

### MEDICAL EDUCATION AND REGISTRATION: PERSONS QUALIFYING IN THE UNITED KINGDOM AND ELSEWHERE IN THE EEC.

#### 3 **Registration by virtue of primary United Kingdom or primary European qualifications.**

- (1) Subject to the provisions of this Act any person [<sup>F20</sup>whose fitness to practise is not impaired and] who—
- [<sup>F21</sup>(a) holds one or more primary United Kingdom qualifications and has satisfactorily completed an acceptable programme for provisionally registered doctors; or]
- (b) being a national of [<sup>F22</sup>any relevant European State], holds one or more primary European qualifications,
- is entitled to be registered under this section as a fully registered medical practitioner.
- (2) Any person who—
- (a) is not a national of [<sup>F23</sup>a relevant European State]; but
- [<sup>F24</sup>(b) is, by virtue of an enforceable [<sup>F25</sup>EU] right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State,]
- shall be treated for the purposes of subsection (1)(b) above as if he were such a national.
- <sup>F26</sup>(3) .....

#### **Textual Amendments**

- F20** Words in s. 3(1) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **45**
- F21** S. 3(1)(a) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **20**
- F22** Words in s. 3(1)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **4(a)**
- F23** Words in s. 3(2)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **4(b)(i)**
- F24** S. 3(2)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **4(b)(ii)**
- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3**, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))

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**F26** S. 3(3) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 4(c)

#### 4 Qualifying examinations and primary United Kingdom qualifications.

[<sup>F27</sup>(1) Subject to the provisions of this Part of this Act, a qualifying examination for the purposes of this Part of this Act is an examination held for the purpose of granting one or more primary United Kingdom qualifications by any one of the bodies or combinations of bodies in the United Kingdom which are included in a list maintained by the General Council of the bodies and combinations of bodies entitled to hold such examinations.

(1A) The General Council may from time to time amend the list.

(1B) The list maintained under subsection (1) shall be published in such manner as the General Council see fit.

(1C) The General Council shall only include in the list maintained under subsection (1) bodies or combinations of bodies that require from candidates at examinations a standard of proficiency that conforms to the prescribed standard of proficiency.

(1D) If the General Council have formed the provisional opinion that a body or combination of bodies included in the list maintained under subsection (1) should be removed from the list, they shall notify that opinion in writing to the body or combination of bodies concerned and shall allow them a reasonable opportunity to respond before determining whether or not to remove the body or combination of bodies from the list.]

(3) In this Act “primary United Kingdom qualification” means any of the following qualifications, namely—

(a) the degree of bachelor of medicine or bachelor of surgery granted by [<sup>F28</sup>a body or combination of bodies included in the list maintained under subsection (1)];

(b) licentiate of the Royal College of Physicians of London [<sup>F29</sup>or the Royal College of Surgeons of England] or the Royal College of Physicians of Edinburgh or the Royal College of Surgeons of Edinburgh or the Royal College (formerly Royal Faculty) of Physicians and Surgeons of Glasgow;

(c) membership of the Royal College of Surgeons of England [<sup>F29</sup>granted before the coming into force of section 1 of the Medical Qualifications (Amendment) Act 1991];

(d) licentiate in medicine and surgery of the Society of Apothecaries of London.

(4) Any two or more of the [<sup>F30</sup>bodies and combinations of bodies included in the list maintained under subsection (1)] may, with the approval and under the directions of [<sup>F31</sup>the General Council], unite or co-operate in conducting examinations held for the purpose of granting primary United Kingdom qualifications.

[<sup>F32</sup>(4A) If a body or combination of bodies is removed from the list maintained under subsection (1), primary United Kingdom qualifications granted by that body or combination of bodies during the period in respect of which it was on the list are still to be considered primary United Kingdom qualifications after that removal.]

<sup>F33</sup>(5) .....

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### Textual Amendments

- F27** S. 4(1)-(1D) substituted for s. 4(1)(2) (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 3(a)**; S.I. 2008/2556, art. 2(1)(a)
- F28** Words in s. 4(3)(a) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 3(b)**; S.I. 2008/2556, art. 2(1)(a)
- F29** Words in s. 4(3)(b) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\)](#), **s. 1(a)**; S.I. 1992/804, **art. 2**  
 Words in s. 4(3)(c) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\)](#), **s. 1(b)**; S.I. 1992/804, **art. 2**
- F30** Words in s. 4(4) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 3(c)**; S.I. 2008/2556, art. 2(1)(a)
- F31** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(2)
- F32** S. 4(4A) inserted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 3(d)**; S.I. 2008/2556, art. 2(1)(a)
- F33** S. 4(5) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(3)**

## 5 General functions of <sup>F31</sup>the General Council] in relation to medical education in the United Kingdom.

- (1) <sup>F31</sup>The General Council] shall have the general function of promoting high standards of medical education and co-ordinating all stages of medical education.
- (2) For the purpose of discharging that function <sup>F31</sup>the General Council] shall—
- (a) determine the extent of the knowledge and skill which is to be required for the granting of primary United Kingdom qualifications and secure that the instruction given <sup>F34</sup>in or under the direction of bodies or combinations of bodies] in the United Kingdom to persons studying for such qualifications is sufficient to equip them with knowledge and skill of that extent;
  - (b) determine the standard of proficiency which is to be required from candidates at qualifying examinations and secure the maintenance of that standard; and
  - <sup>F35</sup>(c) discharge their functions under section 10A below in respect of programmes for provisionally registered doctors.]
- <sup>F36</sup>(2A) In making the determinations required by <sup>F37</sup>subsection (2)(a) or (b) above or discharging their functions mentioned in subsection (2)(c) above, <sup>F31</sup>the General Council] shall secure that the requirements of <sup>F38</sup>article 24 of the Directive (basic medical training)] are satisfied.
- <sup>F39</sup>(2B) . . . . . ]
- <sup>F40</sup>(3) Determinations of <sup>F31</sup>the General Council] under subsection (2)(a) or (b) above shall be published in such manner as they see fit.
- (3A) Such determinations—

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- (a) are binding on [<sup>F41</sup>bodies or combinations of bodies] concerned with medical education as regards the matters to which they relate; and
- (b) accordingly, those [<sup>F41</sup>bodies or combinations of bodies] must act in accordance with them as regards the matters to which they relate.]

(4) In this Act—

[<sup>F42</sup>“the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No. L255, 30.09.2005, p.22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision of the Directive, as amended from time to time;]

“the prescribed knowledge and skill” means knowledge and skill of the extent for the time being determined under subsection (2)(a) above and [<sup>F43</sup>set out in determinations published] under subsection (3) above;

“the prescribed standard of proficiency” means the standard of proficiency for the time being determined under subsection (2)(b) above and [<sup>F44</sup>set out in determinations published] under subsection (3) above;

<sup>F45</sup> .....

**Textual Amendments**

- F31** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(2)
- F34** Words in s. 5(2)(a) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 4(a)**; S.I. 2008/2556, art. 2(1)(a)
- F35** S. 5(2)(c) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(a)**
- F36** S. 5(2A)(2B) inserted (10.7.1996) by [S.I. 1996/1591](#), **reg. 3(2)**
- F37** Words in s. 5(2A) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(b)**
- F38** Words in s. 5(2A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **5(a)**
- F39** S. 5(2B) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **5(b)**
- F40** S. 5(3)(3A) substituted for s. 5(3) (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(c)**
- F41** Words in s. 5(3A) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 4(b)**; S.I. 2008/2556, art. 2(1)(a)
- F42** Words in s. 5(4) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **5(c)**
- F43** Words in s. 5(4) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(d)(i)**
- F44** Words in s. 5(4) omitted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(d)(ii)**

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**F45** Words in s. 5(4) omitted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **21(d)(iii)**

## 6 Further powers of <sup>F31</sup>the General Council].

- (1) A <sup>F46</sup>body or combination of bodies] in the United Kingdom granting any primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below shall from time to time, when so required by <sup>F31</sup>the General Council], furnish <sup>F47</sup>the General Council] with such information as <sup>F47</sup>the General Council] may require as to—
  - (a) the courses of study and examinations to be gone through in order to obtain the qualification;
  - (b) the ages at which such courses of study and examinations are required to be gone through;
  - (c) the age at which the qualification is granted; and
  - (d) generally the requisites for obtaining the qualification.
- (2) For the purpose of securing the maintenance of the prescribed standard of proficiency <sup>F31</sup>the General Council] may appoint such number of inspectors as they may determine, and the inspectors shall attend, as <sup>F47</sup>the General Council] may direct, all or any of the qualifying examinations held by any <sup>F48</sup>body or combination of bodies included in the list maintained under section 4(1)].
- (3) Any person deputed for the purpose by <sup>F31</sup>the General Council] may attend and be present at any examination held in the United Kingdom which has to be gone through in order to obtain a primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below.
- (4) Inspectors appointed under subsection (2) above shall not interfere with the conduct of any examination, but it shall be their duty to report to <sup>F31</sup>the General Council] their opinion as to the sufficiency of every examination which they attend, and any other matters relating to such examinations which <sup>F47</sup>the General Council] may require them to report.
- (5) <sup>F31</sup>The General Council] shall forward a copy of every report of the inspectors to the body or each of the bodies who held the examination to which the report relates <sup>F49</sup>....

### Textual Amendments

- F31** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(2)
- F46** Words in s. 6(1) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 5(a)**; S.I. 2008/2556, art. 2(1)(a)
- F47** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(3)
- F48** Words in s. 6(2) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 5(b)**; S.I. 2008/2556, art. 2(1)(a)



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**F49** Words in s. 6(5) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 5(c)**; S.I. 2008/2556, art. 2(1)(a)

**7 Power to appoint visitors of medical schools.**

- (1) [<sup>F31</sup>The General Council] may appoint persons to visit<sup>F50</sup> ... places where instruction is given to medical students under the direction of any [<sup>F51</sup>body or combination of bodies included in the list maintained under section 4(1)].
- (2) It shall be the duty of visitors appointed under subsection (1) above to report to [<sup>F31</sup>the General Council] as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by [<sup>F47</sup>the General Council] either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.
- (3) On the receipt of any report of a visitor under subsection (2) above [<sup>F31</sup>the General Council] shall send a copy of the report to the [<sup>F52</sup>body or combination of bodies] under whose direction the instruction is given, and on the receipt of the copy that body [<sup>F53</sup>or combination of bodies] may, within such period of not less than one month as [<sup>F47</sup>the General Council] may have specified at the time they sent the copy of the report, make to [<sup>F47</sup>the General Council] observations on the report or objections to it.

<sup>F54</sup>(4) .....

**Textual Amendments**

- F31** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(2)
- F47** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(3)
- F50** Words in s. 7(1) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 6(a)(i)**; S.I. 2008/2556, art. 2(1)(a)
- F51** Words in s. 7(1) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 6(a)(ii)**; S.I. 2008/2556, art. 2(1)(a)
- F52** Words in s. 7(3) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 6(b)(i)**; S.I. 2008/2556, art. 2(1)(a)
- F53** Words in s. 7(3) inserted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 6(b)(ii)**; S.I. 2008/2556, art. 2(1)(a)
- F54** S. 7(4) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 6(c)**; S.I. 2008/2556, art. 2(1)(a)

**<sup>F55</sup>8 Power to add further qualifying examinations.**

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#### Textual Amendments

**F55** S. 8 omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 7**; S.I. 2008/2556, art. 2(1)(a)

#### <sup>F569</sup> **Powers of Privy Council where standards not maintained.**

.....

#### Textual Amendments

**F56** S. 9 omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 8**; S.I. 2008/2556, art. 2(1)(a)

#### <sup>F57</sup> **10 Experience required for full registration by virtue of primary United Kingdom qualifications.**

.....

#### Textual Amendments

**F57** S. 10 repealed (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **23** (with transitional provisions in S.I. 2007/1886, arts. 1(1), 2)

#### <sup>F58</sup> **10A Programmes for provisionally registered doctors**

- (1) For the purposes of this Act, “acceptable programme for provisionally registered doctors” means a programme that is for the time being recognised by [<sup>F59</sup>the General Council] as providing a provisionally registered person with an acceptable foundation for future practice as a fully registered medical practitioner.
- (2) In connection with recognising programmes for provisionally registered doctors as mentioned in subsection (1) above, [<sup>F60</sup>the General Council] may determine—
  - (a) the duration of a programme for provisionally registered doctors<sup>F61</sup> ...;
  - (b) the bodies that may provide, arrange for the provision of or be responsible for programmes for provisionally registered doctors and (where different) the bodies by whom a person is to be employed or engaged while he is participating in a programme for provisionally registered doctors;
  - (c) the content and standard of programmes for provisionally registered doctors;
  - (d) activities which a person is, or is not, to engage in as part of or while participating in a programme for provisionally registered doctors;
  - (e) the arrangements for certification that a person has satisfactorily completed a programme for provisionally registered doctors, including—
    - (i) determining the bodies that may certify that a person has satisfactorily completed a programme for provisionally registered doctors,
    - (ii) determining assessment arrangements and the standards required for certification, and

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- (iii) determining the form of the certificate of experience to be awarded on satisfactory completion of a programme for provisionally registered doctors; and
- (f) arrangements for a person with a disability not to be disadvantaged unfairly by the disability when participating in a programme for provisionally registered doctors.
- <sup>F62</sup>(3) .....
- (4) Determinations of [<sup>F63</sup>the General Council] under subsection (2) above shall be published in such manner as they see fit.
- (5) Such determinations—
- (a) are binding on bodies concerned with programmes for provisionally registered doctors as regards the matters to which they relate; and
- (b) accordingly, those bodies must act in accordance with them as regards the matters to which they relate.
- <sup>F64</sup>(6) .....
- (7) For the purpose of—
- (a) determining whether any programme for provisionally registered doctors should for the time being be recognised; or
- (b) making any determination in connection with a body mentioned in subsection (2),
- [<sup>F65</sup>the General Council] may appoint persons to consider programmes for provisionally registered doctors, to visit the bodies mentioned in subsection (2) and to report to [<sup>F65</sup>the General Council] on those programmes and those bodies.
- (8) If [<sup>F66</sup>the General Council] have formed the provisional opinion—
- (a) that a programme for provisionally registered doctors that has been recognised by them should no longer be recognised by them, they shall notify that opinion in writing to any body, mentioned in subsection (2), that is connected with that programme and shall allow that body a reasonable opportunity to respond before determining whether or not to end their recognition of that programme; or
- (b) that a determination under subsection (2)(b) or (e)(i) should be revoked, they shall notify that opinion in writing to the body in respect of whom the determination was made and shall allow that body a reasonable opportunity to respond before determining whether or not to revoke that determination.]

#### Textual Amendments

- F58** S. 10A inserted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **24**
- F59** Words in s. 10A(1) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(2)**
- F60** Words in s. 10A(2) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(3)(a)**
- F61** Words in s. 10A(2)(a) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(3)(b)**

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- F62** S. 10A(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(4)**
- F63** Words in s. 10A(4) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(5)**
- F64** S. 10A(6) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(6)**
- F65** Words in s. 10A(7) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(7)**
- F66** Words in s. 10A(8) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 2(8)**

### **[<sup>F67</sup>10B. Professional traineeships carried out in other relevant European States, etc.**

- (1) If an acceptable programme for provisionally registered doctors includes a requirement to carry out a professional traineeship of a particular standard, a professional traineeship of an equivalent standard that has been carried out in a relevant European State other than the United Kingdom, by a person who is a national of a relevant European State and who holds a primary United Kingdom qualification, is treated as meeting that requirement.
- (2) The General Council must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States (including, in particular, guidelines on the role of the supervisor of the professional traineeship).
- (3) Any person who—
  - (a) is not a national of a relevant European State; but
  - (b) is, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,

must be treated for the purposes of subsection (1) as if the person were such a national.]

#### **Textual Amendments**

- F67** S. 10B inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, 4 (with reg. 155)

### **<sup>F68</sup>11 Provisions supplementary to s. 10, etc.**

.....

#### **Textual Amendments**

- F68** S. 11 repealed (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), 23

### **<sup>F69</sup>12 Special provisions as to employment in health centres.**

.....

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**Textual Amendments**

**F69** S. 12 repealed (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **23**

**<sup>F70</sup>13 Power to appoint visitors of approved hospitals.**

.....

**Textual Amendments**

**F70** S. 13 repealed (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **23**

**14 Alternative requirements as to experience in certain cases.**

[<sup>F71</sup>(1) On an application made to them by a person to whom this section applies, the General Council may direct that, as an alternative to the satisfactory completion of an acceptable programme for provisionally registered doctors, it shall be sufficient for the applicant to satisfy the General Council that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors.]

- (2) This section applies to any person who claims registration under section 3 above and—
  - (a) claims such registration by virtue of a qualification granted before 1st January 1953; or
  - (b) is the holder of a primary United Kingdom qualification and also of a qualification granted outside the United Kingdom which is recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of knowledge and skill corresponding with the prescribed knowledge and skill.

[<sup>F72</sup>(3) In giving directions under subsection (1) above in the case of applicants falling within paragraph (b) of subsection (2) above, the General Council shall have regard to the requirements of [<sup>F73</sup>article 24 of the Directive (basic medical training)].]

- [<sup>F74</sup>(4) Subsection (5) applies if—
  - (a) a person within subsection (2)(b) who is a national of a relevant European State makes an application under subsection (1); and
  - (b) the person has carried out a professional traineeship, all or part of which was carried out in a third country.

(5) The General Council must take the professional traineeship into account in exercising its functions under subsection (1).

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- (6) The General Council must publish guidelines on the organisation and recognition of professional traineeships carried out in third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).
- (7) Any person who—
- (a) is not a national of a relevant European State; but
  - (b) is, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,
- must be treated for the purposes of subsections (4) and (5) as if the person were such a national.]

#### Textual Amendments

- F71** S. 14(1) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **25**
- F72** S. 14(3) inserted (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 5**
- F73** Words in s. 14(3) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **7**
- F74** S. 14(4)-(7) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **5** (with reg. 155)

#### [<sup>F75</sup>14A Full registration of EEA nationals etc without certain acquired rights certificates

- (1) A person who is a national of a relevant European State—
- (a) whose case falls within regulation [<sup>F76</sup>3(8)(a)] of the General Systems Regulations,
  - (b) to whom regulations [<sup>F77</sup>27 to 34] of those Regulations apply by reason of the operation of regulation [<sup>F78</sup>3(5)] of those Regulations,
  - (c) who is permitted to pursue the profession of medical practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations), and
  - (d) whose fitness to practise is not impaired,
- is entitled to be registered under this section as a fully registered medical practitioner.
- (2) Any person who—
- (a) is not a national of a relevant European State; but
  - (b) is, by virtue of any enforceable [<sup>F25</sup>EU] right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,
- shall be treated for the purposes of subsection (1) as if he were such a national.]

#### Textual Amendments

- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3**, **6** (with arts. 3(2)(3), 4(2), 6(4)(5))

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- F75** S. 14A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **8**
- F76** Word in s. 14A(1)(a) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **6(2)** (with reg. 155)
- F77** Words in s. 14A(1)(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **6(3)(a)** (with reg. 155)
- F78** Word in s. 14A(1)(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **6(3)(b)** (with reg. 155)

### **[<sup>F79</sup>15 Provisional registration.**

- (1) This section shall have effect for enabling persons wishing to complete an acceptable programme for provisionally registered doctors to participate in such a programme.
- (2) A person shall be entitled to be registered provisionally under this section if—
  - (a) he has not satisfactorily completed an acceptable programme for provisionally registered doctors; but
  - (b) apart from that he would be entitled to be registered under section 3 above.
- (3) A person provisionally registered under this section shall be deemed to be registered under section 3 above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.]

#### **Textual Amendments**

- F79** S. 15 substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **26**

### **[<sup>F80</sup>15A Provisional registration for EEA nationals [<sup>F81</sup>etc]**

- (1) This section shall have effect for enabling a national of [<sup>F82</sup>a relevant European State] to be employed for the purpose of enabling him to acquire the clinical experience under appropriate supervision which he needs in order to obtain a primary European qualification.
- (2) A national of [<sup>F83</sup>a relevant European State] who, but for the acquisition of suitable clinical experience, has completed the training required for a primary European qualification, shall be entitled to be registered provisionally under this section [<sup>F84</sup>if his fitness to practise is not impaired].
- (3) Any person who—
  - (a) is not a national of [<sup>F85</sup>a relevant European State]; but
  - (b) is, by virtue of [<sup>F86</sup>any enforceable [<sup>F25</sup>EU] right], entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,
 shall be treated for the purposes of subsections (1) and (2) as if he were such a national.
- (4) Subsection (3) of section 15 above shall apply for the purposes of this section as it applies for the purposes of that.

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- (5) For the purposes of subsection (2), a person has completed the training required for a primary European qualification, but for the acquisition of suitable clinical experience, where he has obtained a medical degree which guarantees that he has fulfilled the requirements of [F87 paragraph 3(a), (b) and (c) of article 24 of the Directive (basic medical training)].

#### Textual Amendments

- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F80** S. 15A inserted (4.12.2000) by [S.I. 2000/3041](#), [reg. 3](#)
- F81** Word in s. 15A heading inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(a\)](#)
- F82** Words in s. 15A(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(b\)](#)
- F83** Words in s. 15A(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(b\)](#)
- F84** Words in s. 15A(2) added (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), [46](#)
- F85** Words in s. 15A(3)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(b\)](#)
- F86** Words in s. 15A(3)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(c\)](#)
- F87** Words in s. 15A(5) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), [9\(d\)](#)

## 16 Registration of qualifications.

- (1) A person registered under [F88 section 3, [F89 14A,] 15 or 15A] above [F90 or 18A below] shall be entitled to have registered [F91 any primary United Kingdom] qualification or qualifications or primary European qualification or qualifications which he holds when he is so registered and also—
- (a) any other primary United Kingdom qualification or qualification specified in [F92 Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training)] which he obtains after registration;
  - (b) subject to subsection (3) below, any additional qualification which [F31 the General Council] determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
  - (c) any [F93 . . .] qualification which is for the time being registrable by virtue of section 26(1)(b) below which he holds when he is registered or obtains thereafter.
- (2) In this Act “additional qualification” means any qualification granted in [F94 a relevant European State] other than a primary United Kingdom qualification or a qualification specified in [F95 Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training)].
- (3) If [F31 the General Council] determine that any such qualification as is mentioned in paragraph (b) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification



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shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

#### Textual Amendments

- F31** Words in Act substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), Sch. 1 para. 7(1)(2)
- F88** Words in s. 16(1) substituted (4.12.2000) by [S.I. 2000/3041](#), reg. 4(1)
- F89** Word in s. 16(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **10(a)(i)**
- F90** Words in s. 16(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 9**
- F91** Words in s. 16(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **10(a)(ii)**
- F92** Words in s. 16(1)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **10(b)**
- F93** Words in s. 16(1)(c) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(2)** (with transitional provisions in Sch. 2)
- F94** Words in s. 16(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **10(c)**
- F95** Words in s. 16(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **10(b)**

#### [<sup>F96</sup>17 Primary qualifications obtained in other [<sup>F97</sup>relevant European States].

- (1) A primary European qualification for the purposes of this Part of this Act is any of the following obtained in [<sup>F98</sup>a relevant European State] other than the United Kingdom, namely—
- [<sup>F99</sup>(a) a qualification listed in Annex V, point 5.1.1 of the Directive which was obtained in a relevant European State on or after the reference date and is not evidence of training commenced by the holder before that date, provided that that qualification is accompanied, where appropriate, by the certificate listed in relation to that State in the column of Annex V, point 5.1.1 of the Directive entitled “Certificate accompanying the qualifications”;
- (b) subject to compliance with subsection (2) below, a qualification listed in Annex V, point 5.1.1 of the Directive, which was obtained before the reference date, or on or after that date where training of which it is evidence was commenced by the holder before that date;
- (ba) subject to compliance with subsection (2A) below, a qualification not listed in Annex V, point 5.1.1 of the Directive, which was obtained on or after the reference date and is not evidence of training commenced by the holder before that date;
- (c) subject to compliance with subsection (3) below, a qualification not listed in Annex V, point 5.1.1 of the Directive, which was obtained before the reference date, or on or after that date where training of which it is evidence was commenced by the holder before that date;]
- (d) subject to compliance with subsection (4) below, a qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.
- [<sup>F100</sup>(e) subject to compliance with subsection (4A) below, a qualification which—

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- (i) is evidence of training commenced before the date specified in column (a) of the table in that subsection and undertaken on the territory specified in the corresponding entry in column (b) of that table, or
  - (ii) was awarded by [<sup>F101</sup>the former state] specified in column (b) of the table in that subsection before the date specified in the corresponding entry in column (a).]
- [<sup>F102</sup>(2) For compliance with this subsection in the case of any qualification, either—
- (a) evidence of the qualification must be—
    - (i) such that the Registrar is satisfied (by means of a certificate of a competent authority of the relevant European State in which it was obtained or otherwise) that it accords with the standards laid down by article 24 of the Directive (basic medical training), and
    - (ii) accompanied, where appropriate, by the certificate listed in relation to the State in which the qualification was obtained in the column of Annex V, point 5.1.1 of the Directive entitled “Certificate accompanying the qualifications”; or
  - (b) evidence of the qualification must be accompanied by a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully been engaged in medical practice in that State for at least three consecutive years during the five years preceding the date of the certificate.
- (2A) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate of a competent authority of the relevant European State in which it was obtained to the effect that—
- (a) it is evidence of training which satisfies the requirements of article 24 of the Directive; and
  - (b) it is treated by that State as if it were a qualification listed in relation to that State in Annex V, point 5.1.1 of the Directive.
- (3) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate such as is described in—
- (a) subsection (2)(b); or
  - (b) subsection (2A).]
- (4) For compliance with this subsection in the case of any qualification—
- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of [<sup>F103</sup>a competent authority of Germany] or otherwise) that the holder is entitled by virtue of it to engage in medical practice throughout the territory of Germany on the same conditions as the holder of a German qualification listed in [<sup>F104</sup>Annex V, point 5.1.1 of the Directive]; and
  - (b) evidence of it must be accompanied by a certificate of [<sup>F105</sup>a competent authority of Germany] that the holder has effectively and lawfully been engaged in actual medical practice in Germany for at least 3 consecutive years during the 5 years preceding the date of the certificate.
- [ For compliance with this subsection in the case of any qualification—
- <sup>F106</sup>(4A) (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate from [<sup>F107</sup>a competent authority of the relevant European State] specified in the appropriate row of column (c) of the table below) that that

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qualification has, on its territory, the same legal validity as regards access to and practice of the medical profession as the qualification listed in relation to that State in [F108 Annex V, point 5.1.1 of the Directive]; and

- (b) evidence of it must be accompanied by a certificate from [F109 a competent authority of that State] stating that the holder has effectively and lawfully been engaged in the activity in question on the territory of that State for at least 3 consecutive years during the 5 years preceding the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	[F110 Former Yugoslavia]	Slovenia]
[F111 8th October 1991	Former Yugoslavia	Croatia]

F112(5) . . . . .

[F113(6) In this section, “the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.1.1 of the Directive.]]

**Textual Amendments**

- F96** S. 17 substituted (10.7.1996) by S.I. 1996/1591, **reg. 4(1)**
- F97** Words in s. 17 heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(2)**
- F98** Words in s. 17(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(3)(a)**
- F99** S. 17(1)(a)(b)(ba)(c) substituted for s. 17(1)(a)-(c) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(3)(b)**
- F100** S. 17(1)(e) inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(5)(a)**
- F101** Words in s. 17(1)(e)(ii) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(3)(c)**
- F102** S. 17(2)(2A)(3) substituted for s. 17(2)(3) (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(4)**
- F103** Words in s. 17(4)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(5)(b)**
- F104** Words in s. 17(4)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(5)(a)**
- F105** Words in s. 17(4)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(5)(b)**
- F106** S. 17(4A) inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(5)(b)**
- F107** Words in s. 17(4A)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(6)(a)(i)**

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- F108** Words in s. 17(4A)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(6)(a)(ii)**
- F109** Words in s. 17(4A)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(6)(b)**
- F110** Words in s. 17(4A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(6)(c)**
- F111** Words in s. 17(4A) table inserted (31.12.2013) by [The European Qualifications \(Health Care Professions\) \(Croatia Accession Amendment\) Regulations 2013 \(S.I. 2013/3036\)](#), regs. 1(1), 2
- F112** S. 17(5) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(7)**
- F113** S. 17(6) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **11(8)**

## **[<sup>F114</sup>18 Visiting medical practitioners from relevant European States**

Schedule 2A to this Act (visiting medical practitioners from relevant European States) shall have effect.]

### **Textual Amendments**

- F114** S. 18 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **12**

## **[<sup>F115</sup>18A. Temporary registration with regard to emergencies involving loss of human life or human illness etc.**

- (1) If the Secretary of State advises the Registrar that an emergency has occurred, is occurring or is about to occur and that action should be considered under this section, the Registrar may register under this section—
  - (a) a person as a fully registered medical practitioner, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a fully registered medical practitioner with regard to the emergency; or
  - (b) the persons comprising a specified group of persons as fully registered medical practitioners, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as fully registered medical practitioners with regard to the emergency.
- (2) The Registrar may register under this section by virtue of subsection (1)(b) all of the persons comprising a specified group of persons without first identifying each person in the group.
- (3) The registration of a person under this section is subject to such conditions as the Registrar may specify, and the Registrar may at any time vary the conditions to which a person's registration under this section is subject (including by adding to the conditions or revoking any conditions).
- (4) The registration of any person registered under this section by virtue of subsection (1)(b) as one of a specified group may be subject to the same conditions as the registration of other members of the group, or it may be subject to different conditions.

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- (5) A person's registration under this section shall cease to have effect if revoked by the Registrar, which—
- (a) the Registrar must do if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to advise the Registrar as mentioned in subsection (1) no longer exist;
  - (b) the Registrar may do for any other reason at any time, including where the Registrar has grounds for suspecting that the person's fitness to practise may be impaired.
- (6) The registration of a person registered under this section by virtue of subsection (1) (b) as one of a specified group may be revoked without revoking the registration of the other members of the group, or it may be revoked by virtue of a decision to revoke the registration of all the members of the group.
- (7) Part 5 of this Act, apart from sections 35, 35A(1) and (4) to (8) and 35B(2) and (3), shall not apply to persons registered under this section.
- (8) If a person breaches any condition to which the person's registration under this section is subject, anything done by the person in breach of that condition is to be treated as not being done by a registered medical practitioner.
- (9) For the purposes of this section, "emergency" means an emergency of the type described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of "emergency"), read with subsection (2)(a) and (b) of that section.]

#### Textual Amendments

**F115** S. 18A inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), [Sch. 1 para. 10](#)

### PART III

#### REGISTRATION OF PERSONS QUALIFYING OVERSEAS

#### [<sup>F116</sup>19 Full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.

- (1) Where an exempt person satisfies the Registrar—
- (a) that he holds<sup>F117</sup>, or has passed all the qualifying examinations necessary for obtaining,] an acceptable overseas qualification other than a primary European qualification;
- [<sup>F118</sup>(aa) that, where—
- (i) that qualification was, or would have been, granted otherwise than in a relevant European State, and
  - (ii) that qualification, or the person's having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State, the qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training);]

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- [<sup>F119</sup>(b) that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors; and]
- [<sup>F120</sup>(c) that his fitness to practise is not impaired,]  
that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.
- [<sup>F121</sup>(1A) Subsection (1) does not apply to persons entitled to be registered under section 14A or 19A.]
- [<sup>F122</sup>(2) In this Act “exempt person” means a person who—
- (a) is a national of a relevant European State other than the United Kingdom;
  - (b) is a national of the United Kingdom who is seeking access to, or is pursuing, the medical profession by virtue of an enforceable [<sup>F25</sup>EU] right; or
  - (c) is not a national of a relevant European State, but is, by virtue of an enforceable [<sup>F25</sup>EU] right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State.]
- (3) In determining an application by any person for registration under this section, the General Council shall take into account—
- [<sup>F123</sup>(a) if the applicant holds a medical qualification which was granted otherwise than in a relevant European State, but has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a medical practitioner in that State, the acceptance of that qualification; and]
- (b) all medical qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.
- <sup>F124</sup>(4) . . . . .]

#### Textual Amendments

- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F116** S. 19 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)((d), {6(2)}) (with transitional provisions in Sch. 2)
- F117** Words in s. 19(1)(a) inserted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **27(a)(i)**
- F118** S. 19(1)(aa) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **13(a)**
- F119** S. 19(1)(b) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **27(a)(ii)**
- F120** S. 19(1)(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **47**
- F121** S. 19(1A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **13(b)**

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- F122** S. 19(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **13(c)**
- F123** S. 19(3)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **13(d)**
- F124** S. 19(4) omitted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **27(b)**

## **[<sup>F125</sup>19A Full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom**

An exempt person—

- (a) whose case falls within regulation [<sup>F126</sup>3(8)(e)] of the General Systems Regulations,
- (b) to whom regulations [<sup>F127</sup>27 to 34] of those Regulations apply by reason of the operation of regulation [<sup>F128</sup>3(5)] of those Regulations,
- (c) who is permitted to pursue the profession of medical practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations), and
- (d) whose fitness to practise is not impaired,

is entitled to be registered under this section as a fully registered medical practitioner.]

### **Textual Amendments**

- F125** S. 19A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **14**
- F126** Word in s. 19A(a) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **7(2)** (with reg. 155)
- F127** Words in s. 19A(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **7(3)(a)** (with reg. 155)
- F128** Word in s. 19A(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **7(3)(b)** (with reg. 155)

## **20 Experience required for full registration by virtue of recognised overseas qualifications.**

<sup>F129</sup> .....

### **Textual Amendments**

- F129** S. 20 omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(3)** (with transitional provisions in Sch. 2)

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## 21 Provisional registration [<sup>F130</sup>of EEA nationals etc. with certain overseas qualifications].

- [<sup>F131</sup>(1) The following provisions shall have effect for enabling persons wishing to satisfy the Registrar of the matters specified in section 19(1)(b) above to participate in an acceptable programme for provisionally registered doctors.]
- (2) A person who satisfies the Registrar of the matters specified in paragraphs (a) [<sup>F132</sup>, (aa)]<sup>F133</sup> . . . and (c) of section 19(1) above may apply to the General Council to be registered provisionally under this section and, if the Council think fit so to direct, that person shall be so registered.
- [<sup>F134</sup>(2A) Subsection (3) of section 19 above applies in relation to an application for registration under this section as it applies in relation to an application for registration under that section.]
- [<sup>F135</sup>(3) A person provisionally registered under this section shall be deemed to be registered under section 19 above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.]

### Textual Amendments

- F130** Words in s. 21 heading added (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **28**
- F131** S. 21(1) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **28(a)**
- F132** Word in s. 21(2) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **15**
- F133** Words in s. 21(2) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(4)(b)** (with transitional provisions in Sch. 2)
- F134** S. 21(2A) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(4)(c)** (with transitional provisions in Sch. 2)
- F135** S. 21(3) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **28(b)**

## <sup>F136</sup>21A Full registration for eligible specialists and qualified general practitioners

.....

### Textual Amendments

- F136** S. 21A omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **35(1)**

## [<sup>F137</sup>21B Full registration of persons with an overseas qualification

- (1) Where a person satisfies the Registrar—



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- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
- (b) that he possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom;
- (c) that his fitness to practise is not impaired; <sup>F138</sup> ...
- (d) unless he is an exempt person, that he has the necessary knowledge of English, <sup>F139</sup> and
- (e) that, where—
  - (i) the person is an exempt person,
  - (ii) his acceptable overseas qualification was, or would have been, granted otherwise than in a relevant European State, and
  - (iii) that qualification, or the person's having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State, that qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training),]

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.

- (2) In this Act, an “acceptable overseas qualification” means any qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.

#### Textual Amendments

**F137** Ss. 21B, 21C inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **35(2)** (with art. 86)

**F138** Word in s. 21B(1)(c) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **16(a)**

**F139** S. 21B(1)(e) and preceding word inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **16(b)**

### 21C Provisional registration of persons with an overseas qualification

- (1) The following provisions shall have effect for enabling persons wishing to participate in programmes for provisionally registered doctors in order to be able to satisfy the Registrar, in accordance with section 21B(1)(b), that they possess the knowledge, skills and experience necessary for practising as fully registered medical practitioners in the United Kingdom.
- (2) A person who satisfies the Registrar—
  - <sup>F140</sup>(a) of the matters specified in paragraphs (a), (c), (d) and (e) of subsection (1) of section 21B above so far as they are matters of which the Registrar would in the person's case have to be satisfied in order for the person to be eligible to benefit from a direction under that subsection; and]
  - (b) that he possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,

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may apply to the General Council to be provisionally registered under this section and, if the Council think fit so to direct, that person shall be so registered.

- (3) A person provisionally registered under this section shall be deemed to be registered under section 21B above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.]

**Textual Amendments**

**F137** Ss. 21B, 21C inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **35(2)** (with art. 86)

**F140** S. 21C(2)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **17**

**F141 22 Limited registration of persons by virtue of overseas qualifications.**

.....

**Textual Amendments**

**F141** S. 22 repealed (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **5**

**F142 23 Limited registration: supplementary provisions.**

.....

**Textual Amendments**

**F142** S. 23 repealed (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **5**

**F143 24 Limited registration: erasure.**

.....

**Textual Amendments**

**F143** S. 24 repealed (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **5**

**F144 25 Full registration of persons with limited registration.**

.....

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### Textual Amendments

**F144** S. 25 repealed (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **5**

## 26 Registration of qualifications.

(1) A person registered under section [<sup>F145</sup>19, [<sup>F146</sup>19A,][<sup>F147</sup>21, 21B or 21C]] above shall be entitled to have registered the [<sup>F148</sup>acceptable overseas qualification] which he holds when he is so registered and also—

- <sup>F149</sup>(a) .....
- (b) [<sup>F150</sup>subject to subsection (3) below, any overseas qualification] which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
- (c) subject to subsection (3) below, any additional qualification which the General Council determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter; and
- (d) any primary United Kingdom qualification or primary European qualification which he holds when he is registered or obtains thereafter.

<sup>F151</sup>(2) .....

(3) If the General Council determine that any such qualification as is mentioned in paragraph (b) or (c) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

### Textual Amendments

**F145** Words in s. 26(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(i)** (with transitional provisions in Sch. 2)

**F146** Word in s. 26(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **18**

**F147** Words in s. 26(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **36**

**F148** Words in s. 26(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(ii)** (with transitional provisions in Sch. 2)

**F149** S. 26(1)(a) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(iii)** (with transitional provisions in Sch. 2)

**F150** Words in s. 26(1)(b) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(d), **6(9)(a)(iv)** (with transitional provisions in Sch. 2)

**F151** S. 26(2) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **6**

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## **[<sup>F152</sup>27A Temporary registration for visiting eminent specialists**

- (1) A person who is an eminent specialist in a particular branch of medicine and who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services within that branch of medicine may apply to the General Council to be registered temporarily as a fully registered medical practitioner.
- (2) If the person referred to in subsection (1) satisfies the Registrar—
  - (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
  - (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
  - (c) that he is or will be employed or engaged within the United Kingdom to provide medical services in a particular branch of medicine;
  - (d) that he is an eminent specialist in that particular branch of medicine; and
  - (e) that his fitness to practise is not impaired,
 that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to any conditions specified in the direction, for such period (being no more than 26 weeks) as they specify in the direction.
- (3) The General Council may, if they think fit so to direct, vary the conditions specified in the direction and, subject to subsection (4), may extend the period specified in the direction for which the person is registered under this section.
- (4) A person may not be registered under this section for more than 26 weeks in any period of five years.
- (5) A person's registration under this section shall cease to have effect on the expiry of the period for which he is registered.
- (6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—
  - (a) is to be treated as not being done by a registered medical practitioner; and
  - (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.

### **Textual Amendments**

**F152** Ss. 27A, 27B inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **37(2)** (with art. 87)

## **27B Special purpose registration**

- (1) A person who is or intends to be in the United Kingdom temporarily for the purposes of providing particular medical services exclusively to persons who are not nationals of the United Kingdom may apply to the General Council to be registered temporarily as a fully registered medical practitioner.
- (2) If the person referred to in paragraph (1) satisfies the Registrar—

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- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
  - (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
  - (c) that he is or will be employed or engaged within the United Kingdom—
    - (i) at an establishment that provides medical services for persons who are not nationals of the United Kingdom, and
    - (ii) to provide particular medical services, but only for persons who are not nationals of the United Kingdom; and
  - (d) that his fitness to practise is not impaired,
- that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to the conditions specified in the direction, for such period as they specify in the direction.
- (3) The conditions that the General Council specifies in any direction under subsection (2) are to comprise or include—
- (a) a condition that the person shall, except in an emergency, provide medical services within the United Kingdom only to persons who are not nationals of the United Kingdom; and
  - (b) a condition that the person shall, except in an emergency, provide only the particular medical services which are specified in the direction, whilst he is in the United Kingdom.
- (4) The General Council may, if they think fit so to direct, vary the conditions in the direction (but not in such a way that the requirements of subsection (3) are no longer met) and may extend the period specified in the direction for which the person is registered under this section.
- (5) A person's registration under this section shall cease to have effect on the expiry of the period for which he is registered.
- (6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—
- (a) is to be treated as not being done by a registered medical practitioner; and
  - (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.]

**Textual Amendments**

**F152** Ss. 27A, 27B inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **37(2)** (with art. 87)

<sup>F153</sup>**27 Temporary full registration for visiting overseas specialists.**

.....

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**Textual Amendments**

**F153** S. 27 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **37(1)**

**<sup>F154</sup>28 The Review Board for Overseas Qualified Practitioners.**

.....

**Textual Amendments**

**F154** S. 28 omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **6(11)** (with Sch. 2)

**<sup>F155</sup>29 Functions of the Review Board.**

.....

**Textual Amendments**

**F155** S. 29 omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **6(11)** (with Sch. 2)

**<sup>F156</sup>PART IIIA**

**LICENCE TO PRACTISE AND REVALIDATION**

**Textual Amendments**

**F156** Pt. 3A inserted (17.12.2002 for s. 29G(1)(a)(2)(3), 8.9.2009 for the insertion of ss. 29A, 29B, 29D, 29E, 29G, 29J for specified purposes and specified headings as notified in the London Gazette dated 21.8.2009, 16.11.2009 for the insertion of ss. 29B, 29D, 29E for specified purposes and for the insertion of ss. 29F, 29H as notified in the London Gazette dated 21.8.2009, 3.12.2012 for the insertion of ss. 29A(4)(d), 29C, 29E(2)(b)(4)(a), 29J(1)(a) in so far as not already in force as notified in the London Gazette dated 2.11.2012) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(g), **10** (with Sch. 2)

*Duty of General Council to make regulations*

**29A Regulations as to licence to practise and revalidation**

- (1) Any reference in this Act to a “licence to practise” is a reference to a licence granted under and in accordance with this Part to a medical practitioner by a licensing authority.
- (2) The General Council shall make regulations with respect to licences to practise.

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- (3) The provisions made by regulations under subsection (2) above must include provision for or in connection with each of the matters specified in subsection (4) below.
- (4) Those matters are—
- (a) grant of a licence to practise;
  - (b) refusal of a licence to practise;
  - (c) withdrawal of a licence to practise; and
  - <sup>[F157]</sup>(d) revalidation of a medical practitioner of a prescribed description whenever a licensing authority sees fit to do so, either as a condition of the practitioner’s continuing to hold a licence to practise or of the practitioner’s licence to practise being restored.]
- (5) In this Part—
- “licensing authority” means—
- (a) the Registrar;
  - (b) <sup>F158</sup>a ...<sup>[F158]</sup>Registration Panel];
  - (c) such other committee of the General Council as may be prescribed; or
  - (d) such other officer of the General Council as may be prescribed;
- “prescribed” means prescribed by regulations made by the General Council under subsection (2) above; and
- “revalidation” means evaluation of a medical practitioner’s fitness to practise.

#### Textual Amendments

**F157** S. 29A(4)(d) substituted (3.12.2012 immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 8(2)**; S.I. 2012/2686, arts. 1(3), 2(a)(i)

**F158** Words in s. 29A(5)(b) substituted (19.7.2006, 9.9.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(a)**

### *Grant, refusal and withdrawal of licence*

#### **29B Grant, refusal and withdrawal of licence**

- (1) Regulations under section 29A above shall <sup>[F159]</sup>subject to subsection (1A),] provide for a licence to practise to be granted to a medical practitioner—
- (a) on first registration under this Act as a medical practitioner with <sup>[F160]</sup>full registration];
  - (b) on being provisionally registered under this Act; and
  - (c) in such other cases or circumstances as may be prescribed.
- <sup>[F161]</sup>(1A) Regulations under section 29A may include provision for a licensing authority to refuse to grant a licence to practise for a medical practitioner in any case where the person has not demonstrated the necessary knowledge of English to the authority (notwithstanding the medical practitioner’s registration under Part 2 or 3).
- (1B) Regulations under section 29A which include provision under subsection (1A) must also include provision requiring the licensing authority, when determining whether a

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medical practitioner has demonstrated the necessary knowledge of English, to have regard to guidance published under section 29G(2A).]

- (2) Regulations under section 29A above shall provide for the withdrawal of a licence to practise from a medical practitioner—
- (a) where the practitioner has failed to comply with prescribed requirements of regulations under section 29A above;
  - (b) where the licence to practise was fraudulently procured or otherwise incorrectly granted;
  - (c) where the medical practitioner requests that the licence to practise be withdrawn; and
  - (d) in such other cases or circumstances as may be prescribed.
- [<sup>F162</sup>(2D) Regulations under section 29A may include provision requiring a licensing authority to take account, in particular, of such evidence as a medical practitioner provides of his knowledge of English.]
- (3) Regulations under section 29A above shall make provision as to the procedure to be followed in connection with the grant or refusal, or the withdrawal, of a licence to practise by a licensing authority.
- (4) If a licensing authority decides—
- (a) to refuse to grant a licence to practise to a medical practitioner; or
  - (b) to withdraw a licence to practise from a medical practitioner,
- the Registrar shall give the practitioner notice in accordance with subsection (5) below.
- (5) The notice required by subsection (4) above is notice of—
- (a) the decision;
  - (b) the reasons given for the decision by the licensing authority concerned; and
  - (c) the practitioner’s right of appeal under section 29F below.
- (6) Section 29H below applies in relation to a notice under subsection (4) above.

#### **Textual Amendments**

- F159** Words in s. 29B(1) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **3(2)** (with arts. 11, 12)
- F160** Words in s. 29B(1)(a) substituted (19.7.2006, 9.9.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **7**
- F161** S. 29B(1A)(1B) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **3(3)** (with arts. 11, 12)
- F162** S. 29B(2D) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **3(4)** (with arts. 11, 12)

#### **[<sup>F163</sup>29C] Dealing with questions as to impairment of fitness to practise**

- (1) Paragraph (2) applies if—
- (a) in the course of revalidation, it comes to the attention of a licensing authority that a medical practitioner’s fitness to practise is called into question by one or more of the matters mentioned in section 35C(2) below; but



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- (b) no allegation to that effect has been made to the General Council against the practitioner.
- (2) The Registrar shall notify the practitioner and section 35C below shall apply as if an allegation that the practitioner's fitness to practise is impaired had been made to the General Council under that section.]

#### Textual Amendments

**F163** S. 29C substituted (3.12.2012 immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 10**; S.I. 2012/2686, arts. 1(3), 2(a)(iii)

### *Restoration of licence*

#### **29D Restoration of licence**

- (1) The General Council shall make regulations under section 29A above for and in connection with authorising or requiring a licensing authority, in such cases or circumstances as may be prescribed, to restore a licence to practise to a medical practitioner whose licence to practise has been withdrawn.
- [<sup>F164</sup>(1A) Regulations by virtue of subsection (1) above may not include provision as to licences to practise that are withdrawn by virtue of section 41C below.]
- (2) Regulations by virtue of subsection (1) above shall make provision as to the procedure to be followed in connection with the restoration, or the refusal of the restoration, of a licence to practise by a licensing authority.
- (3) If a licensing authority refuses to restore a licence to practise to a medical practitioner, the Registrar shall give the practitioner notice of—
- the decision;
  - the reasons given for the decision by the licensing authority concerned; and
  - the practitioner's right of appeal under section 29F below.
- (4) Section 29H below applies in relation to a notice under subsection (3) above.

#### Textual Amendments

**F164** S. 29D(1A) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 11**; S.I. 2009/2200, art. 2

### *Supplementary provisions*

#### **29E Evidence**

- (1) Regulations under section 29A above may make provision for a licensing authority—
- to refuse to grant a licence to practise to a medical practitioner;
  - to withdraw a licence to practise from a medical practitioner; or

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- (c) to refuse to restore a licence to practise to a medical practitioner, in any case where the medical practitioner does not provide the licensing authority with such evidence or information as the authority may reasonably request for any of the purposes specified in subsection (2) below.
- (2) The purposes are those of—
- (a) determining whether to grant a licence to practise to the practitioner;
  - (b) revalidation of the practitioner;
  - (c) determining whether to withdraw a licence to practise from the practitioner; and
  - (d) determining whether to restore a licence to practise to the practitioner.
- [<sup>F165</sup>(2A) Regulations under section 29A above may include provision for or in connection with requiring a medical practitioner to supply information to a licensing authority (including information about his prospective, current or past employment as a medical practitioner) which, in the opinion of the licensing authority, will assist it in determining when and how to revalidate him.]
- (3) For the purpose of carrying out any function under sections 29A to 29D above in relation to a medical practitioner, a licensing authority may require—
- (a) any medical practitioner (other than that practitioner); or
  - (b) any other person,
- who, in the opinion of the authority, is able to supply information, or produce any document, which appears relevant to the discharge of any such function, to supply such information or produce such a document.
- (4) For the purpose of reviewing procedures relating to—
- (a) revalidation; or
  - (b) the grant, withdrawal or restoration of a licence to practise,
- a licensing authority may require any medical practitioner or other person to supply information or produce any document.
- (5) Nothing in subsection (3) or (4) above shall require or permit any disclosure of information which is prohibited by or under any other enactment.
- (6) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, a licensing authority may, in exercising its functions under subsection (3) or (4) above, require that the information be put into a form which is not capable of identifying that individual.
- (7) In determining for the purposes of subsection (5) above whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, it shall be assumed that the disclosure is required by or under this section.
- (8) Subsections (3) and (4) do not apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the relevant court (within the meaning of section 40(5) below).
- (9) In this section “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and

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- (b) any provision of, or any instrument made under, Northern Ireland legislation.

#### Textual Amendments

**F165** S. 29E(2A) inserted (19.7.2006, 3.12.2012 in so far as not already in force as notified in the London Gazette dated 2.11.2012) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), [66](#)

#### Modifications etc. (not altering text)

- C2** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, [Sch. Regulations reg. 5\(8\)](#)
- C3** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, [Sch. Regulations reg. 3\(6\)](#)
- C4** S. 29E(5)-(8) applied (3.12.2012) by [The General Medical Council \(Licence to Practise and Revalidation\) Regulations Order of Council 2012 \(S.I. 2012/2685\)](#), art. 1, [Sch. Regulations reg. 6\(12\)](#)

### [<sup>F166</sup>29E] Disclosure by a licensing authority of information relating to revalidation

- (1) This section applies where—
- (a) a medical practitioner participates in a revalidation pilot scheme and the medical practitioner's revalidation under the scheme ceases before evaluation of the practitioner's fitness to practise is complete; or
  - (b) a medical practitioner's revalidation under this Part ceases before any decision is made as to—
    - (i) the practitioner holding, or continuing to hold, a licence to practise; or
    - (ii) the making of any change to the General Practitioner Register or the Specialist Register in respect of the practitioner.
- (2) If the licensing authority considers it to be in the public interest to do so, the licensing authority may disclose any relevant information about the medical practitioner to—
- (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland or the Welsh Ministers; and
  - (b) any person of whom the licensing authority is aware—
    - (i) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine, or
    - (ii) with whom the practitioner has an arrangement to provide such services.
- (3) In this section—
- “relevant information”, in relation to a medical practitioner, means information arising in the course of or otherwise in connection with such revalidation of the practitioner as is mentioned in subsection (1)(a) or (b); and
- “revalidation pilot scheme” means any voluntary pilot scheme for the purpose of determining when and how revalidation under this Part will operate (whether in relation to all medical practitioners or medical practitioners of any description).]

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### Textual Amendments

**F166** S. 29EA inserted (30.4.2010 for specified purposes, 3.12.2012 for specified purposes immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 13**; S.I. 2010/1182, art. 2; S.I. 2012/2686, arts. 1(3), 2(a)(iv)

## 29F Appeals

(1) If a licensing authority decides under this Part—

- (a) to refuse to grant a licence to practise to a medical practitioner;
  - (b) to withdraw a licence to practise from a medical practitioner; or
  - (c) to refuse to restore a licence to practise to a medical practitioner,
- the practitioner may appeal to a Registration Appeals Panel.

[<sup>F167</sup>(1A) If a licensing authority decides under—

- (a) [<sup>F168</sup>section 44C(8)] to refuse to grant a licence to practise to a medical practitioner; or
- (b) [<sup>F169</sup>section 44C(9)(a)] to withdraw a licence to practise from a medical practitioner,

the practitioner may appeal to a Registration Appeals Panel.]

(2) Schedule 3B (which provides for the procedures to be followed before a Registration Appeals Panel) shall apply in relation to any appeal under subsection (1) [<sup>F170</sup>or (1A)] above.

(3) A decision under this Part to withdraw a licence to practise from a medical practitioner shall not be carried into effect—

- (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
- (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.

### Textual Amendments

**F167** S. 29F(1A) inserted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I., 8.8.2014 in so far as not already in force as notified in the London Gazette dated 8.8.2014) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **68(a)**

**F168** Words in s. 29F(1A)(a) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 1(2)** (with Sch. 3 paras. 2-5)

**F169** Words in s. 29F(1A)(b) substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 1(2)** (with Sch. 3 paras. 2-5)

**F170** Words in s. 29F(2) inserted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I.) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **68(b)**

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## 29G Guidance

- (1) The General Council may publish guidance for medical practitioners relating to the information and documents to be provided, and any other requirements to be satisfied—
- [<sup>F171</sup>(za) for securing the grant of a licence to practise;]
    - (a) for the purposes of revalidation; or
    - (b) for securing restoration of a licence to practise.
- [<sup>F172</sup>(1A) The information and documents to be provided, and other requirements to be satisfied, may relate to—
- (a) standards set by a prescribed person or body; or
  - (b) documents issued by a prescribed person or body.]
- (2) [<sup>F173</sup>In preparing any guidance under subsection (1)(a)] in relation to revalidation, the General Council shall take into account such similarities as there may be between any information or documents to be provided, or any other requirements to be satisfied—
- (a) for the purposes of revalidation; and
  - (b) for the purposes of any scheme for the appraisal of medical practitioners which applies within [<sup>F174</sup>any of the UK health services].
- [<sup>F175</sup>(2A) The General Council must publish guidance relating to the evidence, information or documents to be provided for the purposes of demonstrating that a medical practitioner has the necessary knowledge of English.]
- [<sup>F176</sup>(3) . . . . .]

### Textual Amendments

- F171** S. 29G(1)(za) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(2)**; S.I. 2009/2200, art. 2
- F172** S. 29G(1A) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(3)**; S.I. 2009/2200, art. 2
- F173** Words in s. 29G(2) substituted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 15(4)**; S.I. 2009/2200, art. 2
- F174** Words in s. 29G(2)(b) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 3(a)**; S.I. 2010/478, art. 2(b)
- F175** S. 29G(2A) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **4(2)** (with arts. 11, 12)
- F176** S. 29G(3) omitted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 3(b)**; S.I. 2010/478, art. 2(b)

## 29H Notices

- (1) This section applies to any notice required to be given to a medical practitioner under—
- (a) section 29B or 29D above; or
  - (b) paragraph 6 or 7 of Schedule 3B to this Act.
- (2) Any such notice may be so given—

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- (a) by delivering it to him;
  - (b) by leaving it at his proper address;
  - (c) by sending it by a registered post service; or
  - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (3) For the purposes of this section and of section 7 of the Interpretation Act 1978 in its application to this section, a medical practitioner's proper address shall be—
- (a) his address in the register; or
  - (b) if the conditions in subsection (4) below are satisfied, his last known address.
- (4) The conditions are that—
- (a) the practitioner's last known address differs from his address in the register; and
  - (b) it appears to the body or person giving the notice that a letter sent to the practitioner at his last known address is more likely to reach him.
- (5) For the purposes of this section—
- (a) the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
  - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.

## **29J Miscellaneous**

- (1) Regulations under section 29A above may provide for the charging of a fee to a medical practitioner in respect of the cost of—
- (a) his revalidation; or
  - (b) the consideration of any application made by him for restoration of a licence to practise.
- [<sup>F177</sup>(2) Any sum payable by a medical practitioner under subsection (1) above—
- (a) may be recovered by the General Council; or
  - (b) where regulations by virtue of subsection (2B) below are in force, may instead be recovered by a prescribed person or body in such cases or circumstances, and to such extent, as may be prescribed.
- (2A) In England and Wales or Northern Ireland, any such sum shall be recoverable summarily as a civil debt.
- (2B) Regulations under section 29A above may specify requirements to be satisfied by medical practitioners (or medical practitioners of a prescribed description) by reference to standards which are—
- (a) set by a prescribed person or body ("C"); and
  - (b) endorsed by the General Council.
- (2C) If regulations under section 29A above make provision by virtue of subsection (2B), they may also—
- (a) provide for C to carry out revalidation of any medical practitioner to whom the regulations apply;

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- (b) require a medical practitioner or any other person (including another medical practitioner) to provide any evidence, information or document which C may reasonably request for or in connection with revalidation of a medical practitioner;
  - (c) provide for the powers of a licensing authority in section 29E(1)(a) to (e) above to be exercisable in relation to a medical practitioner in connection with any refusal or failure by the practitioner to provide C with such information;
  - (d) make provision equivalent to section 29E(5) to (9) above as to the disclosure of such information to C (with appropriate modifications);
  - (e) provide for C to make reports and recommendations to the licensing authority about a medical practitioner in connection with revalidation by C; and
  - (f) make other provision as to the procedure to be followed for or in connection with revalidation by C.
- (2D) Nothing in subsection (2C) permits regulations to be made giving C power to make any decision as to—
- (a) a medical practitioner holding, or continuing to hold, a licence to practise; or
  - (b) the making of any change to the General Practitioner Register or the Specialist Register in respect of a medical practitioner.]
- [<sup>F178</sup>(2E) Regulations under section 29A may make provision in connection with determining whether a medical practitioner has demonstrated the necessary knowledge of English; and the regulations may in particular—
- (a) provide for the licensing authority to require a person to undertake an assessment to demonstrate whether the person has the necessary knowledge of English;
  - (b) require a person to provide any evidence, information or document which the licensing authority may reasonably request for the purpose of demonstrating whether the person has the necessary knowledge of English but the regulations may not require, or enable the licensing authority to request, evidence or information demonstrating that the practitioner’s knowledge of English exceeds the necessary knowledge of English;
  - (c) provide for the powers of the licensing authority in section 29E(1)(a) and (b) to be exercisable in relation to a person in connection with any refusal or failure by the person to provide the licensing authority with such information;
  - (d) make provision equivalent to section 29E(5) to (9) as to the disclosure of such information to the licensing authority (with appropriate modifications).]
- (3) Regulations under section 29A above may make different provision for different purposes, cases or circumstances [<sup>F179</sup>or different areas].
- (4) Regulations under section 29A above shall not have effect until approved by order of the Privy Council.
- (5) Before making regulations under section 29A above, the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.

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### Textual Amendments

- F177** S. 29J(2)-(2D) substituted for s. 29J(2) (9.9.2009 for specified purposes) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 16(2)**; S.I. 2009/2200, art. 2
- F178** S. 29J(2E) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **5(2)** (with arts. 11, 12)
- F179** Words in s. 29J(3) inserted (9.9.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 16(3)**; S.I. 2009/2200, art. 2

## PART IV

### GENERAL PROVISIONS CONCERNING REGISTRATION

#### 30 The registers.

<sup>F180</sup>(A1) In this Part, “the registers” means—

- (a) the register;
- (b) the General Practitioner Register; and
- (c) the Specialist Register.]

(1) The register of medical practitioners shall <sup>F181</sup>include]—

- (a) in the principal list the names of persons entitled to be registered under <sup>F182</sup>section <sup>F183</sup>[<sup>F183</sup>3, 14A, 15, 15A or 19A]] above, or directed to be registered under <sup>F184</sup>[<sup>F184</sup>section 19, 21, <sup>F185</sup>21B or 21C] above;]
- <sup>F186</sup>(aa) in the emergency powers doctors list, the names of persons from time to time registered under section 18A;]
- <sup>F187</sup>(b) .....
- (c) in the visiting overseas doctors list the names of persons from time to time directed to be registered under <sup>F188</sup>[<sup>F188</sup>section 27A or 27B] above; and
- <sup>F189</sup>(d) in the list of visiting medical practitioners from relevant European States, the names of persons entitled to be registered under Schedule 2A.]

<sup>F190</sup>(2) .....

<sup>F191</sup>(3) <sup>F192</sup>[The register] shall also include, in respect of each of the persons entered in it, a statement of the following—

- (a) the person’s address;
- (b) the person’s date of registration;
- (c) whether the person holds a licence to practise or not;
- (d) any qualifications which the person is entitled to have registered under section 16 or 26 above; and
- (e) any other particulars prescribed in the case of a person entered in <sup>F193</sup>[<sup>F194</sup>the register].]

(4) It shall be the duty of the Registrar to keep <sup>F195</sup>[the register][<sup>F196</sup>, the General Practitioner Register and the Specialist Register] correct in accordance with the provisions of this Act and regulations made by the General Council, to erase the names of persons who have died, <sup>F197</sup>[<sup>F197</sup>or who have been provisionally registered for longer than the period prescribed in respect of them,] and from time to time to make the



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necessary alterations in the addresses, qualifications and other registered particulars of registered persons.

- (5) The Registrar may, by letter addressed to any person registered in [<sup>F198</sup>the register] at his address on the register, inquire whether he has changed his address and, if no answer is received to the inquiry within six months from the posting of the letter, may erase from the register the entry relating to that person.
- (6) On registering the death of a person registered in [<sup>F199</sup>the register], a registrar of births and deaths shall, without charge to the Registrar, send forthwith by post to the Registrar a copy certified under his hand of the entry in the register of deaths relating to the death.
- (7) In this section “prescribed” means prescribed by regulations made under section 31 below.

#### Textual Amendments

- F180** S. 30(A1) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 4(a)**; S.I. 2010/478, art. 2(b)
- F181** Word in s. 30(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(e), **7(2)(a)(i)** (with transitional provisions in Sch. 2)
- F182** Words in s. 30(1)(a)(b) substituted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(2)**
- F183** Words in s. 30(1)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **19(a)**
- F184** Words in s. 30(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(e), **7(2)(a)(ii)** (with transitional provisions in Sch. 2)
- F185** Words in s. 30(1)(a) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **38(a)**
- F186** S. 30(1)(aa) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 11**
- F187** S. 30(1)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(2)(a)(iii)** (with Sch. 2)
- F188** Words in s. 30(1)(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **38(b)**
- F189** S. 30(1)(d) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **19(b)**
- F190** S. 30(2) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(a)**
- F191** S. 30(3) substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(1)** (with Sch. 2)
- F192** Words in s. 30(3) substituted (19.7.2006 for specified purposes, 16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(b)(i)**
- F193** Words in s. 30(3)(e) substituted (19.7.2006, 16.11.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(b)(ii)**
- F194** Words in s. 30(3)(e) substituted (19.7.2006 for specified purposes, 16.11.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(b)(ii)**

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- F195** Words in s. 30(4) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(c)**
- F196** Words in s. 30(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 4(b)**; S.I. 2010/478, art. 2(b)
- F197** Words in s. 30(4) inserted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **29**
- F198** Words in s. 30(5) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(d)**
- F199** Words in s. 30(6) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **8(e)**

**Modifications etc. (not altering text)**

- C5** S. 30(3) modified (temp.) (19.10.2007) by [The Medical Act 1983 Amendments \(Further Transitional Provisions\) Order of Council 2007 \(S.I. 2007/2796\)](#), arts. 1(1), **2**

**[<sup>F200</sup>30A. The register: emergency powers doctors list**

- (1) Notwithstanding any other provision of this Act, the Registrar is not under an obligation to make any entry in the register in respect of any person registered by virtue of section 18A(1)(b) until the Registrar has been able to ascertain the person's name and address.
- (2) The Registrar may make available information identifying any group of persons registered by virtue of section 18A(1)(b) in such manner as the Registrar sees fit.]

**Textual Amendments**

- F200** S. 30A inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 12**

**31 Power to make regulations with respect to the registers.**

- (1) Subject to the provisions of this Act, the General Council may make regulations with respect to the form and keeping of <sup>F201</sup>... [<sup>F201</sup>the registers] and the making of entries, alterations and corrections <sup>F202</sup>... [<sup>F202</sup>in them].
- (2) Regulations under this section may provide for <sup>F203</sup>... [<sup>F203</sup>the registers] to be kept either by making entries in bound books or by recording the matters in question in any other manner; and if <sup>F204</sup>... [<sup>F204</sup>the registers are] not kept by making entries in bound books, adequate precautions shall be taken for guarding against, and facilitating the discovery of, falsification.
- <sup>F205</sup>(3) .....
- (4) Regulations under this section shall provide for the marking of the register of medical practitioners so as to distinguish those provisionally registered under section 15 [<sup>F206</sup>or 15A] above and those provisionally registered under section 21 [<sup>F207</sup>or 21C] above.

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- [<sup>F208</sup>(4A) Regulations under this section may provide for a maximum period for which a person may be provisionally registered, and may provide for—
- (a) different maximum periods for which different classes of persons may be provisionally registered; and
  - (b) the maximum period not to apply to specified classes of persons.]

- [<sup>F209</sup>(4B) Regulations under this section shall provide for the marking of the General Practitioner Register so as to distinguish between different categories of persons who are eligible to be registered in that register by virtue of section 34C(2)(b).]

<sup>F210</sup>(5) .....

<sup>F210</sup>(6) .....

<sup>F210</sup>(7) .....

- (8) Regulations under this section may make provision with respect to the restoration to <sup>F211</sup>... [<sup>F211</sup>the registers] of the name of any person whose name has been erased from <sup>F212</sup>... [<sup>F212</sup>them] by virtue of section 30(5) above or of any regulations made in pursuance of <sup>F213</sup>... section 32(2) below.

- (9) Regulations under this section made by virtue of subsection (8) above may include provision—

- (a) for authorising the Registrar, notwithstanding anything in this Act, to refuse to restore to <sup>F214</sup>... [<sup>F214</sup>the registers]<sup>F215</sup>... the name of any such person as is mentioned in that subsection unless he furnishes to the Registrar such evidence of his identity and [<sup>F216</sup>fitness to practise] as may be prescribed; and

- [<sup>F217</sup>(b) for securing that, in such circumstances as may be prescribed, such a person's name is not so restored unless—

- (i) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit,
- (ii) the practitioner's licence to practise is restored in accordance with the regulations, or
- (iii) both (i) and (ii) are met][<sup>F218</sup>; and

- (c) where such a person is required to submit to or undertake an assessment by virtue of paragraph 5A or 5C of Schedule 4, for requiring the Registrar or the General Council or a committee of the Council to take into account—

- (i) whether the assessment was carried out,
- (ii) whether any requirements imposed in respect of the assessment were complied with, and
- (iii) if the assessment was carried out, the results of the assessment].

<sup>F219</sup> ...

- (10) Regulations made in pursuance of [<sup>F220</sup>subsection (4A), [<sup>F221</sup>(4B),] (8) or (9)] above shall not have effect until approved by order of the Privy Council.

- (11) In this section “prescribed” means prescribed by regulations under this section.

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### Textual Amendments

- F201** Words in s. 31(1) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(a)(i)**; S.I. 2010/478, art. 2(b)
- F202** Words in s. 31(1) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(a)(ii)**; S.I. 2010/478, art. 2(b)
- F203** Words in s. 31(2) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(b)(i)**; S.I. 2010/478, art. 2(b)
- F204** Words in s. 31(2) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(b)(ii)**; S.I. 2010/478, art. 2(b)
- F205** S. 31(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **9(c)**
- F206** Words in s. 31(4) inserted (4.12.2000) by [S.I. 2000/3041](#), **reg. 4(3)**
- F207** Words in s. 31(4) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **39**
- F208** S. 31(4A) inserted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **30(a)**
- F209** S. 31(4B) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(c)**; S.I. 2010/478, art. 2(b)
- F210** S. 31(5)-(7) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(a)** (with Sch. 2)
- F211** Words in s. 31(8) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(d)(i)**; S.I. 2010/478, art. 2(b)
- F212** Word in s. 31(8) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(d)(ii)**; S.I. 2010/478, art. 2(b)
- F213** Words in s. 31(8) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(3)(b)** (with Sch. 2)
- F214** Words in s. 31(9)(a) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 5(e)**; S.I. 2010/478, art. 2(b)
- F215** Words in s. 31(9)(a) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **9(e)**
- F216** Words in s. 31(9)(a) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **48**
- F217** S. 31(9)(b) substituted (30.5.2003, 1.7.2003 in so far as not already in force as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(2)** (with Sch. 2)
- F218** S. 31(9)(c) and preceding word inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\)](#) and the Professional Standards Authority for Health and Social

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Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(1)**; S.I. 2015/1579, art. 2(i) (with art. 3)

**F219** Words in s. 31(9) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of **The Medical Act 1983 (Amendment) Order 2002** (S.I. 2002/3135), arts. 1(2)(3), **7(3)(c)** (with Sch. 2)

**F220** Words in s. 31(10) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006** (S.I. 2006/1914), art. 1(2)(b)(c)(3), **30(b)**

**F221** Word in s. 31(10) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by **The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010** (S.I. 2010/234), art. 1(3)(4), **Sch. 1 para. 5(f)**; S.I. 2010/478, art. 2(b)

**F223** **F222** **3** **Voluntary removal from** **F223** **... [F223 any of the registers].**

(1) The General Council may make regulations—

- (a) providing for the erasure by the Registrar from **F224** ... **[F224 any of the registers]** of the name of any person who applies, in the manner prescribed by the regulations, for his name to be erased from **F225** ... **[F225 any of the registers]**;
- (b) providing for the refusal by the Registrar of applications under paragraph (a) above in such cases and circumstances as may be prescribed by the regulations;
- (c) making provision (including provision requiring the approval of the General Council or of one of the statutory committees) for the restoration to **F226** ... **[F226 any of the registers]** of the name of any person whose name has been erased in accordance with regulations made in pursuance of paragraph (a) above.

**F227** **[ Regulations under subsection (1)(c) above shall provide that, in such circumstances (1A) as may be prescribed, a person’s name is not to be restored to** **F228** **... [F228 any of the registers] unless—**

- (a) the General Council or a committee of the General Council so direct after making such investigation into his fitness to practise as they think fit;
- (b) the practitioner’s licence to practise is restored in accordance with the regulations; or
- (c) both (a) and (b) are met.

(1B) In subsection (1A) above, “prescribed” means prescribed under regulations made under subsection (1) above.]

**F229** **[ Regulations under subsection (1)(c) above may include provision, where the person (1C) concerned is required to submit to or undertake an assessment by virtue of paragraph 5A or 5C of Schedule 4, for requiring the General Council or a committee of the Council to take into account—**

- (a) whether the assessment was carried out,
- (b) whether any requirements imposed in respect of the assessment were complied with, and
- (c) if the assessment was carried out, the results of the assessment.]

(2) Regulations under this section shall not have effect until approved by order of the Privy Council.]

*Status: Point in time view as at 18/11/2016.*

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### Textual Amendments

- F222** S. 31A inserted (18.5.2000) by 1995 c. 51, s. 2; S.I. 2000/1344, art. 2
- F223** Words in s. 31A heading substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 6(a)**; S.I. 2010/478, art. 2(b)
- F224** Words in s. 31A(1)(a) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 6(b)(i)**; S.I. 2010/478, art. 2(b)
- F225** Words in s. 31A(1)(a) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 6(b)(ii)**; S.I. 2010/478, art. 2(b)
- F226** Words in s. 31A(1)(c) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 6(c)**; S.I. 2010/478, art. 2(b)
- F227** S. 31A(1A)(1B) inserted (7.7.2004 as notified in the London Gazette dated 2.7.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(3)** (with Sch. 2)
- F228** Words in s. 31A(1A) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 6(c)**; S.I. 2010/478, art. 2(b)
- F229** S. 31A(1C) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(2)**; S.I. 2015/1579, art. 2(i) (with art. 3)

## 32 Registration fees.

- (1) Subject to the provisions of this Act, the General Council may make regulations with respect to the charging of fees in connection with the making of entries in the register of medical practitioners, and in particular—
- (a) prescribing a fee to be charged on the entry of a name or qualification in the register or on the restoration of any entry to the register;
  - (b) prescribing a fee to be charged in respect of the retention in the register of the name of a person <sup>F230</sup> ...;
  - (c) authorising the Registrar, notwithstanding anything in this Act, to refuse to make any entry in, or restore any entry to, the register <sup>F231</sup> ... until a fee prescribed by regulations under this section has been paid.
- (2) Regulations under this section may authorise the Registrar to erase from the register of medical practitioners the name of—
- (a) any person who, after such notices and warnings as may be prescribed by the regulations, fails to pay a fee prescribed in pursuance of subsection (1) (b) above; <sup>F232</sup> . . .
  - <sup>F232</sup>(b) . . . . .
- (3) If a person whose name has been erased from the register in accordance with regulations made in pursuance of subsection (2) above at any time pays—
- (a) such sum (if any) as may be prescribed for the purposes of this subsection by regulations under this section; and
  - (b) the fee (if any) which, if his name had not been so erased, would be due from him in respect of the current year,
- his name shall be restored to the register.

*Status: Point in time view as at 18/11/2016.*

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- (4) Regulations under this section shall not provide for any fee to be chargeable in respect of anything done in pursuance of a direction under section 41 below.
- (5) No fee shall be charged in relation to registration [<sup>F233</sup>in the emergency powers doctors list or]<sup>F234</sup>in the list of visiting medical practitioners from relevant European States] and accordingly this section shall not apply in relation thereto.
- <sup>F235</sup>(6) .....
- (7) Regulations under this section prescribing fees may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.
- <sup>F236</sup>(8) .....
- (9) For the avoidance of doubt it is hereby declared that in this section “entry” includes an entry by way of alteration of a previous entry.

#### Textual Amendments

- F230** Words in s. 32(1)(b) omitted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **72(a)(i)**
- F231** Words in s. 32(1)(c) omitted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **72(a)(ii)**
- F232** S. 32(2)(b) and preceding word repealed (18.5.2000) by [1995 c. 51, ss. 4, Sch. para. 3](#); S.I. 2000/1344, **art. 2**
- F233** Words in s. 32(5) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 13**
- F234** Words in s. 32(5) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **20**
- F235** S. 32(6) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **10**
- F236** S. 32(8) omitted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **72(b)**

### 33 Supplementary provisions about registration.

Schedule 3 to this Act (which contains supplementary provisions about registration) shall have effect.

#### <sup>F237</sup>34 [<sup>F238</sup>Publication of [<sup>F239</sup>the registers]]

- (1) The Registrar shall cause to be published from time to time (electronically or otherwise) a list of all persons who, on a date specified by him at the time of publication, [<sup>F240</sup>appear in [<sup>F241</sup>each of the registers]].

*Status: Point in time view as at 18/11/2016.*

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- (2) The list published in accordance with subsection (1) above shall include in respect of each practitioner—
- (a) information about his registered qualifications;
  - (b) a statement about whether or not he holds a licence to practise; <sup>F242</sup> ...
  - <sup>F243</sup>(ba) in relation to the list of persons on the Specialist Register—
    - (i) the specialty in respect of which a person's name is included in that register; and
    - (ii) the name, or a description of, any field within that specialty which is indicated in respect of that person in that register; and]
  - (c) such other particulars (if any) as the General Council may direct in relation to that list.]

#### Textual Amendments

- F237** S. 34 substituted (1.7.2003 except in so far as it relates to sub-section (2)(b) as notified in the London Gazette dated 1.7.2003, 16.11.2009 for specified purposes as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **7(4)** (with [Sch. 2](#))
- F238** S. 34 heading substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **11(2)**
- F239** Words in s. 34 heading substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 7(a)**; S.I. 2010/478, art. 2(b)
- F240** Words in s. 34(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **11(1)**
- F241** Words in s. 34(1) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 7(b)**; S.I. 2010/478, art. 2(b)
- F242** Word in s. 34(2)(b) omitted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 7(c)(i)**; S.I. 2010/478, art. 2(b)
- F243** S. 34(2)(ba) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 7(c)(ii)**; S.I. 2010/478, art. 2(b)

#### <sup>F244</sup>34A Proof of registration

- (1) The Registrar may issue a certificate that a person—
- (a) is registered [<sup>F245</sup>in any of the registers];
  - (b) is not registered [<sup>F245</sup>in any of the registers];
  - (c) was registered [<sup>F245</sup>in any of the registers] at a specified date or during a specified period;
  - (d) was not registered [<sup>F245</sup>in any of the registers] at a specified date or during a specified period;
  - (e) has never been registered [<sup>F245</sup>in any of the registers];
  - (f) holds a licence to practise;
  - (g) does not hold a licence to practise;



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- (h) held a licence to practise at a specified date or during a specified period;
- (i) did not hold a licence to practise at a specified date or during a specified period; or
- (j) has never held a licence to practise.

[ In relation to a person who is registered in the Specialist Register, the Registrar may <sup>F246</sup>(1A) issue a certificate that that person is, or is not, registered on that register with a particular speciality and in a particular field within that speciality.]

- (2) A certificate issued under subsection (1) [<sup>F247</sup>or (1A)] above shall be evidence (and in Scotland sufficient evidence) of the matters certified.]

#### Textual Amendments

- F244** S. 34A inserted (1.7.2003 for specified purposes as notified in the London Gazette dated 1.7.2003, 16.11.2009 for specified purposes as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **7(5)** (with Sch. 2)
- F245** Words in s. 34A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 8(a)**; S.I. 2010/478, art. 2(b)
- F246** S. 34A(1A) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 8(b)**; S.I. 2010/478, art. 2(b)
- F247** Words in s. 34A(2) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 8(c)**; S.I. 2010/478, art. 2(b)

#### [<sup>F248</sup>34B Registration [<sup>F249</sup>and training] appeals

[ Schedule 3A to this Act (which makes provision about appeals against registration <sup>F250</sup>(1)) [<sup>F251</sup>and training] decisions) shall have effect.]

[<sup>F252</sup>(2) The General Council may by regulations make provision with respect to the charging of fees in connection with appeals under Schedule 3A.

- (3) Regulations under subsection (2) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.]

#### Textual Amendments

- F248** S. 34B inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(1)** (with Sch. 2)
- F249** Words in s. 34B heading inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 9(a)**; S.I. 2010/478, art. 2(b)
- F250** S. 34B renumbered as s. 34B(1) (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 9**; S.I. 2010/478, art. 2(b)
- F251** Words in s. 34B(1) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 9(a)**; S.I. 2010/478, art. 2(b)

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**F252** S. 34B(2)(3) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 9(b)**; S.I. 2010/478, art. 2(b)

## F253 F253 PART 4A

### POSTGRADUATE MEDICAL EDUCATION AND TRAINING

#### Textual Amendments

**F253** Pt. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 10**; S.I. 2010/478, art. 2(b)

#### **34C The General Practitioner Register**

- (1) The General Council shall keep a register of general practitioners (known as “the General Practitioner Register”).
- (2) The General Practitioner Register shall, subject to subsection (3), contain the names of—
  - (a) registered medical practitioners who hold a CCT in general practice;
  - (b) registered medical practitioners who have an acquired right to practise as a general practitioner in the United Kingdom pursuant to section 34G(1); and
  - (c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.
- (3) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the General Practitioner Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

#### **34D The Specialist Register**

- (1) The General Council shall keep a register of specialist medical practitioners (known as “the Specialist Register”).
- (2) The Specialist Register shall, subject to subsections (4) and (5), contain the names of—
  - (a) registered medical practitioners who hold a CCT in a recognised specialty;
  - (b) registered medical practitioners who are eligible to be admitted to that register in accordance with the scheme mentioned in subsection (6); and
  - (c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.
- (3) The Privy Council may by order designate specialties as recognised specialties.
- (4) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the Specialist Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

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- (5) A person is not entitled to have their name included in the Specialist Register as an oral and maxillo-facial surgeon unless the person is a registered medical practitioner and satisfies the Registrar both—
  - (a) of their entitlement to be registered in that register by virtue of subsection (2); and
  - (b) that they have successfully completed dental training that meets, or under Article 22(a) of the Directive is treated as meeting, the requirements of Article 34 of the Directive.
- (6) The scheme referred to in subsection (2)(b) is a scheme published by the General Council for the inclusion in the Specialist Register of persons who, immediately before 1st January 1997, were either NHS consultants or consultants in a medical specialty in the armed forces.
- (7) That scheme shall make provision—
  - (a) as to the criteria to be considered in determining whether to include a person's name in the Specialist Register; and
  - (b) excluding any person whose name has been removed from the Specialist Register under regulations made by virtue of subsection (2A) of section 29B (grant, refusal and withdrawal of licences to practise).
- (8) In subsection (6), “armed forces” means the naval, military or air forces of the Crown and includes the reserve forces within the meaning of section 1(2) of the Reserve Forces Act 1996 **No commentary item could be found for this reference c20127051.**
- (9) The Specialist Register shall indicate—
  - (a) the specialty in respect of which a person's name is included in that register; and
  - (b) the name, or a description of, any field within that specialty which a person has requested, subject to subsection (10), to be indicated in that register.
- (10) In order to have the relevant field indicated on the Specialist Register in accordance with subsection (9)(b), the Registrar must be satisfied that a person has completed satisfactorily—
  - (a) sub-specialty training in the United Kingdom which is approved by the General Council; or
  - (b) sub-specialty training outside the United Kingdom that the Registrar is satisfied is equivalent to sub-specialty training approved by the General Council.

### **34E Applications for inclusion in the General Practitioner Register or the Specialist Register**

- (1) The General Council shall make regulations as to the procedure to be followed by, or in relation to, persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register.
- (2) The regulations may in particular make provision as to—
  - (a) the evidence required in support of applications;
  - (b) the time limits to be complied with in respect of applications; and
  - (c) the notification of decisions in respect of applications.

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- (3) The regulations may require the Registrar to inform persons who do not hold a CCT, and in respect of whom the Registrar is not satisfied as to their eligibility for inclusion in the General Practitioner Register or the Specialist Register, of the reasons why the Registrar is not so satisfied.
- (4) The regulations may require the Registrar to inform the persons referred to in subsection (3) of—
  - (a) additional training that must be undertaken and the fields that the training must cover; and
  - (b) any examination, assessment (including a specified period of assessment), adaptation period or other test of competence that that person must complete to the Registrar's satisfaction,in order to satisfy the Registrar of their eligibility for inclusion in those Registers.
- (5) In subsection (4)(b), “adaptation period” means an adaptation period pursuant to Part 3 of the General Systems Regulations.
- (6) Regulations under this section shall not have effect until approved by order of the Privy Council.

#### **34F Removal of names from the General Practitioner Register and the Specialist Register**

- (1) The Registrar must remove a person's name from the General Practitioner Register or the Specialist Register where it comes to the Registrar's notice that they are no longer a registered medical practitioner.
- (2) The Registrar may remove a person's name from the General Practitioner Register or the Specialist Register where they cease, in cases specified by the Privy Council by order, to fall within any of the categories specified by the Privy Council by order under section 34C(2)(c) or, as the case may be, section 34D(2)(c).
- (3) Subject to subsection (4), where a person removed from the General Practitioner Register or the Specialist Register under subsection (1) becomes once again a registered medical practitioner, the Registrar shall, if requested by that person, once again include that person's name in the General Practitioner Register or, as the case may be, the Specialist Register.
- (4) No request to include a person's name again in the General Practitioner Register is required under subsection (3) where a person removed from that Register under subsection (1), becomes once again a registered medical practitioner by virtue of section 18A.
- (5) The Registrar shall send a notice to the person concerned when removing that person's name pursuant to subsection (1) or (2), as the case may be, once again including that person's name pursuant to subsection (3).
- (6) Paragraph 6 of Schedule 3A applies to notices required to be sent under subsection (5) as it applies to notices under that paragraph.

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### **34G Acquired rights of general practitioners**

- (1) For the purposes of Article 30(1) of the Directive, a person has an acquired right to practise as a general practitioner in the United Kingdom if they fall within one of the categories of persons specified by the Privy Council by order.
- (2) Where, pursuant to a request in writing, the Registrar is satisfied that a person has an acquired right to practise by virtue of subsection (1), the Registrar shall issue a certificate for the purposes of Article 30(1) of the Directive.
- (3) The General Council may make rules as to the procedure to be followed in relation to, and the evidence required in support of, a request made under subsection (2).
- (4) A certificate issued under subsection (2) shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

### **34H Postgraduate medical education and training: general functions**

- (1) The General Council shall—
  - (a) establish standards of, and requirements relating to, postgraduate medical education and training, including those necessary for the award of a CCT in general practice and in each recognised specialty;
  - (b) secure the maintenance of the standards and requirements established under paragraph (a); and
  - (c) develop and promote postgraduate medical education and training in the United Kingdom.
- (2) In exercising their functions under this Part, the main objectives of the General Council, in addition to [F254 the over-arching objective], are—
  - (a) to ensure that the needs of persons undertaking postgraduate medical education and training in each of England, Wales, Scotland and Northern Ireland are met by the standards the General Council establish under subsection (1)(a) and to have proper regard to the differing considerations applying to different groups of such persons; and
  - (b) to ensure that the needs of employers and those engaging the services of general practitioners and specialists within the UK health services are met by the standards the General Council establish under subsection (1)(a).
- (3) The standards and requirements established under subsection (1)(a) shall be set out in determinations of the General Council.
- (4) The standards and requirements established under subsection (1)(a) shall include—
  - (a) the standards required for entry to training;
  - (b) the training curricula to be followed in general practice and in each recognised speciality;
  - (c) the assessment arrangements for persons undertaking education and training in general practice and specialist medical practice;
  - (d) the assessment arrangements for persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register who do not hold a CCT;
  - (e) the outcomes to be achieved by education and training in general practice or specialist medical practice, including the levels of skill, knowledge and expertise to be achieved;

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- (f) the examinations, assessments and other tests of competence to be completed, whether during or upon completion of a course of education and training in general practice or specialist medical practice; and
- (g) any other matters relating to postgraduate medical education and training for general medical practice and specialist practice as the General Council considers appropriate.

#### **Textual Amendments**

**F254** Words in s. 34H(2) substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **21(2)** (with art. 1(4)); [S.I. 2015/1579](#), art. 2(1)

### **34I Postgraduate medical education and training: approvals**

- (1) In order to secure the maintenance of the standards and requirements established under section 34H(1)(a), the General Council may approve—
  - (a) courses or programmes of postgraduate medical education and training (or part of such a course or programme) which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);
  - (b) training posts which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);
  - (c) general practitioners whom the General Council consider to be properly organised and equipped for providing training for GP Registrars;
  - (d) examinations, assessments or other tests of competence.
- (2) In connection with subsection (1), the General Council may approve postgraduate medical education and training taking place outside the United Kingdom.
- (3) In exercising their functions under subsection (1) or (2), the General Council may attach conditions to any approval they give or have given including, if the General Council consider appropriate, a condition limiting the period of time for which that approval is valid.
- (4) The General Council may at any time withdraw approval where they are satisfied that—
  - (a) any conditions imposed under subsection (3); or
  - (b) any standards or requirements established under section 34H(1)(a), are not being met.
- (5) If the General Council have formed the provisional opinion that an approval be—
  - (a) refused;
  - (b) given subject to conditions under subsection (3); or
  - (c) withdrawn under subsection (4),
 they shall notify that opinion in writing to the person who has applied for the approval or, as the case may be, to whom the approval was given.
- (6) Where the General Council have formed a provisional opinion under subsection (5), they shall allow—

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- (a) the person who they have notified; and
  - (b) any other person who they are satisfied has a substantial interest in the matter, a reasonable opportunity to make representations to them before making the determination.
- (7) The Registrar shall cause to be published from time to time (electronically or otherwise) a list specifying—
- (a) any course or programme (or part of a course or programme), training post, general practitioner or examination, assessment or other test of competence that the General Council have approved pursuant to subsection (1) or (2);
  - (b) the date on which that approval was given;
  - (c) any conditions to which that approval is subject pursuant to subsection (3); and
  - (d) where relevant, the date on which that approval was withdrawn.

### **34J Minimum requirements for general practice training**

- (1) The minimum requirements for general practice training are that—
- (a) the training meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 28(1), the first sub-paragraph of Article 28(2) and Article 28(3) of the Directive; and
  - (b) the period of training specified in the first sub-paragraph of Article 28(2) of the Directive includes—
    - (i) a period or periods amounting to at least 12 months employment as a GP Registrar under the supervision of a general practitioner who has been approved by the General Council under section 34I(1)(c), and
    - (ii) a period or periods amounting to at least 12 months employment in a post (or posts), in one or more specialties that are approved by the General Council as being relevant to general practice.
- (2) Once the minimum training periods in subsection (1)(b) have been completed, any remaining period of training shall consist of a period of employment in a post (or posts) falling within subsection (1)(b)(i) or (ii).

### **34K Minimum requirements for specialist training**

- (1) The minimum requirements for specialist training are that the training—
- (a) constitutes an entire course of training in the recognised specialty in question;
  - (b) meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 25(1), (2) and (3) of the Directive; and
  - (c) is for a period which is at least as long as any minimum training period that the Privy Council may by order prescribe for that specialty.
- (2) The General Council may impose conditions in relation to any part-time specialist training which it approves.

### **34L Award and withdrawal of a Certificate of Completion of Training**

- (1) Subject to subsection (3), the Registrar shall award a certificate of completion of training (CCT) to any person who applies to the General Council for that purpose if—
- (a) that person is a registered medical practitioner;

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- (b) the Registrar is satisfied that that person has been appointed to, and has satisfactorily completed, a course of training leading to the award of a CCT; and
  - (b) that course of training has been approved by the General Council under section 34I(1)(a).
- (2) The Registrar may only award a CCT in general practice or in a recognised specialty.
- (3) A CCT in the specialty of oral and maxillo-facial surgery may be awarded only to a person who has also successfully completed dental training that meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 34 of the Directive.
- (4) A CCT shall state—
- (a) the date on which it is awarded;
  - (b) that it is awarded in general practice, or, where applicable, the recognised specialty in which it is awarded;
  - (c) the name of its holder;
  - (d) the holder's primary medical qualifications and where those qualifications were awarded; and
  - (e) the holder's General Council reference number.
- (5) The General Council shall make rules as to the procedure to be followed in relation to, and the evidence required in support of, applications for a CCT.
- (6) A CCT shall be signed by the Registrar or by another person who has been nominated by the Registrar for this purpose.
- (7) A CCT shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

### **34M Visitors**

- (1) The General Council may, if they think fit, appoint persons to visit any body or other person by whom, or under whose direction or management, any postgraduate medical education or training is, or is proposed to be, given.
- (2) The persons appointed under subsection (1) in relation to any visit must include at least one person who—
- (a) is not, and never has been, registered with full or limited registration under any provision of this Act; and
  - (b) does not hold qualifications which would entitle an application to be made by that person for provisional or full registration under this Act.
- (3) Persons who visit any body or person pursuant to subsection (1) shall prepare a report to the General Council on the visit.
- (4) The General Council shall, following a request by any person, make available such reports.

### **34N Power to require information**

- (1) This section applies to any body or other person that may be visited by persons appointed pursuant to section 34M(1).



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- (2) A body to which or person to whom this section applies shall give to the Registrar, within such period as the Registrar may reasonably require, any information that the Registrar may reasonably require for the purpose of the Registrar's or the General Council's functions under this Part.
- (3) The matters with respect to which the Registrar may require information under subsection (2) include—
  - (a) the standards and requirements which must be met by persons pursuing postgraduate medical education and training;
  - (b) the procedures for managing that education or training.
- (4) Where a body or person specified in subsection (1) fails to comply with a request under this section, the Registrar shall refer the matter to the General Council with a view to their forming a provisional opinion pursuant to section 34I(5).

### 34O Fees

- (1) The General Council may make regulations with respect to the charging of fees in connection with—
  - (a) requests to the Registrar for written statements that a person is eligible for inclusion in the General Practitioner Register or the Specialist Register;
  - (b) applications for inclusion in the General Practitioner Register under section 34C(3);
  - (c) applications for inclusion in the Specialist Register under section 34D(4);
  - (d) requests for certificates under section 34G(2);
  - (e) applications for approvals under section 34I(1);
  - (f) applications for CCTs under section 34L(1); and
  - (g) visits made under section 34M.
- (2) Regulations under subsection (1)(b) and (c) may make provision with respect to the charging of fees for the entry of qualifications in the General Practitioner Register or the Specialist Register or on the restoration of entries to those registers.
- (3) Regulations under subsection (1) may provide that a request or application in respect of which a fee is payable is not valid unless the fee is paid.
- (4) Regulations under subsection (1) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.]

## [<sup>F255</sup>PART V

### FITNESS TO PRACTISE AND MEDICAL ETHICS

#### Textual Amendments

**F255** Pt. V substituted (1.7.2003 for the substitution of s. 41A(2)(a) and Pt. V heading for specified purposes as notified in the London Gazette dated 1.7.2003, 7.7.2004 for the substitution of s. 35CC(1) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force except for the substitution of ss. 41(7)(8), 41C, 44(4), 44A(3) as notified in the London Gazette dated 8.10.2004,

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16.11.2009 for the insertion of s. 41C as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), 13 (with Sch. 2)

### 35 **General Council’s power to advise on conduct, performance or ethics**

The powers of the General Council shall include the power to provide, in such manner as the Council think fit, advice for members of the medical profession on—

- (a) standards of professional conduct;
- (b) standards of professional performance; or
- (c) medical ethics.

### 35A **General Council’s power to require disclosure of information**

- (1) For the purpose of assisting the General Council or any of their committees [<sup>F256</sup>or the Registrar] in carrying out functions in respect of a practitioner’s fitness to practise [<sup>F257</sup>, or for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of section 18A(1)(b).], a person authorised by the Council may require—

- (a) a practitioner (except the practitioner in respect of whom the information or document is sought); or
- (b) any other person,

who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply such information or produce such a document.

[ The Registrar may by notice in writing require a practitioner, within such period as is <sup>F258</sup>(1A) specified in the notice, to supply such information or produce such documents as the Registrar considers necessary—

- (a) for the purpose of assisting the General Council or any of their committees or the Registrar in carrying out functions in respect of the practitioner’s fitness to practise;
- (b) for the purpose of assisting the Registrar in carrying out functions in respect of identifying whether the practitioner is a person registered by virtue of section 18A(1)(b).]

- (2) As soon as is reasonably practicable after the relevant date, the General Council shall require, from a practitioner whose fitness to practise is being investigated, details of any person—

- (a) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine; or
- (b) with whom he has an arrangement to do so.

- (3) For the purposes of this section and section 35B below the relevant date is the date specified by the General Council by rules under paragraph 1 of Schedule 4 of this Act.

- (4) Nothing in this section shall require or permit any disclosure of information which is prohibited by or under any other enactment.

- (5) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the person referred to in subsection (1) [<sup>F259</sup>or (1A)] above may, in exercising his functions under that

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subsection, require that the information be put into a form which is not capable of identifying that individual.

(5A) In determining for the purposes of subsection (4) above whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, it shall be assumed that the disclosure is required by this section.

(6) [<sup>F260</sup>Subsections (1) and (1A) above do not] apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the relevant court (within the meaning of section 40(5) below).

[ If a person fails to supply any information or produce any document within 14 days of <sup>F261</sup>(6A) his being required to do so under subsection (1) above, the General Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(6B) For the purposes of subsection (6A), “the relevant court” means the county court or, in Scotland, the sheriff in whose sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person concerned; or
- (b) which would have been so shown if the person concerned were registered.]

[ If a person fails to comply with a requirement imposed under subsection (1A), the <sup>F262</sup>(6C) Registrar may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal.

(6D) Where a matter is referred to the MPTS under subsection (6C), the MPTS must arrange for it to be considered by a Medical Practitioners Tribunal.

(6E) Sub-paragraphs (3D) to (5A) of paragraph 5A of Schedule 4 apply to a matter being considered by a Medical Practitioners Tribunal under subsection (6D) as if it were a matter being considered by the Tribunal under sub-paragraph (3B) of that paragraph; and a reference in this Act to any of sub-paragraphs (3D) to (5A) of that paragraph is to be read as including a reference to that sub-paragraph as so applied.]

(7) For the purposes of subsection (4), “enactment” includes—

- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (b) any provision of, or any instrument made under, Northern Ireland legislation.

(8) For the purposes of this section and section 35B below, a “practitioner” means a [<sup>F263</sup>fully registered person or a provisionally registered person].

#### Textual Amendments

**F256** Words in s. 35A(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 14(a)**

**F257** Words in s. 35A(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 14(b)**

**F258** S. 35A(1A) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(1)**; S.I. 2015/1952, art. 2(1)

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- F259** Words in s. 35A(5) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(2)**; S.I. 2015/1952, art. 2(l)
- F260** Words in s. 35A(6) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(3)**; S.I. 2015/1952, art. 2(l)
- F261** S. 35A(6A)(6B) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **55**
- F262** S. 35A(6C)-(6E) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **15(4)**; S.I. 2015/1952, art. 2(l)
- F263** Words in s. 35A(8) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **12**

### **35B Notification and disclosure by the General Council**

- (1) As soon as is reasonably practicable after the relevant date, the General Council shall notify the following of an investigation by the General Council of a practitioner's fitness to practise—
- (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland and the National Assembly for Wales; and
  - (b) any person in the United Kingdom of whom the General Council are aware—
    - (i) by whom the practitioner concerned is employed to provide services in, or in relation to, any area of medicine, or
    - (ii) with whom he has an arrangement to do so.
- [ The General Council may, if they consider it to be in the public interest to do so,
- <sup>F264</sup>(2) publish, or disclose to any person, information—
- (a) which relates to a particular practitioner's fitness to practise, whether the matter to which the information relates arose before or after his registration, or arose in the United Kingdom or elsewhere; or
  - (b) of a particular description related to fitness to practise in relation to every practitioner, or to every practitioner of a particular description.
- (3) For the purposes of subsection (2)(b) above, the General Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each individual practitioner to whom it relates.
- (4) Subject to subsection (5), the General Council shall publish in such manner as they see fit—
- (a) decisions of a [<sup>F265</sup>Medical Practitioners Tribunal] that relate to a finding that a person's fitness to practise is impaired (including decisions in respect of a direction relating to such a finding that follow a review of an earlier direction relating to such a finding);
  - (b) decisions of a [<sup>F265</sup>Medical Practitioners Tribunal] to make an order under section 38(1) or (2) below;
  - (c) decisions of a [<sup>F265</sup>Medical Practitioners Tribunal] to refuse an application for restoration to the register or to give a direction under section 41(9) below;

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- (d) decisions of an [F266Interim Orders Tribunal] or a [F265Medical Practitioners Tribunal] to make an order under section 41A below (including decisions in respect of orders varying earlier orders under that section);
  - [F267] (da) decisions of a Medical Practitioners Tribunal to make a direction under paragraph 5A(3D) or 5C(4) of Schedule 4 and decisions of a Medical Practitioners Tribunal under section 35D that relate to such a direction;]
  - (e) warnings of a [F265Medical Practitioners Tribunal] regarding a person’s future conduct or performance;
  - (f) warnings of the Investigation Committee regarding a person’s future conduct or performance; and
  - (g) undertakings that have been agreed in accordance with rules made under paragraph 1(2A) [F268or (2C)] of Schedule 4.
- (5) The General Council may withhold from publication under subsection (4) above information concerning the physical or mental health of a person which the General Council consider to be confidential.]

#### Textual Amendments

- F264** S. 35B(2)-(5) substituted for s. 35B(2) (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **56**
- F265** Words in s. 35B(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F266** Words in s. 35B(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(11)**; S.I. 2015/1952, art. 2(c)
- F267** S. 35B(4)(da) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(3)**; S.I. 2015/1952, art. 2(i)
- F268** Words in s. 35B(4)(g) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **9(2)**; S.I. 2015/1952, art. 2(f)

### 35C Functions of the Investigation Committee

- (1) This section applies where an allegation is made to the General Council against—
- [F269] (a) a fully registered person; or
  - (b) a person who is provisionally registered,]
- that his fitness to practise is impaired.
- (2) A person’s fitness to practise shall be regarded as “impaired” for the purposes of this Act by reason only of—
- (a) misconduct;
  - (b) deficient professional performance;
  - (c) a conviction or caution in the British Islands for a criminal offence, or a conviction elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;

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- (d) adverse physical or mental health; or
  - [ not having the necessary knowledge of English (but see section 2(4));]
  - <sup>F270</sup>(da) (e) a determination by a body in the United Kingdom responsible under any enactment for the regulation of a health or social care profession to the effect that his fitness to practise as a member of that profession is impaired, or a determination by a regulatory body elsewhere to the same effect.
- <sup>F271</sup>(3) This section is not prevented from applying because—
- (a) the allegation is based on a matter that is alleged to have occurred—
    - (i) outside the United Kingdom, or
    - (ii) at a time when the person was not registered; or
  - (b) in relation to a person who is a participant in a revalidation pilot scheme, the allegation is based on information obtained in the course of or otherwise in connection with the person’s revalidation under that scheme.]
- (4) The Investigation Committee shall investigate the allegation and decide whether it should be considered by a <sup>F272</sup>Medical Practitioners Tribunal].
- (5) If the Investigation Committee decide that the allegation ought to be considered by a <sup>F273</sup>Medical Practitioners Tribunal]—
- (a) they shall give a direction to that effect to the Registrar;
  - (b) the Registrar shall refer the allegation to <sup>F274</sup>the MPTS for them to arrange for the allegation to be considered by] a <sup>F273</sup>Medical Practitioners Tribunal]; and
  - (c) the Registrar shall serve a notification of the Committee’s decision on the person who is the subject of the allegation and the person making the allegation (if any).
- (6) If the Investigation Committee decide that the allegation ought not to be considered by a <sup>F275</sup>Medical Practitioners Tribunal], they may give a warning to the person who is the subject of the allegation regarding his future conduct or performance.
- [ In deciding whether to give a warning under subsection (6), the Investigation
- <sup>F276</sup>(6A) Committee must have regard to the over-arching objective.]
- (7) If the Investigation Committee decide that the allegation ought not to be considered by a <sup>F277</sup>Medical Practitioners Tribunal], but that no warning should be given under subsection (6) above—
- (a) they shall give a direction to that effect to the Registrar; and
  - (b) the Registrar shall serve a notification of the Committee’s decision on the person who is the subject of the allegation and the person making the allegation (if any).
- (8) If the Investigation Committee are of the opinion that <sup>F278</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] should consider making an order for interim suspension or interim conditional registration under section 41A below in relation to the person who is the subject of the allegation—
- (a) they shall give a direction to that effect to the Registrar;
  - (b) the Registrar shall refer the matter to <sup>F279</sup>the MPTS for them to arrange for]<sup>F278</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal]<sup>F280</sup>... to decide whether to make such an order; and
  - (c) the Registrar shall serve notification of the decision on the person who is the subject of the allegation and the person making the allegation (if any).

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(9) In this section—

“enactment” includes—

- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
- (b) any provision of, or any instrument made under, Northern Ireland legislation,<sup>F281</sup> ...

“regulatory body” means a regulatory body which has the function of authorising persons to practise as a member of a health or social care profession<sup>F282</sup>; and

“revalidation pilot scheme” has the meaning given by section 29EA(3) above.]

### Textual Amendments

- F269** S. 35C(1)(a)(b) substituted for (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **13**
- F270** S. 35C(2)(da) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **6(2)** (with arts. 11, 12)
- F271** S. 35C(3) substituted (30.4.2010) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 17(2)**; S.I. 2010/1182, art. 2
- F272** Words in s. 35C(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **5(2)**; S.I. 2015/1952, art. 2(d)
- F273** Words in s. 35C(5) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **5(2)**; S.I. 2015/1952, art. 2(d)
- F274** Words in s. 35C(5)(b) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **5(1)**; S.I. 2015/1952, art. 2(d)
- F275** Words in s. 35C(6) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **5(2)**; S.I. 2015/1952, art. 2(d)
- F276** S. 35C(6A) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **21(3)** (with art. 1(4)); S.I. 2015/1579, art. 2(1)
- F277** Words in s. 35C(7) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **5(2)**; S.I. 2015/1952, art. 2(d)
- F278** Words in s. 35C(8) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(1)(a)**; S.I. 2015/1952, art. 2(d)
- F279** Words in s. 35C(8) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(1)(b)**; S.I. 2015/1952, art. 2(d)
- F280** Words in s. 35C(8) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(1)(c)**; S.I. 2015/1952, art. 2(d)
- F281** Word in s. 35C(9) omitted (30.4.2010) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 17(3)(a)**; S.I. 2010/1182, art. 2
- F282** Words in s. 35C(9) inserted (30.4.2010) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 17(3)(b)**; S.I. 2010/1182, art. 2

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### **35CC Provisions supplementary to section 35C**

- (1) Rules under paragraph 1 of Schedule 4 to this Act may make provision for—
  - (a) the Registrar; or
  - (b) any other officer of the General Council,
 to exercise the functions of the Investigation Committee under section 35C above, whether generally or in relation to such classes of case as may be specified in the rules.
 

[ The reference in subsection (1) to an officer of the General Council does not

<sup>F283</sup>(1A) include a reference to the chair of the MPTS or any other officer of the Council to whom functions of the MPTS have been delegated by virtue of paragraph 19F(7) of Schedule 1.]
- (2) Where, by virtue of subsection (1) above, rules provide for the Registrar to exercise the functions of the Investigation Committee under subsections (5), (7) and (8) of section 35C above, those subsections shall apply in relation to him as if paragraph (a) in each of them were omitted.
- (3) Section 35C above also applies in a case where<sup>F284</sup>, in circumstances other than those specified in section 29C(1)(a) and (b)]—
  - (a) it comes to the attention of the General Council that a person’s fitness to practise is called into question by one or more of the matters mentioned in subsection (2) of that section, but
  - (b) no allegation to that effect has been made to the Council against that person, and in such a case section 35C shall apply as if an allegation to that effect had been made to the Council against that person.

[ Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8)

<sup>F285</sup>(4) not to apply in relation to an allegation if the Investigation Committee consider the allegation to be vexatious.
- (5) Rules under paragraph 1 of Schedule 4 may make provision for section 35C(4) to (8) not to apply in relation to an allegation if—
  - (a) at the time when the allegation is made, more than five years have elapsed since the most recent events giving rise to the allegation, and
  - (b) the Investigation Committee consider that it would not be in the public interest to investigate the allegation.
- (6) Rules including provision by virtue of subsection (4) or (5) must provide that, where section 35C(4) to (8) does not apply in relation to an allegation, the Investigation Committee must serve notification of the decision on the person making the allegation (if any).
- (7) Rules under paragraph 1 of Schedule 4 may make provision as to circumstances in which the Investigation Committee may review a decision made by them of a description specified in the rules that relates to a person’s fitness to practise.
- (8) Where the rules include provision by virtue of any of subsections (4) to (7), the reference in subsection (1) to the functions of the Investigation Committee under section 35C is to be read as including a reference to the functions conferred by such provision.]



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### Textual Amendments

- F283** S. 35CC(1A) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(12)**; [S.I. 2015/1579](#), art. 2(c) (with art. 3)
- F284** Words in s. 35CC(3) inserted (3.12.2012 immediately after the commencement of S.I. 2002/3135, art. 10 in so far as it relates to 1983 c. 54, ss. 29A(4)(d), 29C and S.I. 2006/1914, art. 65 (and art. 2 in so far as it relates to art. 65)) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(4), **Sch. 1 para. 18**; [S.I. 2012/2686](#), arts. 1(3), 2(a)(v)
- F285** S. 35CC(4)-(8) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **22(1)**; [S.I. 2015/1579](#), art. 2(m)

### 35D <sup>F286</sup>Functions of a Medical Practitioners Tribunal]

- (1) Where an allegation against a person is referred under <sup>F287</sup>section 35C(5)(b)] above to <sup>F288</sup>the MPTS—
- the MPTS must arrange for the allegation to be considered by a Medical Practitioners Tribunal, and
  - subsections (2) and (3) below shall apply.
- (2) <sup>F289</sup>Where the Medical Practitioners Tribunal] find that the person’s fitness to practise is impaired they may, if they think fit—
- except in a health case <sup>F290</sup>or language case], direct that the person’s name shall be erased from the register;
  - direct that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding twelve months as may be specified in the direction; or
  - direct that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as <sup>F291</sup>the Tribunal] think fit to impose for the protection of members of the public or in his interests.
- (3) Where <sup>F292</sup>the Tribunal] find that the person’s fitness to practise is not impaired they may nevertheless give him a warning regarding his future conduct or performance.
- (4) Where <sup>F293</sup>a Medical Practitioners Tribunal] have given a direction that a person’s registration be suspended—
- under subsection (2) above;
  - under subsection (10) or (12) below; or
  - under <sup>F294</sup>paragraph 5A(3D) or 5C(4)] of Schedule 4 to this Act, <sup>F295</sup>subsections (4A) and (4B) below apply].
- <sup>F296</sup>(4A) [ The Tribunal may direct that the direction is to be reviewed by another Medical Practitioners Tribunal prior to the expiry of the period of suspension; and, where the Tribunal do so direct, the MPTS must arrange for the direction to be reviewed by another Medical Practitioners Tribunal prior to that expiry.
- (4B) The Registrar may, at any time prior to the expiry of the period of suspension, refer the matter to the MPTS for them to arrange for the direction to be reviewed by a Medical Practitioners Tribunal prior to that expiry; and, where a matter is referred to the MPTS

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under this subsection, the MPTS must arrange for the direction to be reviewed by a Medical Practitioners Tribunal.]

- (5) [<sup>F297</sup>On a review arranged under subsection (4A) or (4B)], [<sup>F298</sup>a Medical Practitioners Tribunal] may, if they think fit—
- (a) direct that the current period of suspension shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction;
  - (b) except in a health case [<sup>F299</sup>or language case][<sup>F300</sup>or a case of suspension under paragraph 5A(3D) or 5C(4) of Schedule 4], direct that the person's name shall be erased from the register; <sup>F301</sup>...
  - (c) direct that the person's registration shall, as from the expiry of the current period of suspension [<sup>F302</sup>or from such date before that expiry as may be specified in the direction], be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as [<sup>F298</sup>the Tribunal] think fit to impose for the protection of members of the public or in his interests<sup>F303</sup>; or
  - (d) revoke the direction for the remainder of the current period of suspension,] but, subject to subsection (6) below, [<sup>F298</sup>the Tribunal] shall not extend any period of suspension under this section for more than twelve months at a time.
- (6) In a health case [<sup>F304</sup>or language case][<sup>F305</sup>or a case of suspension under paragraph 5A(3D) or 5C(4) of Schedule 4], [<sup>F306</sup>a Medical Practitioners Tribunal] may give a direction in relation to a person whose registration has been suspended under this section extending his period of suspension indefinitely where—
- (a) the period of suspension will, on the date on which the direction takes effect, have lasted for at least two years; and
  - (b) the direction is made not more than two months before the date on which the period of suspension would otherwise expire.
- (7) Where [<sup>F307</sup>a Medical Practitioners Tribunal have] given a direction under subsection (6) above for a person's period of suspension to be extended indefinitely, [<sup>F308</sup>the Registrar shall refer the matter to the MPTS for them to arrange for a Medical Practitioners Tribunal to] review the direction if—
- <sup>F309</sup>(a) the person makes a request to the Registrar for there to be such a review;]
  - (b) at least two years have elapsed since the date on which the direction took effect; and
  - (c) if the direction has previously been reviewed under this subsection, at least two years have elapsed since the date of the previous review.
- (8) [<sup>F310</sup>Where a matter is referred to the MPTS under subsection (7), the MPTS must arrange for the direction to be reviewed by a Medical Practitioners Tribunal; and on such a review, the Tribunal may]—
- (a) confirm the direction;
  - (b) direct that the suspension be terminated; or
  - (c) direct that the person's registration be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as [<sup>F311</sup>the Tribunal] think fit to impose for the protection of members of the public or in his interests.
- (9) Where—

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- (a) a direction that a person's registration be subject to conditions has been given under—
- (i) subsection (2), (5) or (8) above,
  - (ii) subsection (12) below,
  - (iii) <sup>F312</sup>paragraph 5A(3D) or 5C(4)] of Schedule 4 to this Act, or
  - (iv) section 41A below; and
- <sup>F313</sup>(b) the Registrar is of the opinion that that person has failed to comply with any requirement imposed on the person as such a condition,]  
<sup>F314</sup>subsection (9A)] below applies.
- [ The Registrar may refer the matter to the MPTS for them to arrange for the direction to  
<sup>F315</sup>(9A) be reviewed by a Medical Practitioners Tribunal; and, where a matter is referred to the MPTS under this subsection, the MPTS must arrange for the direction to be reviewed by a Medical Practitioners Tribunal.]
- (10) <sup>F316</sup>Where, on a review arranged under subsection (9A), the Tribunal judge the person concerned to have failed to comply with a requirement imposed as a condition such as is mentioned in subsection (9)(a),]<sup>F317</sup>the Tribunal] may, if they think fit—
- (a) except in a health case <sup>F318</sup>or language case]<sup>F319</sup>or a case of suspension under paragraph 5A(3D) or 5C(4) of Schedule 4], direct that the person's name shall be erased from the register; or
  - (b) direct that the person's registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.
- <sup>F320</sup>(11) Where, in a case which does not come within subsection (9) above, a direction that a person's registration be subject to conditions has been given under subsection (2), (5) or (8) above or paragraph 5A(3D) or 5C(4) of Schedule 4 to this Act, subsections (11A) and (11B) below apply.
- (11A) The Tribunal may direct that the direction is to be reviewed by another Medical Practitioners Tribunal prior to the expiry of the period for which the conditions apply; and, where the Tribunal do so direct, the MPTS must arrange for the direction to be reviewed by another Medical Practitioners Tribunal prior to that expiry.
- (11B) The Registrar may, at any time prior to the expiry of the period for which the conditions apply, refer the matter to the MPTS for them to arrange for the direction to be reviewed by a Medical Practitioners Tribunal; and, where a matter is referred to the MPTS under this subsection, the MPTS must arrange for the direction to be reviewed by a Medical Practitioners Tribunal.]
- (12) <sup>F321</sup>On a review arranged under subsection (11A) or (11B)], <sup>F322</sup>a Medical Practitioners Tribunal] may, if they think fit—
- (a) except in a health case <sup>F323</sup>or language case]<sup>F324</sup>or a case of suspension under paragraph 5A(3D) or 5C(4) of Schedule 4], direct that the person's name shall be erased from the register;
  - (b) direct that the person's registration in the Register shall be suspended during such period not exceeding twelve months as may be specified in the direction;
  - (c) direct that the current period of conditional registration shall be extended for such further period from the time when it would otherwise expire as may be specified in the direction; or
  - (d) revoke the direction, or revoke or vary any of the conditions imposed by the direction, for the remainder of the current period of conditional registration,

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but [<sup>F322</sup>the Tribunal] shall not extend any period of conditional registration under this section for more than three years at a time.

[<sup>F325</sup>(13) Where a Medical Practitioners Tribunal have yet to hold a hearing to consider a case in which they would have the power to give or make a direction, revocation or variation under subsection (5), (6), (8), (10) or (12) above, but the person concerned and the General Council have agreed in writing to the terms of such a direction, revocation or variation—

- (a) the Tribunal, on considering the matter on the papers, or the chair of the Tribunal, on doing so instead of the Tribunal, may give a direction or make a revocation or variation on the agreed terms; or
- (b) if the Tribunal or chair (as the case may be) acting under paragraph (a) determines that the Tribunal should hold a hearing to consider the matter, the MPTS must arrange for a hearing of the Tribunal for that purpose.

(14) A direction, revocation or variation given or made under subsection (13)(a) by a Tribunal or the chair of a Tribunal is to be treated for the purposes of this Act as if it had been given or made by the Tribunal under subsection (5), (6), (8), (10) or (12) above (as the case may be).]

#### Textual Amendments

- F286** S. 35D title substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(3)**; S.I. 2015/1952, art. 2(d)
- F287** Words in s. 35D(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(3)(a)**; S.I. 2015/1952, art. 2(d)
- F288** Words in s. 35D(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(3)(b)**; S.I. 2015/1952, art. 2(d)
- F289** Words in s. 35D(2) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(4)(a)**; S.I. 2015/1952, art. 2(d)
- F290** Words in s. 35D(2)(a) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **7(2)** (with arts. 11, 12)
- F291** Words in s. 35D(2)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(4)(b)**; S.I. 2015/1952, art. 2(d)
- F292** Words in s. 35D(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F293** Words in s. 35D(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F294** Words in s. 35D(4)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(4)**; S.I. 2015/1952, art. 2(i)
- F295** Words in s. 35D(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(6)**; S.I. 2015/1952, art. 2(d)

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- F296** S. 35D(4A)(4B) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(7)**; S.I. 2015/1952, art. 2(d)
- F297** Words in s. 35D(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(8)(a)**; S.I. 2015/1952, art. 2(d)
- F298** Words in s. 35D(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F299** Words in s. 35D(5)(b) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **7(3)** (with arts. 11, 12)
- F300** Words in s. 35D(5)(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(5)**; S.I. 2015/1952, art. 2(i)
- F301** Word in s. 35D(5) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(8)(b)**; S.I. 2015/1952, art. 2(d)
- F302** Words in s. 35D(5)(c) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(8)(c)**; S.I. 2015/1952, art. 2(d)
- F303** Words in s. 35D(5)(d) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(8)(d)**; S.I. 2015/1952, art. 2(d)
- F304** Words in s. 35D(6) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **7(4)** (with arts. 11, 12)
- F305** Words in s. 35D(6) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(5)**; S.I. 2015/1952, art. 2(i)
- F306** Words in s. 35D(6) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F307** Words in s. 35D(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(9)(a)**; S.I. 2015/1952, art. 2(d)
- F308** Words in s. 35D(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(9)(b)**; S.I. 2015/1952, art. 2(d)
- F309** S. 35D(7)(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(9)(c)**; S.I. 2015/1952, art. 2(d)
- F310** Words in s. 35D(8) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(10)(a)**; S.I. 2015/1952, art. 2(d)
- F311** Words in s. 35D(8)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(10)(b)**; S.I. 2015/1952, art. 2(d)
- F312** Words in s. 35D(9)(a)(iii) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(4)**; S.I. 2015/1952, art. 2(i)
- F313** S. 35D(9)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(11)(a)**; S.I. 2015/1952, art. 2(d)

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- F314** Words in s. 35D(9)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(11)(b)**; S.I. 2015/1952, art. 2(d)
- F315** S. 35D(9A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(12)**; S.I. 2015/1952, art. 2(d)
- F316** Words in s. 35D(10) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(13)**; S.I. 2015/1952, art. 2(d)
- F317** Words in s. 35D(10) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F318** Words in s. 35D(10)(a) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **7(5)** (with arts. 11, 12)
- F319** Words in s. 35D(10)(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(5)**; S.I. 2015/1952, art. 2(i)
- F320** S. 35D(11)-(11B) substituted for s. 35D(11) (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(14)**; S.I. 2015/1952, art. 2(d)
- F321** Words in s. 35D(12) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(15)**; S.I. 2015/1952, art. 2(d)
- F322** Words in s. 35D(12) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(5)**; S.I. 2015/1952, art. 2(d)
- F323** Words in s. 35D(12)(a) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **7(6)** (with arts. 11, 12)
- F324** Words in s. 35D(12)(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(5)**; S.I. 2015/1952, art. 2(i)
- F325** S. 35D(13)(14) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(16)**; S.I. 2015/1952, art. 2(d)

### 35E Provisions supplementary to section 35D

- (1) Where, under section 35D above, [<sup>F326</sup>a Medical Practitioners Tribunal]—
- (a) give a direction that a person's name shall be erased from the register;
  - (b) give a direction for suspension;
  - (c) give a direction for conditional registration; or
  - (d) vary any of the conditions imposed by a direction for conditional registration,
- [<sup>F327</sup>the MPTS] shall forthwith serve on the person concerned notification of the direction or variation and of his right to appeal against it under section 40 below.

- [ Where, under section 35D, a Medical Practitioners Tribunal—
- <sup>F328</sup>(1A)
  - (a) give a direction or make a variation as mentioned in subsection (1),
  - (b) give a direction that a suspension be terminated,
  - (c) revoke a direction for conditional registration or a condition imposed by such a direction, or
  - (d) decide not to give a direction,

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the MPTS shall forthwith serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction, variation, revocation or decision.

(1B) A notification under subsection (1A) must state whether, in giving the direction or making the variation, revocation or decision, the Tribunal took any undertakings into account in accordance with rules containing provision by virtue of paragraph 1(2C) of Schedule 4.]

(2) In subsection (1) above—

- (a) references to a direction for suspension include a reference to a direction extending a period of suspension; and
- (b) references to a direction for conditional registration include a reference to a direction extending a period of conditional registration.

(3) While a person’s registration in the register is suspended by virtue of a direction under section 35D—

- (a) he shall be treated as not being registered in the register notwithstanding that his name still appears in it, but

<sup>F329</sup> [ sections 31A, 35C, 35CC and 35D above, this section and section 39 below (b) shall continue to apply to him.]

<sup>F330</sup> [ In exercising a function under section 35D, a Medical Practitioners Tribunal must have (3A) regard to the over-arching objective.]

(4) In section 35D above, “health case” means any case in which [<sup>F331</sup>a Medical Practitioners Tribunal have] determined that—

- (a) a person’s fitness to practise is impaired by reason of a matter falling within paragraph (d) of subsection (2) of section 35C above, but
- (b) the person’s fitness to practise is not impaired by any matter falling within any other paragraph of that subsection [<sup>F332</sup>other than paragraph (da)].

<sup>F333</sup> [ In section 35D, “language case” means any case in which [<sup>F334</sup>a Medical Practitioners (5) Tribunal have] determined that—

- (a) a person’s fitness to practise is impaired by reason of a matter falling within paragraph (da) of subsection (2) of section 35C, but
- (b) that person’s fitness to practise is not impaired by any matter falling within any other paragraph of that subsection other than paragraph (d).]

#### Textual Amendments

**F326** Words in s. 35E(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(17)(a)**; S.I. 2015/1952, art. 2(d)

**F327** Words in s. 35E(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(17)(b)**; S.I. 2015/1952, art. 2(d)

**F328** S. 35E(1A)(1B) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(18)**; S.I. 2015/1952, art. 2(d)

**F329** S. 35E(3)(b) substituted (19.7.2006 for specified purposes, 15.9.2006 in so far as not already in force as notified in the London Gazette dated 8.9.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **58**

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- F330** S. 35E(3A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(4)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F331** Words in s. 35E(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(17)(c)**; S.I. 2015/1952, art. 2(d)
- F332** Words in s. 35E(4)(b) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **8(2)** (with arts. 11, 12)
- F333** S. 35E(5) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **8(3)** (with arts. 11, 12)
- F334** Words in s. 35E(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(17)(c)**; S.I. 2015/1952, art. 2(d)

**Modifications etc. (not altering text)**

- C6** S. 35E(1) excluded (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(b)(c)(3), **84(5)(a)**

**36 Professional misconduct and criminal offences.**

.....

**36A Professional performance.**

.....

**37 Unfitness to practise through illness, etc.**

.....

**38 [F335] Power to order immediate suspension etc.]**

- (1) On giving a direction for erasure or a direction for suspension under section 35D(2), (10) or (12) above, or under [F336] paragraph 5A(3D) or 5C(4)] of Schedule 4 to this Act, in respect of any person the [F337] Medical Practitioners Tribunal], if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the best interests of that person, may order that his registration in the register shall be suspended forthwith in accordance with this section.
- (2) On giving a direction for conditional registration under section 35D(2) above, or under [F336] paragraph 5A(3D) or 5C(4)] of Schedule 4 to this Act, in respect of any person the [F338] Medical Practitioners Tribunal], if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the best interests of that person, may order that his registration be made conditional forthwith in accordance with this section.
- (3) Where, on the giving of a direction, an order under subsection (1) or (2) above is made in respect of a person, his registration in the register shall, subject to subsection (4) below, be suspended (that is to say, shall not have effect) or made conditional, as the case may be, from the time when the order is made until the time when—
  - (a) the direction takes effect in accordance with—



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- (i) paragraph 10<sup>F339</sup>, 10A or 10B] of Schedule 4 to this Act; <sup>F340</sup>...
- <sup>F340</sup>(ii) .....
- (b) an appeal against it under section 40 below or [<sup>F341</sup>paragraph 5A(5) or 5C(7) of Schedule 4] is (otherwise than by the dismissal of the appeal) determined.
- (4) Where a [<sup>F342</sup>Medical Practitioners Tribunal] make an order under subsection (1) or (2) above, [<sup>F343</sup>the MPTS] shall forthwith serve a notification of the order on the person to whom it applies.
- (5) If, when an order under subsection (1) or (2) above is made, the person to whom it applies is neither present nor represented at the proceedings, subsection (3) above shall have effect as if, for the reference to the time when the order is made, there were substituted a reference to the time of service of a notification of the order as determined for the purposes of paragraph 8 of Schedule 4 to this Act.
- (6) Except as provided in subsection (7) below, while a person's registration in the register is suspended by virtue of subsection (1) above, he shall be treated as not being registered in the register notwithstanding that his name still appears in it.
- (7) Notwithstanding subsection (6) above, sections 35C to 35E above shall continue to apply to a person whose registration in the register is suspended.
- (8) The relevant court may terminate any suspension of a person's registration in the register imposed under subsection (1) above or any conditional registration imposed under subsection (2) above, and the decision of the court on any application under this subsection shall be final.
- (9) In this section "the relevant court" has the same meaning as in section 40(5) below.

#### Textual Amendments

- F335** S. 38 title substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(6)**; S.I. 2015/1952, art. 2(i)
- F336** Words in s. 38(1)(2) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(6)**; S.I. 2015/1952, art. 2(i); S.I. 2015/1952, art. 2(i)
- F337** Words in s. 38(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F338** Words in s. 38(2) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F339** Words in s. 38(3)(a)(i) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(7)(a)**; S.I. 2015/1952, art. 2(i)
- F340** S. 38(3)(a)(ii) and preceding word omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(7)(b)**; S.I. 2015/1952, art. 2(i)
- F341** Words in s. 38(3)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(7)(c)**; S.I. 2015/1952, art. 2(i)

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- F342** Words in s. 38(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F343** Words in s. 38(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(8)**; S.I. 2015/1952, art. 2(i)

## **F344** 39 **Fraud or error in relation to registration**

[ If the Registrar is satisfied that any entry in—

- F345**(1) (a) the register;  
(b) the General Practitioner Register; or  
(c) the Specialist Register,

has been fraudulently procured or incorrectly made, the Registrar may erase the entry from the appropriate register.]

- (2) Where the Registrar decides to erase a person’s name under this section, the Registrar shall forthwith serve on that person notification of the decision and of his right to appeal against the decision under Schedule 3A to this Act.]

### **Textual Amendments**

**F344** S. 39 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **60** (with transitional provisions in S.I. 2007/2796, arts. 1(1), 3)

**F345** S. 39(1) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 11**; S.I. 2010/478, art. 2(b)

## **40** **[<sup>F346</sup>Appeals<sup>F347</sup> ...]**

- (1) The following decisions are appealable decisions for the purposes of this section, that is to say—

- (a) a decision of [<sup>F348</sup>a Medical Practitioners Tribunal] under section 35D above giving a direction for erasure, for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration;  
(b) a decision of [<sup>F348</sup>a Medical Practitioners Tribunal] under section 41(9) below giving a direction that the right to make further applications under that section shall be suspended indefinitely; <sup>F349</sup> ...

<sup>F349</sup>(c) .....

[ A decision under regulations made—

- <sup>F350</sup>(1A) (a) under section 31 above by virtue of subsection (8) of that section; or  
(b) under section 31A(1)(c) above,

not to restore a person’s name to the register for a reason that relates to his fitness to practise is also an appealable decision for the purposes of this section.]

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[ A decision of the General Council under regulation 67 of the General Systems  
F351(1B) Regulations to send an alert about a person is also an appealable decision for the  
purposes of this section.]

F352(2) .....

(3) In subsection (1) above—

- (a) references to a direction for suspension include a reference to a direction extending a period of suspension; and
- (b) references to a direction for conditional registration include a reference to a direction extending a period of conditional registration.

(4) A person in respect of whom an appealable decision falling within subsection (1) has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served under section 35E(1) above, or section 41(10) F353 ... below, appeal against the decision to the relevant court.

[ A person in respect of whom an appealable decision falling within subsection (1A)  
F354(4A) [ F355 or (1B)] has been taken may, before the end of the period of 28 days beginning with the date on which notification of the decision was served, appeal against the decision to the relevant court.]

(5) In [ F356 subsections (4) and (4A)] above, “the relevant court”—

- (a) in the case of a person whose address in the register is (or if he were registered would be) in Scotland, means the Court of Session;
- (b) in the case of a person whose address in the register is (or if he were registered would be) in Northern Ireland, means the High Court of Justice in Northern Ireland; and
- (c) in the case of any other person F357 ... , means the High Court of Justice in England and Wales.

F358(6) .....

(7) On an appeal under this section from [ F359 a Medical Practitioners Tribunal] , the court may—

- (a) dismiss the appeal;
- (b) allow the appeal and quash the direction or variation appealed against;
- (c) substitute for the direction or variation appealed against any other direction or variation which could have been given or made by [ F359 a Medical Practitioners Tribunal]; or
- (d) remit the case to [ F360 the MPTS for them to arrange for] [ F359 a Medical Practitioners Tribunal] to dispose of the case in accordance with the directions of the court,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.

[ Where a case is referred under subsection (7)(d) to the MPTS, the MPTS must arrange  
F361(7A) for the case to be disposed of by a Medical Practitioners Tribunal in accordance with the directions of the court.]

(8) On an appeal under this section from the General Council, the court (or the sheriff) may—

- (a) dismiss the appeal;

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- (b) allow the appeal and quash the direction appealed against [<sup>F362</sup>or, in the case of an appeal from a decision falling within subsection (1B), direct that the alert be withdrawn or amended]; or
- (c) remit the case to the General Council to dispose of the case in accordance with the directions of the court (or the sheriff),
- and may make such order as to costs (or, in Scotland, expenses) as it (or he) thinks fit.
- (9) [<sup>F363</sup>On an appeal under this section from the Adjudicator, the General Council may appear as respondent; and for the purpose of any order as to costs (or, in Scotland, expenses) in relation to any such appeal the General Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.]

### Textual Amendments

- F346** S. 40 title substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **16(1)**; S.I. 2015/1952, art. 2(1)
- F347** Words in s. 40 heading omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **8(5)** (with reg. 155)
- F348** Words in s. 40(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **16(1)**; S.I. 2015/1952, art. 2(1)
- F349** S. 40(1)(c) and preceding word omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **21(a)**
- F350** S. 40(1A) inserted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **49(a)** (with transitional provisions in [S.I. 2007/2796](#), arts. 1(1), **3**)
- F351** S. 40(1B) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **8(2)** (with reg. 155)
- F352** S. 40(2) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **61** (with transitional provisions in [S.I. 2007/2796](#), arts. 1(1), **3**)
- F353** Words in s. 40(4) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **21(b)**
- F354** S. 40(4A) inserted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **49(b)** (with transitional provisions in [S.I. 2007/2796](#), arts. 1(1), **3**)
- F355** Words in s. 40(4A) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **8(3)** (with reg. 155)
- F356** Words in s. 40(5) substituted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **49(c)** (with transitional provisions in [S.I. 2007/2796](#), arts. 1(1), **3**)
- F357** Words in s. 40(5)(c) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **21(c)**
- F358** S. 40(6) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **61** (with transitional provisions in [S.I. 2007/2796](#), arts. 1(1), **3**)

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- F359** Words in s. 40(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **16(2)(a)**; S.I. 2015/1952, art. 2(l)
- F360** Words in s. 40(7)(d) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **16(2)(b)**; S.I. 2015/1952, art. 2(l)
- F361** S. 40(7A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **16(3)**; S.I. 2015/1952, art. 2(l)
- F362** Words in s. 40(8)(b) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, **8(4)** (with reg. 155)
- F363** S. 40(9) substituted (11.2.2010 for specified purposes) by The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234), art. 1(3)(4), **Sch. 1 para. 12**
- F364** Words in s. 40(9) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **16(4)**; S.I. 2015/1952, art. 2(l)

## Appeals by General Council

**F365**

**40A.**

- (1) This section applies to any of the following decisions by a Medical Practitioners Tribunal—
- (a) a decision under section 35D giving—
    - (i) a direction for suspension, including a direction extending a period of suspension;
    - (ii) a direction for conditional registration, including a direction extending a period of conditional registration;
    - (iii) a direction varying any of the conditions imposed by a direction for conditional registration;
  - (b) a decision under paragraph 5A(3D) or 5C(4) of Schedule 4 giving—
    - (i) a direction for suspension;
    - (ii) a direction for conditional registration;
  - (c) a decision under section 35D—
    - (i) giving a direction that a suspension be terminated;
    - (ii) revoking a direction for conditional registration or a condition imposed by such a direction;
  - (d) a decision not to give a direction under section 35D;
  - (e) a decision under section 41 giving a direction that a person’s name be restored to the register;
  - (f) a decision not to give a direction under paragraph 5A(3D) or 5C(4) of Schedule 4.
- (2) A decision to which this section applies is referred to below as a “relevant decision”.
- (3) The General Council may appeal against a relevant decision to the relevant court if they consider that the decision is not sufficient (whether as to a finding or a penalty or both) for the protection of the public.
- (4) Consideration of whether a decision is sufficient for the protection of the public involves consideration of whether it is sufficient—
- (a) to protect the health, safety and well-being of the public;
  - (b) to maintain public confidence in the medical profession; and

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- (c) to maintain proper professional standards and conduct for members of that profession.
- (5) The General Council may not bring an appeal under this section after the end of the period of 28 days beginning with the day on which notification of the relevant decision was served on the person to whom the decision relates.
- (6) On an appeal under this section, the court may—
  - (a) dismiss the appeal;
  - (b) allow the appeal and quash the relevant decision;
  - (c) substitute for the relevant decision any other decision which could have been made by the Tribunal; or
  - (d) remit the case to the MPTS for them to arrange for a Medical Practitioners Tribunal to dispose of the case in accordance with the directions of the court, and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.
- (7) In this section and section 40B, “relevant court” has the meaning given by section 40(5).

#### **Textual Amendments**

**F365** Ss. 40A, 40B inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **17(1)**; S.I. 2015/1952, art. 2(1) (with Sch. para. 2)

#### **40B. Appeal under section 40A: role of Professional Standards Authority for Health and Social Care**

- (1) If the General Council bring an appeal under section 40A—
  - (a) the Registrar must without delay give notice of the appeal to the Professional Standards Authority for Health and Social Care (“the Authority”); and
  - (b) the Authority may not refer the case to which the appeal relates under section 29 of the National Health Service Reform and Health Care Professions Act 2002 (“the 2002 Act”).
- (2) The Authority may, in spite of subsection (1)(b), become a party to the appeal by giving notice to that effect to the relevant court, the General Council and the person to whom the relevant decision relates; and—
  - (a) the Authority does not require the permission of the relevant court to become a party to the appeal; and
  - (b) accordingly, any provision of rules of court requiring an application for such permission does not apply to the Authority.
- (3) Having become a party to an appeal under section 40A by virtue of subsection (2) of this section, the Authority may make representations or file evidence in the appeal at any time before the end of the hearing of the appeal; but where it does so at a time which would, but for this subsection, have been in breach of a time limit imposed by rules of court, the relevant court may impose such conditions as it thinks fit.
- (4) The matters which the Authority may raise on an appeal under section 40A include any matter which it could have raised on a reference of the case under section 29 of the 2002 Act.

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- (5) Where the Authority raises matters on an appeal under section 40A, the General Council and the person to whom the relevant decision relates have the same opportunity to respond as they would have if the Authority had raised the matters on a reference of the case under section 29 of the 2002 Act (and the General Council and person concerned had accordingly been respondents by virtue of subsection (7) of that section).
- (6) If the General Council wish to withdraw an appeal under section 40A or, having agreed the terms of a settlement of the appeal with the person concerned, wish the appeal to be disposed of on those terms, they must give notice of their wish to the Authority (whether or not the Authority is a party to the appeal).
- (7) The Authority, having received a notice under subsection (6), must by notice inform the relevant court, the General Council and the person concerned whether it wishes the proceedings on the appeal to continue.
- (8) Where the Authority gives notice under subsection (7) that it wishes the proceedings to continue, they are to continue but are, from the time when the Authority gives its notice to the relevant court under subsection (7), to be treated as proceedings on a reference made by the Authority to the court under section 29 of the 2002 Act.
- (9) In a case within subsection (8), the Authority must give notice to the relevant court, the General Council and the person concerned specifying the grounds of its case; and the General Council and the person concerned (as respondents to the appeal by virtue of section 29(7) of the 2002 Act) have the opportunity to respond accordingly.
- (10) A requirement in this section to give a notice to a specified person is in addition to such requirements as are imposed by rules of court in relation to the persons to whom notice is to be given; and the giving of notice under this section is subject to such other requirements relating to the giving of notices as are imposed by rules of court.]

#### Textual Amendments

**F365** Ss. 40A, 40B inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **17(1)**; S.I. 2015/1952, art. 2(1) (with Sch. para. 2)

#### 41 Restoration of names to the register.

- (1) Subject to subsections (2) and (6) below, where the name of a person has been erased from the register under section 35D above, [<sup>F366</sup>or section 44B(4)(b) below,] a [<sup>F367</sup>Medical Practitioners Tribunal] may, if they think fit, direct that his name be restored to the register.
- (2) No application for the restoration of a name to the register under this section shall be made<sup>F368</sup> ...—
  - (a) before the expiration of five years from the date of erasure; or
  - (b) in any period of twelve months in which an application for the restoration of his name has already been made by or on behalf of the person whose name has been erased.

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- (3) An application under this section shall be made to the Registrar who shall refer the application to <sup>F369</sup>the MPTS for them to arrange for the application to be determined by] a <sup>F370</sup>Medical Practitioners Tribunal].
- [ Where an application is referred under subsection (3) to the MPTS, they must arrange <sup>F371</sup>(3A) for the application to be determined by a Medical Practitioners Tribunal.]
- (4) In the case of a person who was provisionally registered under section 15, <sup>F372</sup>15A, 21 or 21C] above before his name was erased, a direction under subsection (1) above shall be a direction that his name be restored by way of provisional registration under section 15, <sup>F372</sup>15A, 21 or 21C] above, as the case requires.
- (5) The requirements of Part II or Part III of this Act as to the experience required for registration as a fully registered medical practitioner shall not apply to registration in pursuance of a direction under subsection (1) above.
- (6) Before determining whether to give a direction under subsection (1) above, a <sup>F373</sup>Medical Practitioners Tribunal] shall require an applicant for restoration to provide such evidence as they direct as to his fitness to practise; and they shall not give such a direction if that evidence does not satisfy them.
- [ Where the applicant is required to submit to or undertake an assessment by virtue of <sup>F374</sup>(6A) paragraph 5A or 5C of Schedule 4, a Medical Practitioners Tribunal, before deciding whether to give a direction under subsection (1), shall take into account—
- (a) whether the assessment was carried out,
  - (b) whether any requirements imposed in respect of the assessment were complied with, and
  - (c) if the assessment was carried out, the results of the assessment.]
- (7) A <sup>F375</sup>Medical Practitioners Tribunal] shall not give a direction under subsection (1) above unless at the same time in accordance with regulations made by the General Council under this subsection, they direct the Registrar to restore the practitioner's licence to practise.
- (8) Subsections (3) to (5) of section 29J above apply to regulations made under subsection (7) above as they apply in relation to regulations made under section 29A above.
- [ Where a Medical Practitioners Tribunal give a direction under subsection (1), the <sup>F376</sup>(8A) MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction.]
- (9) Where, during the same period of erasure, a second or subsequent application for the restoration of a name to the register, made by or on behalf of the person whose name has been erased, is unsuccessful, a <sup>F377</sup>Medical Practitioners Tribunal] may direct that his right to make any further such applications shall be suspended indefinitely.
- (10) Where a <sup>F378</sup>Medical Practitioners Tribunal] give a direction under subsection (9) above, <sup>F379</sup>the MPTS] shall without delay serve on the person in respect of whom it has been made a notification of the direction and of his right to appeal against it in accordance with section 40 above.
- (11) Any person in respect of whom a direction has been given under subsection (9) above may, after the expiration of three years from the date on which the direction was given, apply to the Registrar for that direction to be <sup>F380</sup>referred to the MPTS for them to



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arrange for the direction to be] reviewed by a [<sup>F381</sup>Medical Practitioners Tribunal] and, thereafter, may make further applications for review; but no such application may be made before the expiration of three years from the date of the most recent review decision.

[ In exercising a function under this section, a Medical Practitioners Tribunal must have <sup>F382</sup>(12) regard to the over-arching objective.]

### Textual Amendments

- F366** Words in s. 41(1) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **50**
- F367** Words in s. 41(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F368** Words in s. 41(2) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(2)**; S.I. 2015/1952, art. 2(l)
- F369** Words in s. 41(3) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(3)**; S.I. 2015/1952, art. 2(l)
- F370** Words in s. 41(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F371** S. 41(3A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(4)**; S.I. 2015/1952, art. 2(l)
- F372** Words in s. 41(4) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **40**
- F373** Words in s. 41(6) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F374** S. 41(6A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(9)**; S.I. 2015/1579, art. 2(i) (with art. 3)
- F375** Words in s. 41(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F376** S. 41(8A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(5)**; S.I. 2015/1952, art. 2(l)
- F377** Words in s. 41(9) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F378** Words in s. 41(10) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F379** Words in s. 41(10) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(6)**; S.I. 2015/1952, art. 2(l)

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- F380** Words in s. 41(11) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(7)**; S.I. 2015/1952, art. 2(l)
- F381** Words in s. 41(11) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **19(1)**; S.I. 2015/1952, art. 2(l)
- F382** S. 41(12) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(5)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)

#### 41A Interim Orders

<sup>F383</sup>(A1) [ Where a matter is referred under section 35C(8) to the MPTS, the MPTS must arrange for an Interim Orders Tribunal or a Medical Practitioners Tribunal to decide whether to make an order as mentioned in that provision.]

- (1) [<sup>F384</sup>Where an Interim Orders Tribunal or a Medical Practitioners Tribunal in arrangements made under subsection (A1), or a Medical Practitioners Tribunal on their consideration of a matter,] are satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of a fully registered person, for the registration of that person to be suspended or to be made subject to conditions, [<sup>F385</sup>the Tribunal] may make an order—
  - (a) that his registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding eighteen months as may be specified in the order (an “interim suspension order”); or
  - (b) that his registration shall be conditional on his compliance, during such period not exceeding eighteen months as may be specified in the order, with such requirements so specified as [<sup>F385</sup>the Tribunal] think fit to impose (an “order for interim conditional registration”).
- (2) Subject to subsection (9) below, where [<sup>F386</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] have made an order under subsection (1) above, [<sup>F386</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal]—
  - (a) shall review it within the period of six months beginning on the date on which the order was made, and shall thereafter, for so long as the order continues in force, further review it—
    - (i) before the end of the period of six months beginning on the date of the decision of the immediately preceding review; or
    - (ii) if after the end of the period of three months beginning on the date of the decision of the immediately preceding review the person concerned requests an earlier review, as soon as practicable after that request; and
  - (b) may review it where new evidence relevant to the order has become available after the making of the order.
- (3) Where an interim suspension order or an order for interim conditional registration has been made in relation to any person under any provision of this section (including this subsection), [<sup>F387</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] may, subject to subsection (4) below—
  - (a) revoke the order or revoke any condition imposed by the order;
  - (b) vary any condition imposed by the order;

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- (c) if satisfied that to do so is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interests of the person concerned, replace an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former; or
  - (d) if satisfied that to do so is necessary for the protection of members of the public, or is otherwise in the public interest, or is in the interests of the person concerned, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.
- <sup>F388</sup> [ Where an Interim Orders Tribunal or a Medical Practitioners Tribunal have yet to hold (3A) a hearing to consider a case in which they would have the power to make an order under subsection (3) above, but the person concerned and the General Council have already agreed in writing to the terms of such an order—
- (a) the Tribunal, on considering the matter on the papers, or the chair of the Tribunal, on doing so instead of the Tribunal, may make an order on the agreed terms; or
  - (b) if the Tribunal or chair (as the case may be) acting under paragraph (a) determines that the Tribunal should hold a hearing to consider the matter, the MPTS must arrange for a hearing of the Tribunal for that purpose.
- (3B) An order made under subsection (3A)(a) by a Tribunal or the chair of a Tribunal is to be treated for the purposes of this Act as if it had been made by the Tribunal under subsection (3).]
- (4) No order under subsection (1) or (3)(b) to (d) above shall be made by [<sup>F389</sup>a Tribunal] in respect of any person unless he has been afforded an opportunity of appearing before [<sup>F390</sup>the Tribunal] and being heard on the question of whether such an order should be made in his case<sup>F391</sup>....
  - (5) If an order is made under any provision of this section, [<sup>F392</sup>the MPTS] shall without delay serve a notification of the order on the person to whose registration it relates.
  - (6) The General Council may apply to the relevant court for an order made by [<sup>F393</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] under subsection (1) or (3) above to be extended, and may apply again for further extensions.
  - (7) On such an application the relevant court may extend (or further extend) for up to 12 months the period for which the order has effect.
  - (8) Any reference in this section to an interim suspension order, or to an order for interim conditional registration, includes a reference to such an order as so extended.
  - (9) For the purposes of subsection (2) above the first review after the relevant court's extension of an order made by [<sup>F394</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] or after a replacement order made by [<sup>F394</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] under subsection (3)(c) or (d) above shall take place—
    - (a) if the order (or the order which has been replaced) had not been reviewed at all under subsection (2), within the period of six months beginning on the date on which the relevant court ordered the extension or on which a replacement order under subsection (3)(c) or (d) was made; and
    - (b) if it had been reviewed under the provision, within the period of three months beginning on that date.

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- (10) Where an order has effect under any provision of this section, the relevant court may—
- (a) in the case of an interim suspension order, terminate the suspension;
  - (b) in the case of an order for interim conditional registration, revoke or vary any condition imposed by the order;
  - (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it),
- and the decision of the relevant court under any application under this subsection shall be final.
- (11) Except as provided in subsection (12) below, while a person’s registration in the register is suspended by virtue of an interim suspension order under this section he shall be treated as not being registered in the register notwithstanding that his name still appears in the register.
- (12) Notwithstanding subsection (11) above, sections [F395] 31A, 35C to 35E and 39] above shall continue to apply to a person whose registration in the register is suspended.
- (13) This section applies to a provisionally registered person F396 ... whether or not the circumstances are such that he falls within the meaning in this Act of the expression “fully registered person”.
- (14) In this section “the relevant court” has the same meaning as in section 40(5) above.

#### Textual Amendments

- F383** S. 41A(A1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(2)**; S.I. 2015/1952, art. 2(d)
- F384** Words in s. 41A(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(3)(a)**; S.I. 2015/1952, art. 2(d)
- F385** Words in s. 41A(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(3)(b)**; S.I. 2015/1952, art. 2(d)
- F386** Words in s. 41A(2) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(4)**; S.I. 2015/1952, art. 2(d)
- F387** Words in s. 41A(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(4)**; S.I. 2015/1952, art. 2(d)
- F388** S. 41A(3A)(3B) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(5)**; S.I. 2015/1952, art. 2(d)
- F389** Words in s. 41A(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(6)(a)**; S.I. 2015/1952, art. 2(d)
- F390** Words in s. 41A(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **6(6)(b)**; S.I. 2015/1952, art. 2(d)

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- F391** Words in s. 41A(4) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(6)(c)**; S.I. 2015/1952, art. 2(d)
- F392** Words in s. 41A(5) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(7)**; S.I. 2015/1952, art. 2(d)
- F393** Words in s. 41A(6) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(4)**; S.I. 2015/1952, art. 2(d)
- F394** Words in s. 41A(9) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **6(4)**; S.I. 2015/1952, art. 2(d)
- F395** Words in s. 41A(12) substituted (19.7.2006 for specified purposes, 15.9.2006 in so far as not already in force as notified in the London Gazette dated 8.9.2006) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **59**
- F396** Words in s. 41A(13) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **14**

#### **41B Interim orders made by committees other than the Interim Orders Committee**

.....

#### **41C Effect of directions or orders on a licence to practise**

- (1) Where under this Part <sup>F397</sup>...—
  - (a) a direction is given that a medical practitioner’s name be erased from the register; or
  - (b) an order is made or a direction is given that his registration as a medical practitioner be suspended,the practitioner’s licence to practise shall be withdrawn with effect from the date when the direction or order has effect.
- (2) Where a medical practitioner’s registration has been suspended and—
  - (a) that suspension expires without being further extended;
  - (b) the suspension is brought to an end without any direction for erasure or further suspension being made,the practitioner’s licence to practise shall be restored with effect from the date on which the suspension comes to an end.

#### **Textual Amendments**

- F397** Words in s. 41C(1) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(10)**; S.I. 2015/1952, art. 2(i)

#### **42 Preliminary proceedings as to professional misconduct and unfitness to practise.**

.....

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#### 43 **[<sup>F398</sup>Proceedings before the Investigation Committee, Medical Practitioners Tribunals and Interim Orders Tribunals]**

Schedule 4 to this Act (which contains supplementary provisions about proceedings before the Investigation Committee, [<sup>F399</sup>Medical Practitioners Tribunals and Interim Orders Tribunals]) shall have effect.

##### **Textual Amendments**

**F398** S. 43 title substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Overarching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(13)**; S.I. 2015/1952, art. 2(e)

**F399** Words in s. 43 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Overarching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(13)**; S.I. 2015/1952, art. 2(e)

#### 44 **Effect of disqualification in another [<sup>F400</sup>relevant European State] on registration in the United Kingdom.**

- (1) A person who is subject to a disqualifying decision in [<sup>F401</sup>a relevant European State] in which he is or has been established in medical practice shall not be entitled to be registered by virtue of section 3(1)(b)[<sup>F402</sup>, 14A or 19A] above for so long as the decision remains in force in relation to him.
- (2) A disqualifying decision in respect of a person is a decision, made by responsible authorities of [<sup>F403</sup>the relevant European State] in which he was established in medical practice or in which he acquired a [<sup>F404</sup>medical qualification], and—
  - (a) expressed to be made on the grounds that he has committed a criminal offence or on grounds related to his professional conduct, professional performance or physical or mental health; and
  - (b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a medical practitioner, or that he is prohibited [<sup>F405</sup>(whether on a permanent or temporary basis)] from practising medicine there.
- (3) If a person has been registered by virtue of section 3(1)(b)[<sup>F406</sup>, 14A or 19A] above and it is subsequently shown to the satisfaction of the Registrar that he was subject to a disqualifying decision in force at the time of registration, and that the decision remains in force, the Registrar shall remove the person's name from the register.
- (4) A decision under—
  - (a) subsection (1) above not to register a person; or
  - (b) subsection (3) above to remove a person's name from the register,
 is an appealable registration decision for the purposes of Schedule 3A to this Act.
- (5) If a person has been registered as a fully registered medical practitioner by virtue of section 3(1)(b)[<sup>F407</sup>, 14A or 19A] above at a time when a disqualifying decision was in force in respect of him, and he has been so registered for a period of not less than one month throughout which the decision had effect—
  - (a) a [<sup>F408</sup>Medical Practitioners Tribunal] may direct that his registration be suspended for such period, not exceeding the length of the first-mentioned

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period, as [<sup>F409</sup>the Tribunal] think fit, and the period of suspension shall begin on a date to be specified in [<sup>F410</sup>the Tribunal's] direction; and

- (b) sections 35E(1) and (3) and 40 and paragraphs 1, 2, [<sup>F4113</sup>][<sup>F4127</sup>] 8, 9, 10, 12 and 13 of Schedule 4 to this Act shall have effect, with any necessary modifications, in relation to suspension under this subsection.

[ In deciding whether to give a direction under subsection (5)(a), a Medical Practitioners <sup>F413</sup>(5A) Tribunal must have regard to the over-arching objective.]

- (6) Where on or after the date on which a person was registered by virtue of section 3(1) (b)[<sup>F414</sup>, 14A or 19A] above a disqualifying decision relating to him comes into force, this Part of this Act shall apply, with any necessary modifications, as if it had been found that he had been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct, professional performance or physical or mental health had been such as is imputed to him by that decision, as the case may be.

<sup>F415</sup>(7) .....

#### Textual Amendments

- F400** Words in s. 44 heading substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(a)**
- F401** Words in s. 44(1) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(b)(i)**
- F402** Words in s. 44(1) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(b)(ii)**
- F403** Words in s. 44(2) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(c)(i)**
- F404** Words in s. 44(2) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(c)(ii)**
- F405** Words in s. 44(2)(b) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(c)(iii)**
- F406** Words in s. 44(3) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(d)**
- F407** Words in s. 44(5) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **22(d)**
- F408** Words in s. 44(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F409** Words in s. 44(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **4(10)(a)**; S.I. 2015/1952, art. 2(c)
- F410** Words in s. 44(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **4(10)(b)**; S.I. 2015/1952, art. 2(c)
- F411** Word in s. 44(5)(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(14)**; S.I. 2015/1952, art. 2(e)
- F412** Word in s. 44(5)(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(6)**; S.I. 2015/1952, art. 2(j)

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- F413** S. 44(5A) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **21(6)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F414** Words in s. 44(6) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **22(d)**
- F415** S. 44(7) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **22(e)**

#### **F416 44A Effect of disqualification or conviction on registration**

.....

##### **Textual Amendments**

- F416** S. 44A omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **51(1)** (for transitional provisions see [S.I. 2007/2796](#), arts. 1(1), 4)

#### **F417 44B Provision of information in respect of fitness to practise matters**

- (1) If a person has been registered by virtue of any provision of this Act <sup>F418</sup>, other than Schedule 2A,] and it is subsequently shown to the satisfaction of the Registrar that—
- (a) his fitness to practise was impaired at the time of his registration <sup>F419</sup>as a result of serious, specific circumstances or because of a problem] with his physical or mental health; and
  - (b) he had not informed the Registrar of <sup>F420</sup>those circumstances or that problem] before his registration,
- the Registrar may erase that person’s name from the register.
- (2) The General Council may by regulations make provision for the information to be provided to the Registrar—
- (a) by or in respect of a person seeking registration by virtue of any provision of this Act, other than <sup>F421</sup>Schedule 2A], for the purpose of determining whether his fitness to practise is impaired;
  - (b) by or in respect of a person who is fully registered <sup>F422</sup>otherwise than by virtue of Schedule 2A,] or provisionally registered, for the purpose of determining whether his fitness to practise was impaired at the time of his registration <sup>F423</sup>as a result of serious, specific circumstances or because of a problem] with his physical or mental health.
- <sup>F424</sup>(3) In subsections (1) and (2), “serious, specific circumstances” has the same meaning as in article 56(2) of the Directive (exchange between authorities of information about disciplinary action etc.).]
- (4) The Registrar may—
- (a) refuse to register (even if he is directed by the General Council to do so) any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(a) above;



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- (b) erase from the register the name of any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(b) above.

F425(5) .....

F425(6) .....

F425(7) .....

F425(8) .....

F425(9) .....

- (10) Regulations under subsection (2) above shall not have effect until approved by order of the Privy Council.

[ Any provision made under subsection (2)(a) has effect subject to section 44BA F426(11) below.]]

#### Textual Amendments

- F417** S. 44B inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **51(2)**
- F418** Words in s. 44B(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(i)**
- F419** Words in s. 44B(1)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(ii)**
- F420** Words in s. 44B(1)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(a)(iii)**
- F421** Words in s. 44B(2)(a) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(b)(i)**
- F422** Words in s. 44B(2)(b) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 23(b)(ii)(aa)
- F423** Words in s. 44B(2)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 23(b)(ii)(bb)
- F424** S. 44B(3) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(c)**
- F425** Ss. 44B(5)-(9) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(d)**
- F426** S. 44B(11) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **23(e)**

#### **F427 44BA Fitness to practise of exempt persons: sufficient evidence**

- (1) Subsections (2) to (5) apply in relation to an exempt person (“E”) who applies for registration under section 3(1)(b), 14A or 19A of this Act.
- (2) For the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good health a certificate which—
- (a) attests to E's good physical and mental health; and
  - (b) is required of a person who wishes to practise medicine in E's attesting State.

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- (3) If no such certificate is required of persons who wish to practise medicine in E's attesting State, for the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good health a certificate which—
- (a) attests to E's good physical and mental health; and
  - (b) is issued by a competent authority in E's attesting State.
- (4) For the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good character a certificate which—
- (a) attests to E's good character or good repute; and
  - (b) is issued by a competent authority in E's attesting State.
- (5) If no such certificate is issued by a competent authority in E's attesting State, for the purpose of determining whether E's fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E's good character a certificate—
- (a) attesting to the authenticity of a declaration on oath made by E—
    - (i) before a competent judicial or administrative authority, notary or qualified professional body of E's attesting State, and
    - (ii) attesting to E's good character; and
  - (b) issued by the authority, notary or body referred to in paragraph (a)(i).
- In this subsection, “declaration on oath” includes a solemn declaration.
- (6) In subsections (2) to (5) the “attesting State”, in relation to E, is—
- (a) the relevant European State in which E obtained his medical qualification; or
  - (b) (if different) the relevant European State from which E comes to the United Kingdom.
- (7) The Registrar shall not accept any certificate referred to in subsection (2), (3), (4) or (5) if it is presented more than three months after the date on which it was issued.]

#### Textual Amendments

**F427** S. 44BA inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), 24

#### [<sup>F428</sup> 44C Indemnity arrangements

- (1) A person who holds a licence to practise as a medical practitioner, and practises as such, must have in force in relation to him an indemnity arrangement which provides appropriate cover for practising as such.
- (2) For the purposes of this section, an “indemnity arrangement” may comprise—
- (a) a policy of insurance;
  - (b) an arrangement for the purposes of indemnifying a person;
  - (c) a combination of the two.
- (3) For the purposes of this section, “appropriate cover”, in relation to practice as a medical practitioner, means cover against liabilities that may be incurred in practising as such which is appropriate, having regard to the nature and extent of the risks of practising as such.

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- (4) The General Council may make regulations in connection with the information to be provided to the Registrar—
  - (a) by or in respect of a person seeking a licence to practise for the purpose of determining whether, if he is granted such a licence, there will be in force in relation to him by the time he begins to practise an indemnity arrangement which provides appropriate cover; and
  - (b) by or in respect of a person who holds a licence to practise for the purpose of determining whether there is in force in relation to him an indemnity arrangement which provides appropriate cover.
- (5) Regulations made under subsection (4)(b) may require the information mentioned there to be provided—
  - (a) at the request of the Registrar; or
  - (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual practitioners or practitioners of a particular description.
- (6) The General Council may also make regulations requiring a person who holds a licence to practise to inform the Registrar if there ceases to be in force in relation to him an indemnity arrangement which provides appropriate cover.
- (7) The General Council may also make regulations requiring a person who holds a licence to practise to inform the Registrar if there is in force in relation to him appropriate cover provided under an indemnity arrangement by an employer.
- (8) A licensing authority may refuse to grant a licence to practise to any person who fails to comply, or in respect of whom there is a failure to comply, with regulations made under subsection (4)(a).
- (9) Where a person who holds a licence to practise is in breach of subsection (1) or there is a failure to comply with regulations made under subsection (4)(b) in relation to him—
  - (a) a licensing authority may withdraw that person's licence to practise; or
  - (b) the breach or failure may be treated as misconduct for the purposes of section 35C(2)(a), and the Registrar may accordingly refer the matter to the Investigation Committee under section 35C(4).
- (10) Regulations made under subsection (4), (6) or (7) shall not have effect until approved by the Privy Council.
- (11) This section does not apply to a person who holds a licence to practise as a result of registration under Schedule 2A (visiting medical practitioners from relevant European States).]

#### Textual Amendments

**F428** S. 44C substituted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 1(1)** (with Sch. 3 paras. 2-5)

#### **F429** **44D** **Approved practice settings**

- (1) Unless the Registrar otherwise directs in relation to a particular person, a person who is registered under section 3(1)(a) or 21B above after the coming into force of this

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- section shall, before his first revalidation in accordance with Part 3A above after he is registered, practise medicine in the United Kingdom only in a practice setting—
- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
  - (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly fully registered.
- (2) Unless the Registrar otherwise directs in relation to a particular person, a person whose name is restored to the register after the coming into force of this section shall, before his first revalidation in accordance with Part 3A above after his name is restored to the register, practise medicine in the United Kingdom only in a practice setting—
- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
  - (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly restored to the register.
- (3) The General Council may limit their recognition of—
- (a) a particular practice setting so that it is recognised in relation only to one or more particular practitioners or particular classes of practitioner;
  - (b) a particular type of practice setting so that it is recognised in relation only to one or more particular classes of practitioner.
- (4) The General Council may exclude a particular practice setting from their recognition of a particular type of practice setting—
- (a) in relation to all practitioners; or
  - (b) in relation to one or more particular classes of practitioner.
- (5) The General Council may at any time vary or withdraw their recognition from a particular practice setting or a particular type of practice setting.
- (6) An example of a valid reason for withdrawing recognition from a particular practice setting, or excluding a particular practice setting from recognition of a particular type of practice setting, is that the relevant governance system operated there is not quality assured by a body that is acceptable to the General Council as a provider of quality assurance.
- (7) If—
- (a) a person starts practising medicine in a practice setting that is, or is of a type that is, recognised under whichever is appropriate of subsection (1)(b) or (2)(b) above, either generally or in relation to practitioners of his class; and
  - (b) while he is practising medicine there, it ceases to be so recognised,
- it is to be treated as continuing to be recognised in relation to the particular practitioner while he continues to practise medicine there.
- (8) The General Council may by regulations make provision for the information to be provided to the Registrar by or in respect of a fully registered person for the purposes of determining whether or not he is in breach of subsection (1) or (2) above.
- (9) If a fully registered person—

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- (a) is in breach of subsection (1) or (2) above; or
  - (b) fails to comply with regulations made under subsection (8) above, or there is a failure to comply with those regulations in respect of him,
- the breach or failure may be treated as misconduct for the purposes of section 35C(2)(a) above, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) above.
- (10) Regulations under subsection (8) above shall not have effect until approved by order of the Privy Council.
- (11) The General Council may publish guidance for practitioners who—
- (a) are newly fully registered or whose names are newly restored to the register; but
  - (b) are not subject to the requirements imposed by subsection (1) and (2),
- on what are suitable practice settings for them before their first revalidation in accordance with Part 3A above after being registered or before their names are restored to the register.]]

**Textual Amendments**

**F429** S. 44D inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **70** (with art. 89)

**Modifications etc. (not altering text)**

**C7** S. 44D(1) modified (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **84(4)(b)**

<sup>F430</sup>**45 Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom**

.....

**Textual Amendments**

**F430** S. 45 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **25**

[<sup>F431</sup>**PART 5A**

**RESPONSIBLE OFFICERS**

**Textual Amendments**

**F431** Pt. 5A inserted (21.7.2008 for specified purposes, 1.4.2010 for E.W.S.) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. **119**, 170; S.I. 2010/708, art. 3(a)

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#### **45A Requirement to nominate or appoint responsible officer**

- (1) The appropriate authority may by regulations make provision for or in connection with requiring designated bodies to nominate or appoint persons who are to have such responsibilities as may be conferred on them by virtue of section 45B.
- (2) A person who is so nominated or appointed by a designated body is to be known as its responsible officer (but this is subject to any provision made by virtue of subsection (5) (e)).
- (3) In this Part “designated body” means—
  - (a) a body falling within any description of bodies prescribed for the purposes of this section, or
  - (b) any other body prescribed for those purposes.
- (4) The descriptions of bodies, or particular bodies, that may be so prescribed are descriptions of bodies, or particular bodies, appearing to the appropriate authority—
  - (a) to provide, or arrange for the provision of, health care, or
  - (b) to employ or contract with medical practitioners.
- (5) Regulations under this section may make provision—
  - (a) for conditions that must be satisfied in relation to a person if that person is to be nominated or appointed as, or remain as, a responsible officer of a designated body,
  - (b) authorising or requiring a designated body to nominate or appoint more than one responsible officer,
  - (c) for a single person to be nominated or appointed as the responsible officer for each of two or more designated bodies where those bodies are satisfied as to the prescribed matters,
  - (d) requiring a designated body that has a responsible officer to provide to the officer, or, if that designated body does not employ the officer, to the employer of the officer, funds and other resources necessary for enabling the officer to discharge the officer's prescribed responsibilities as a responsible officer for the designated body,
  - (e) for the persons nominated or appointed as mentioned in subsection (1) to be known by such name as is prescribed, and
  - (f) for making such amendments of any enactment as appear to the appropriate authority to be required in connection with any provision made by virtue of paragraph (e).
- (6) The conditions imposed under subsection (5)(a) may in particular include a requirement for the designated body to consult the General Council before nominating or appointing any person as a responsible officer for the body.
- (7) Regulations under this section may in prescribed cases provide that a responsible officer for a designated body is to be nominated by the appropriate authority instead of the designated body.
- (8) In this section—
 

“enactment” includes any provision of, or any instrument made under, Northern Ireland legislation;

“health care” means services provided to individuals for or in connection with the prevention, diagnosis or treatment of illness;

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“illness” has the same meaning as in section 25(1) of the Health Act 2006.

**Modifications etc. (not altering text)**

**C8** S. 45A(5)(d) applied (with modifications) (21.7.2008 for specified purposes, 1.4.2010 for E.W.) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 120(5), 170** (with s. 122); [S.I. 2010/708](#), art. 3(b)

**45B Responsibilities of responsible officer**

- (1) Regulations under section 45A may make provision for or in connection with—
  - (a) conferring on the responsible officer or officers for a designated body responsibilities relating to the evaluation of the fitness to practise of medical practitioners having a prescribed connection with that body, and
  - (b) requiring a responsible officer for a designated body to co-operate with the General Council, any of its committees, or any persons authorised by the General Council, in connection with the exercise by any of them of functions under Part 3A or 5 of this Act.
- (2) Where a designated body has more than one responsible officer, regulations under section 45A may make provision for or in connection with the division of prescribed responsibilities among those officers, including provision for the division to be determined by the designated body.
- (3) The power by virtue of subsection (1)(a) to prescribe the connection between a medical practitioner and a designated body includes, in particular, power to prescribe a connection based on any of the following circumstances—
  - (a) the practitioner being employed by the designated body,
  - (b) the practitioner providing services to the designated body,
  - (c) the practitioner being employed by a person who provides services to the designated body,
  - (d) the practitioner providing services in the geographical area in relation to which the designated body exercises functions in relation to the provision of [<sup>F432</sup>any of the UK health services], or
  - (e) the practitioner being employed by or providing services to, or pursuant to arrangements made by, a body which is located in the geographical area in relation to which the designated body exercises functions in relation to the provision of [<sup>F433</sup>any of the UK health services] but is not itself a designated body.
- (4) A designated body may confer on any of its responsible officers such powers as it considers appropriate to enable the officer to discharge any of the officer's prescribed responsibilities as a responsible officer for the body.
- (5) If a designated body requires any of its responsible officers to carry out any functions other than the officer's prescribed responsibilities, it must in doing so have regard to the officer's prescribed responsibilities.

<sup>F434</sup>(6) .....

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### Textual Amendments

- F432** Words in s. 45B(3)(d) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 13(a)**; S.I. 2010/478, art. 2(b)
- F433** Words in s. 45B(3)(e) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 13(a)**; S.I. 2010/478, art. 2(b)
- F434** S. 45B(6) omitted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 13(b)**; S.I. 2010/478, art. 2(b)

### Modifications etc. (not altering text)

- C9** S. 45B(2)-(5) applied (with modifications) (21.7.2008 for specified purposes, 1.4.2010 for E.W.) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 120(5)**, 170 (with s. 122); S.I. 2010/708, art. 3(b)

## 45C Regulations under section 45A: further provisions

- (1) Regulations under section 45A may—
  - (a) create offences punishable on summary conviction by a fine not exceeding level 5 on the standard scale, and
  - (b) create other procedures for enforcing any provisions of the regulations.
- (2) Regulations under section 45A may require a designated body or a responsible officer to have regard to any guidance given from time to time by the appropriate authority or any other prescribed person in relation to the nomination or appointment of responsible officers or their prescribed responsibilities.
- (3) Regulations under section 45A may make provision requiring—
  - (a) a body which employs, or is provided with services by, a medical practitioner, or which arranges for others to be provided with services by a medical practitioner, but which is not a designated body, or
  - (b) a medical practitioner,
 to provide, to the responsible officer with prescribed responsibilities relating to that medical practitioner or to the designated body for which the officer is a responsible officer or, if that designated body does not employ the responsible officer, to the employer of the officer, funds and other resources necessary for enabling the responsible officer to discharge the officer's prescribed responsibilities relating to that medical practitioner.
- (4) Regulations under section 45A may make provision for or in connection with requiring prescribed persons to supply information or produce documents to a responsible officer in connection with the discharge of the prescribed responsibilities of the responsible officer.

### Modifications etc. (not altering text)

- C10** S. 45C(1) applied (with modifications) (21.7.2008 for specified purposes, 1.4.2010 for E.W.) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 120(5)**, 170 (with s. 122); S.I. 2010/708, art. 3(b)
- C11** S. 45C(3) applied (with modifications) (21.7.2008 for specified purposes, 1.4.2010 for E.W.) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 120(5)**, 170 (with s. 122); S.I. 2010/708, art. 3(b)



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**C12** S. 45C(4) applied (with modifications) (21.7.2008 for specified purposes, 1.4.2010 for E.W.) by [Health and Social Care Act 2008 \(c. 14\), ss. 120\(5\), 170 \(with s. 122\); S.I. 2010/708, art. 3\(b\)](#)

#### **45D** <sup>F431</sup>**Crown application**

- (1) This Part binds the Crown.
- (2) No contravention by the Crown of any provision of this Part or regulations made under this Part makes the Crown criminally liable; but the High Court (or, in Scotland, the Court of Session) may declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) The provisions of this Part apply to persons in the service of the Crown as they apply to other persons.
- (4) Nothing in this section affects Her Majesty in her private capacity; and this subsection is to be read as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

#### **45E** **Regulations under section 45A: supplementary provisions**

- (1) The power of the Secretary of State to make regulations under section 45A is exercisable by statutory instrument.
- (2) Before making any regulations under section 45A, the Secretary of State must consult—
  - (a) the Scottish Ministers, if the regulations extend to Scotland, and
  - (b) the Welsh Ministers, if the regulations apply to Wales.
- (3) A statutory instrument that—
  - (a) contains regulations made by the Secretary of State under section 45A, and
  - (b) is not subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The Secretary of State may not make a statutory instrument containing (whether alone or with other provision) the first regulations under section 45A that include provision made by the Secretary of State by virtue of section 45B unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) The power of the Department of Health, Social Services and Public Safety in Northern Ireland to make regulations under section 45A is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (6) A statutory rule that—
  - (a) contains regulations made by the Department of Health, Social Services and Public Safety in Northern Ireland under section 45A, and
  - (b) is not subject to a requirement that a draft of the statutory rule be laid before, and approved by a resolution of, the Northern Ireland Assembly,is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

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- (7) The Department of Health, Social Services and Public Safety in Northern Ireland may not make a statutory rule containing (whether alone or with other provision) the first regulations under section 45A that include provision made by the Department by virtue of section 45B unless a draft of the statutory rule has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (8) Regulations under section 45A may make different provision for different cases.

#### 45F <sup>F431</sup> Interpretation of Part 5A

In this Part—

“the appropriate authority” means—

- (a) in relation to England and Wales or Scotland, the Secretary of State, or
- (b) in relation to Northern Ireland, the Department of Health, Social Services and Public Safety in Northern Ireland;

“designated body” has the meaning given by section 45A(3);

“prescribed” means prescribed by regulations under section 45A.]

## PART VI

### PRIVILEGES OF REGISTERED PRACTITIONERS

#### 46 Recovery of fees.

- (1) Except as provided in [<sup>F435</sup>subsection (2A)] below, no person shall be entitled to recover any charge in any court of law for any medical advice or attendance, or for the performance of any operation, <sup>F436</sup>... unless he proves that he is fully registered [<sup>F437</sup>and holds a licence to practise].

<sup>F438</sup>(2) .....

[<sup>F439</sup>(2A) Subsection (1) above shall not apply to fees in respect of medical services lawfully provided—

- (a) under arrangements to provide services as part of <sup>F440</sup>... [<sup>F440</sup>any of the UK health services];
- (b) by any person who is not a medical practitioner but who is entitled to provide those medical services by virtue of an enforceable [<sup>F25</sup>EU] right;
- (c) by a person who is a member of a profession regulated by a body, apart from the General Council, mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.]

- (3) Where a practitioner is a fellow of a college of physicians, fellows of which are prohibited by byelaw from recovering by law their expenses, charges or fees, then, notwithstanding that he is fully registered [<sup>F441</sup>and holds a licence to practise], the prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceedings instituted by him for the recovery of expenses, charges or fees.

#### Textual Amendments

**F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))

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- F435** Words in s. 46(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **26(a)**
- F436** Words in s. 46(1) omitted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **73(a)(ii)**
- F437** Words in s. 46(1) inserted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(4)** (with Sch. 2)
- F438** S. 46(2) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **26(b)**
- F439** S. 46(2A) inserted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **73(b)**
- F440** Words in s. 46(2A)(a) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 14**; S.I. 2010/478, art. 2(b)
- F441** Words in s. 46(3) inserted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(4)** (with Sch. 2)

**47** [<sup>F442</sup>**Appointments not to be held except by fully registered medical practitioners who hold licences to practise.**]

(1) [<sup>F443</sup>Subject to subsection (2) below, only a person who is fully registered and who holds a licence to practise may hold an appointment as physician, surgeon or other medical officer]—

- (a) in the naval, military or air service,
- (b) in any hospital or other place for the reception of persons suffering from mental disorder, or in any other hospital, infirmary or dispensary not supported wholly by voluntary contributions,
- (c) in any prison, or
- (d) in any other public establishment, body or institution,

or to any friendly or other society for providing mutual relief in sickness, infirmity or old age.

(2) Nothing in this section shall prevent any person who is not a Commonwealth citizen from being and acting as the resident physician or medical officer of any hospital established exclusively for the relief of foreigners in sickness, so long as he—

- (a) has obtained from a foreign university a degree or diploma of doctor in medicine and has passed the regular examinations entitling him to practise medicine in his own country, and
- (b) is engaged in no medical practice except as such a resident physician or medical officer.

[<sup>F444</sup>(3) None of the suspension events mentioned in subsection (4) below shall terminate any appointment such as is mentioned in subsection (1) above, but the person suspended shall not perform the duties of such an appointment during the suspension.

(4) The suspension events are—

- (a) the suspension of registration of a person by a [<sup>F445</sup>Medical Practitioners Tribunal]—

- (i) following a finding of impairment of fitness to practise by reason of deficient professional performance or adverse physical or mental health under section 35D above, or

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- (ii) under [<sup>F446</sup>paragraph 5A(3D) or 5C(4)] of Schedule 4 to this Act;
- (b) an order for immediate suspension by a [<sup>F445</sup>Medical Practitioners Tribunal] under section 38(1) above; or
- (c) an interim suspension order by an [<sup>F447</sup>Interim Orders Tribunal] or a [<sup>F445</sup>Medical Practitioners Tribunal] under section 41A above (or such an order as extended under that section).]

#### Textual Amendments

- F442** S. 47 sidenote substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(5)(b)** (with Sch. 2)
- F443** Words in s. 47(1) substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(5)(a)** (with Sch. 2)
- F444** S. 47(3)(4) substituted for s. 47(3) (1.11.2004 as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(2)** (with Sch. 2)
- F445** Words in s. 47(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)
- F446** Words in s. 47(4)(a)(ii) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(11)**; S.I. 2015/1952, art. 2(i)
- F447** Words in s. 47(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(11)**; S.I. 2015/1952, art. 2(c)

#### 48 [<sup>F448</sup>Certificates invalid if not signed by fully registered medical practitioners who hold licences to practise.]

A certificate required by any enactment, whether passed before or after the commencement of this Act, from any physician, surgeon, licentiate in medicine and surgery or other medical practitioner shall not be valid unless the person signing it is fully registered [<sup>F449</sup>and holds a licence to practise].

#### Textual Amendments

- F448** S. 48 sidenote substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(6)(b)** (with Sch. 2)
- F449** Words in s. 48 added (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(6)(a)** (with Sch. 2)

#### 49 Penalty for pretending to be registered.

- (1) <sup>F450</sup>... any person who wilfully and falsely pretends to be or takes or uses the name or title of physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition or description implying that he is registered under any provision of this Act, or that he is recognised by law as a physician or surgeon or licentiate in medicine and surgery or a practitioner in medicine or an apothecary, shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale <sup>F451</sup>...

<sup>F452</sup>(2) .....

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- (3) Any penalty to which a person is liable on summary conviction under subsection (1) above may be recovered in Scotland by any person before the sheriff or the district court who may, on the appearance or the default to appear of the accused, proceed to hear the complaint, and where the offence is proved or admitted the sheriff or court shall order the accused to pay the penalty as well as such expenses as the sheriff or court shall think fit.
- (4) Any sum of money arising from conviction and recovery of penalties as mentioned in subsection (3) above shall be paid to the treasurer of the General Council.

#### Textual Amendments

- F450** Words in s. 49(1) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **27(a)**
- F451** Words in s. 49(1) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV**.
- F452** S. 49(2) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **27(b)**

#### [<sup>F453</sup> 49A Penalty for pretending to hold a licence to practise

- (1) If a person who does not hold a licence to practise—
  - (a) holds himself out as having such a licence; or
  - (b) engages in conduct calculated to suggest that he has such a licence,he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) Any penalty to which a person is liable on summary conviction under subsection (1) above may be recovered in Scotland by any person before the sheriff or the district court who may, on the appearance or the default to appear of the accused, proceed to hear the complaint, and where the offence is proved or admitted the sheriff or court shall order the accused to pay the penalty as well as such expenses as the sheriff or court shall think fit.
- (3) Any sum of money arising from conviction and recovery of penalties as mentioned in subsection (2) above shall be paid to the Treasurer of the General Council.]

#### Textual Amendments

- F453** S. 49A inserted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), **12(7)** (with [Sch. 2](#))

## PART VII

### MISCELLANEOUS AND GENERAL

#### [<sup>F454</sup> 49B The Directive: designation of competent authority etc.

- (1) The General Council is designated as the competent authority in the United Kingdom for the purposes of the Directive so far as relating to the medical profession.

*Status: Point in time view as at 18/11/2016.*

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- (2) The designation under subsection (1)—
- <sup>F455</sup>(a) .....
- (b) does not extend to the awarding of primary United Kingdom qualifications.
- [ Accordingly, the General Council shall, in the United Kingdom, carry out (in <sup>F456</sup>(3) particular) the functions specified in Schedule 4A.]
- (4) The bodies and combinations of bodies [<sup>F457</sup>included in the list maintained under section 4(1)] are designated as competent authorities in the United Kingdom for the purposes of awarding primary United Kingdom qualifications.
- (5) Subject to subsection (6), the Secretary of State may give directions to the General Council in connection with their functions specified in Schedule 4A, and it shall be the duty of the General Council to comply with any such directions.
- (6) Directions given under subsection (5) may be as to matters of administration only.
- (7) In Schedule 4A, “non-UK medical qualification” means a medical qualification that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom.]

#### Textual Amendments

- F454** S. 49B inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **28**
- F455** S. 49B(2)(a) omitted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by virtue of [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 15(a)**; S.I. 2010/478, art. 2(b)
- F456** S. 49B(3) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 15(b)**; S.I. 2010/478, art. 2(b)
- F457** Words in s. 49B(4) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 16**; S.I. 2008/2556, art. 2(1)(a)

## 50 Default powers of Privy Council.

- (1) If at any time it appears to the Privy Council that—
- (a) [<sup>F458</sup>the General Council] have failed to secure the maintenance of the prescribed standard of proficiency at examinations; or
- (b) [<sup>F459</sup>the General Council] ought to exercise any power, perform any duty, or do any act or thing vested in, imposed on or authorised to be done by them, by any provision of this Act except section 7, [<sup>F460</sup>10A or][<sup>F461</sup>32(1) to (3), (7) or (9)]<sup>F462</sup> ... or paragraph 7 of Schedule 4 to this Act,
- the Privy Council may notify their opinion to the General Council<sup>F463</sup> ....
- (2) If the General Council fail to comply with any directions of the Privy Council relating to a notification given under subsection (1) above, the Privy Council may themselves give effect to those directions, and for that purpose may exercise any power vested in the General Council or do any act or thing authorised to be done by that Council and may of their own motion do any act or thing which under this Act they are authorised to do in pursuance of a representation or suggestion from the General Council.

*Status: Point in time view as at 18/11/2016.*

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<sup>F464</sup>(3) .....

#### Textual Amendments

- F458** Words in s. 50(1)(a) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 3(2)(a)**
- F459** Words in s. 50(1)(b) substituted (1.1.2009) by [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 3(2)(b)**
- F460** Words in s. 50(1)(b) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **31**
- F461** Words in s. 50(1)(b) substituted (19.7.2006 for specified purposes, 13.6.2007 in so far as not already in force as notified in the London Gazette dated 18.5.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **74**
- F462** Words in s. 50(1)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(3)** (with Sch. 2)
- F463** Words in s. 50(1) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 3(2)(c)**
- F464** S. 50(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 3(3)**

## 51 Exercise of powers to make Orders in Council and other orders.

- (1) Any power of the Privy Council to make orders under the provisions of this Act <sup>F465</sup>... shall be exercisable by statutory instrument.
- (2) Except as provided in subsection (3) below, any statutory instrument containing an Order in Council or order of the Privy Council under any provision of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F466</sup>(3) Subsection (2) above does not apply to—

- <sup>F467</sup>(a) .....
- (b) an order of the Privy Council under section <sup>F468</sup>... 31(10) above.]

#### Textual Amendments

- F465** Words in s. 51(1) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 17(a)**; [S.I. 2008/2556](#), art. 2(1)(a)
- F466** S. 51(3) substituted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **32**
- F467** S. 51(3)(a) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 17(b)**; [S.I. 2008/2556](#), art. 2(1)(a)
- F468** Words in s. 51(3)(b) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 4**

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## 52 Exercise of powers of Privy Council.

- (1) Any power vested in the Privy Council by this Act may be exercised by any two or more of the lords and others of the Council.
- (2) Any act of the Privy Council under this Act shall be sufficiently signified by an instrument signed by the clerk of the Council, and an order or act signified by an instrument purporting to be signed by the clerk of the Council shall be deemed to have been duly made or done by the Privy Council, and an instrument so signed shall be received in evidence in all courts and proceedings without proof of the authority or signature of the clerk of the Council or other proof.

### [<sup>F469</sup>52A Annual reports, statistical reports and strategic plans

- (1) The General Council shall publish, by such date in each year as the Privy Council shall specify—
  - (a) a report on the exercise of their functions which includes a description of the arrangements that the General Council have put in place to ensure that they adhere to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” have the meanings given in section 8(2) of the Equality Act 2006);
  - (b) a statistical report which indicates the efficiency and effectiveness of, and which includes a description of, the arrangements which the General Council have put in place to protect members of the public from persons who are provisionally registered or fully registered and whose fitness to practise is impaired, together with the General Council’s observations on the report; and
  - (c) a strategic plan for the General Council in respect of such number of years as the General Council shall determine.
- (2) The General Council shall submit copies of the reports and the plan published under subsection (1) to the Privy Council and the Privy Council shall lay copies of the reports and the plan before each House of Parliament.]

#### Textual Amendments

**F469** S. 52A substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 18**; S.I. 2008/2556, art. 2(2)(a)(ii)

### [<sup>F470</sup>52B. Annual reports of the MPTS

- (1) The MPTS must publish, by such date in each year as the Privy Council specifies—
  - (a) a report on the nature and volume of cases referred to the MPTS;
  - (b) a report on the exercise of the MPTS’s functions which includes a description of the arrangements that the MPTS have put in place to ensure that they adhere to good practice in relation to equality and diversity (and for these purposes “equality” and “diversity” each have the meaning given in section 8(2) of the Equality Act 2006);
  - (c) a report on the points of learning which the MPTS have identified and their proposals for addressing each of those points.



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- (2) The MPTS must submit copies of the reports published under subsection (1) to the Privy Council; and the Privy Council must lay copies of the reports before each House of Parliament.]

#### Textual Amendments

**F470** S. 52B inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **20**; S.I. 2015/1952, art. 2(1)

### 53 Proof of certain instruments.

- (1) A copy of any instrument mentioned in subsection (2) below which—
- (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Council, or
  - (b) is certified to be a true copy by the Registrar or by any other person appointed by the General Council, either in addition to or in place of the Registrar, to certify any such instrument,
- shall be admissible in evidence.
- (2) The instruments referred to in subsection (1) above are—
- <sup>F471</sup>(a) .....
  - (b) regulations made by the General Council under section 31 or 32 above;
  - <sup>F472</sup>(c) an order of a <sup>F473</sup>Medical Practitioners Tribunal] under section 38 above; and]
  - (d) a direction of the General Council under section 39 above.

#### Textual Amendments

- F471** S. 53(2)(a) omitted (3.11.2008) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 19**; S.I. 2008/2556, art. 2(1)(a)
- F472** S. 53(2)(c) substituted (1.11.2004 as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **15(5)** (with Sch. 2)
- F473** Words in s. 53(2) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(9)**; S.I. 2015/1952, art. 2(c)

### 54 Saving for certain occupations.

Nothing in this Act shall prejudice or in any way affect the lawful occupation, trade, or business of chemists and druggists and dentists, or the rights, privileges or employment of duly licensed apothecaries in Northern Ireland, so far as the occupation, trade or business extends to selling, compounding or dispensing medicines.

### 55 Interpretation.

- <sup>F474</sup>(1) In this Act—
- “acceptable overseas qualification” has the meaning given by <sup>F475</sup>section 21B(2) above;

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[<sup>F476</sup>“acceptable programme for provisionally registered doctors” has the meaning given by section 10A(1) above;]

“additional qualification” has the meaning given by section 16(2) above;

<sup>F477</sup> .....

<sup>F477</sup> .....

[<sup>F478</sup>“CCT” means a certificate of completion of training awarded under section 34L(1);]

[<sup>F479</sup>“competent authority” means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—

- (a) receive or issue evidence of qualifications or other information or documents, or
- (b) receive applications and take the decisions referred to in the Directive,

in connection with the practice of medicine;]

[<sup>F479</sup>“the Directive” has the meaning given by section 5(4) above;]

[<sup>F480</sup>“Directive 95/46/EC” means [Directive 95/46/EC](#) of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;]

[<sup>F480</sup>“Directive 2002/58/EC” means [Directive 2002/58/EC](#) of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;]

<sup>F481</sup> .....

“disqualifying decision” has the meaning given by section 44(2) above;

<sup>F482</sup> .....

<sup>F477</sup> .....

[<sup>F483</sup>“exempt person” has the meaning given in section 19(2) above;

<sup>F484</sup> .....

[<sup>F485</sup>“fully registered person” means a person for the time being registered under section 3, 14A, [<sup>F486</sup>18A,] 19, 19A, 21B, 27A or 27B above as a fully registered medical practitioner, or under Schedule 2A as a visiting medical practitioner from a relevant European State, and—]

- (a) so far as mentioned in subsection (3) of section 15 (including that subsection as applied by section [<sup>F487</sup>15A(4), 21 or 21C] above, but not further, includes a person for the time being provisionally registered;

- (b) <sup>F488</sup> .....

and “fully registered” shall be construed accordingly;

“the General Council” means the General Medical Council;

[<sup>F478</sup>“General Practitioner Register” means the register kept by the General Council under section 34C;]

[<sup>F489</sup>“the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 ([S.I. 2015/2059](#));]

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[<sup>F478</sup>“GP Registrar” means a medical practitioner who is being trained in general practice whether as part of training leading to the award of a CCT or otherwise;]

[<sup>F480</sup>“IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;]

[<sup>F483</sup>“impaired”, in relation to a person’s fitness to practise, has the meaning given in section 35C(2) above;

<sup>F490</sup>

[<sup>F491</sup>“the MPTS” means the Medical Practitioners Tribunal Service]

“national”, in relation to a [<sup>F492</sup>relevant European State], has the same meaning as in the [<sup>F25</sup>EU] Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

[<sup>F493</sup>“the necessary knowledge of English”, in relation to a person, means the knowledge of English which, in the interests of himself and his patients, is necessary for the practice of medicine in the United Kingdom;]

[<sup>F478</sup>“NHS consultant” means a consultant other than a locum consultant (but including an honorary consultant) employed for the purposes of providing any service as part of any of the UK health services;]

<sup>F477</sup>

<sup>F494</sup>

“the prescribed knowledge and skill” has the meaning given by section 5(4) above;

<sup>F495</sup>

“the prescribed standard of proficiency” has the meaning given by section 5(4) above;

“primary European qualification” shall be construed in accordance with section 17 above;

“primary United Kingdom qualification” has the meaning given by section 4(3) above;

[<sup>F483</sup>“professional performance” includes a medical practitioner’s professional competence; ]

[<sup>F480</sup>“professional traineeship” means a period of professional practice, carried out under supervision, that—

- (a) constitutes a condition for access to the medical profession in the country in which it is carried out; and
- (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession;]

“provisionally registered” means provisionally registered under section 15 , [<sup>F496</sup>15A, 21 or 21C] above;

“qualification”, except where the context otherwise requires, means any diploma, degree, fellowship, membership, licence, authority to practise, letters testimonial, certificate or other status or document granted in respect of any branch or branches of medicine by any university, corporation, college or other body or by any department of, or persons acting under the authority of, the government of any country or place;

<sup>F497</sup>

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[<sup>F478</sup>“recognised specialty” means a specialty which the Privy Council have designated as a recognised specialty by order under section 34D(3);]

[<sup>F498</sup>“the register” means the register of medical practitioners;]

“the Registrar” has the meaning given by section 2(1) above but subject to sub-paragraph (3) of paragraph 16 of Schedule 1 to this Act;

[<sup>F499</sup>“relevant European State” means an EEA State or Switzerland;]

[<sup>F483</sup>“revalidation” has the meaning given in section 29A above; ]

<sup>F500</sup>  
.....

[<sup>F478</sup>“Specialist Register” means the register kept by the General Council under section 34D;]

[<sup>F483</sup>“the statutory committees” has the meaning given in section 1(3A) above; ]

[<sup>F480</sup>“third country” means a country other than a relevant European State;]

[<sup>F478</sup>“the UK health services” means—

- (a) the health service as defined by section 275(1) of the National Health Service Act 2006 or section 206(1) of the National Health Service (Wales) Act 2006 ;
- (b) the health service as defined by section 108(1) of the National Health Service (Scotland) Act 1978 ; and
- (c) any of the health services under any enactment which extends to Northern Ireland and which corresponds to section 1(1) of the National Health Service Act 2006;]

[<sup>F501</sup>References in this Act to the over-arching objective are to the over-arching objective (1A) of the General Council under section 1(1A) (read with section 1(1B)).]

[<sup>F502</sup>In relation to anything done before the adoption by the Council of Directive (2) [93/16/EEC](#), references in this Act to [<sup>F503</sup>the Directive], or to any provision of [<sup>F503</sup>the Directive], shall be construed as references to, or to the corresponding provision of, the following Directives as for the time being amended, namely—

- (a) Council Directive No. [75/362/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine; and
- (b) Council Directive No. [75/363/EEC](#) concerning the coordination of provisions in respect of activities of doctors.]

[<sup>F504</sup>In relation to anything done—

- (3) (a) before the adoption by the Council and the European Parliament of the Directive, but
  - (b) after the adoption by the Council of Directive [93/16/EEC](#),
- references in this Act to the Directive, or to any provision of the Directive, shall be construed as references to, or to any corresponding provision of, Directive [93/16/EEC](#) as for the time being amended.

- (4) In this section, “Directive [93/16/EEC](#)” means Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ No. L165, 7.7.93, p.1).]]]

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## Textual Amendments

- F25** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F474** S. 55 renumbered as s. 55(1) (10.7.1996) by [S.I. 1996/1591](#), reg. 7, Sch. 2 para. 13(1)
- F475** Words in s. 55(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **41(a)**
- F476** Words in s. 55(1) inserted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **33(a)**
- F477** Words in s. 55(1) omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 20(b)**; [S.I. 2008/2556](#), art. 2(2)(a)(ii)
- F478** Words in s. 55(1) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 16**; [S.I. 2010/478](#), art. 2(b)
- F479** Words in s. 55(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **29(a)(i)**
- F480** Words in s. 55(1) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **9(3)** (with reg. 155)
- F481** Words in s. 55(1) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **29(a)(ii)**
- F482** Words in s. 55(1) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **29(a)(iii)**
- F483** Words in s. 55(1) inserted (17.12.2002 for specified purposes, 7.7.2004, 1.11.2004, 8.9.2009 for specified purposes as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(6)(c)** (with Sch. 2)
- F484** Definition in s. 55(1) repealed (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 13(2)(c)(f)**
- F485** Words in s. 55(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **29(a)(iv)**
- F486** Words in s. 55(1) inserted (9.7.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(2)(b), **Sch. 1 para. 20(a)**
- F487** Words in s. 55(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **41(b)(ii)**
- F488** Words in s. 55(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **15(a)**
- F489** Words in s. 55(1) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **9(2)** (with reg. 155)
- F490** Words in s. 55(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), **15(b)**
- F491** Words in s. 55(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(3)**; [S.I. 2015/1952](#), art. 2(a)
- F492** Words in s. 55(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **29(a)(vi)**
- F493** Words in s. 55(1) substituted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **10(2)** (with arts. 11, 12)

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- F494** Words in s. 55(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, arts. 1(2)(b)(c)(3), **15(c)**
- F495** Words in s. 55(1) omitted (19.7.2006 for specified purposes, 1.8.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, art. 1(2)(b)(c)(3), **33(b)**
- F496** Words in s. 55(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, arts. 1(2)(b)(c)(3), **41(c)**
- F497** In s. 55(1) definition of "recognised overseas qualification" omitted (17.12.2002) by virtue of **The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135)**, arts. 1(2)(h), **15(6)(a)** (with transitional provisions in **Sch. 2**)
- F498** Words in s. 55(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by **The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914)**, arts. 1(2)(b)(c)(3), **15(d)**
- F499** Words in s. 55(1) inserted (3.12.2007) by **The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)**, regs. 1(2), **29(a)(vii)**
- F500** Definition in s. 55(1) repealed (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 13(2)(c)(f)**
- F501** S. 55(1A) inserted (3.8.2015) by **The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794)**, arts. 1(3), **21(12)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F502** S. 55(2) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 13(3)**
- F503** Words in s. 55(2) substituted (3.12.2007) by **The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)**, regs. 1(2), **29(b)**
- F504** S. 55(3)(4) inserted (3.12.2007) by **The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101)**, regs. 1(2), **29(c)**

## 56 Consequential amendments, repeals, transitional provisions and savings.

- (1) Schedule 5 (consequential amendments) and Schedule 6 (transitional and saving provisions) to this Act shall have effect but without prejudice to the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals); and in Schedule 6 "the 1956 Act" and "the <sup>M1</sup>1978 Act" mean the <sup>M2</sup>Medical Act 1956 and the <sup>M3</sup>Medical Act 1978 respectively.
- (2) Subject to subsection (1) above, the enactments specified in Part I of Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule.
- (3) The instruments specified in Part II of Schedule 7 to this Act are hereby revoked to the extent specified in the third column of that Part, but the re-enactment of Articles 4, 7 and 8 of the <sup>M4</sup>Medical Qualifications (EEC Recognition) Order 1977 in provisions of this Act shall be without prejudice to the validity of those Articles, and any question as to the validity of them shall be determined as if the re-enacting provision of this Act were contained in a statutory instrument made under the powers under which that Order was made.

### Marginal Citations

- M1** 1978 c. 30.  
**M2** 1956 c. 76.  
**M3** 1978 c. 12.

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**M4** [S.I. 1977/827.](#)

**57 Short title, commencement and extent.**

- (1) This Act may be cited as the Medical Act 1983.
- (2) This Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE GENERAL MEDICAL COUNCIL AND ITS COMMITTEES, AND THE BRANCH COUNCILS

#### [<sup>F505</sup>PART 1

#### CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

##### **Textual Amendments**

**F505** Sch. 1 Pt. 1 substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(2)**; S.I. 2008/2556, art. 2(2)(a) (i) (with art. 3)

##### **Membership: general**

- 1A. (1) The General Council shall consist of—
- (a) registrant members, that is members who—
    - (i) are fully registered or provisionally registered, and
    - (ii) hold licences to practise; and
  - (b) lay members, that is members who—
    - (i) are not and never have been provisionally registered or fully registered,
    - (ii) were at no time registered with limited registration under section 22 prior to its repeal, and
    - (iii) do not hold qualifications which would entitle them to apply for provisional or full registration under this Act.
- (2) The members of the General Council shall be appointed by the Privy Council.
- (3) The Privy Council shall ensure that, at any time, at least one member of the General Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

<sup>F506</sup>(4) .....

##### **Textual Amendments**

**F506** Sch. 1 para. 1A(4) omitted (31.10.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 20 para. 6(a)**; S.I. 2012/1831, art. 2(3)



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**Modifications etc. (not altering text)**

**C13** Sch. 1 para. 1A modified (temp.) (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(Commencement No. 1\) Order of Council 2008 \(S.I. 2008/2556\)](#), **art. 3**

***Matters for the order of the Privy Council under section 1(2)***

- 1B. (1) An order under section 1(2) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the General Council;
  - (b) the terms of office for which members of the General Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
  - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the General Council;
  - (d) the appointment of a chair of the General Council and the chair's term of office, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
  - (e) deputising arrangements in respect of the chair;
  - (f) the quorum of the General Council; and
  - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under section 1(2) must not include any provision which would have the effect that a majority of the members of the General Council would be lay members.
- (3) An order under section 1(2) may include provision with regard to—
- (a) the maximum period for which a member of the General Council may hold office as a member during a specified period;
  - (b) the maximum period for which a member of the General Council may serve as chair of the General Council during a specified period;
  - (c) the education and training of members of the General Council, and the order may provide for the General Council to include the requirements with regard to education and training of their members in standing orders, and for those standing orders to provide for—
    - (i) that education and training to be the responsibility of another body, and
    - (ii) those requirements to be set and varied by that body from time to time;
  - (d) the attendance of members of the General Council at meetings of the General Council;
  - (e) the effect (if any) of any vacancy in the membership of the General Council or any defect in the appointment of a member; and
  - (f) enabling the Privy Council to appoint as the chair of the General Council, for a specified period, the person who held office as president of the General Council on the day before the first order of the Privy Council under section 1(2) comes into force.
- (4) An order under section 1(2) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional,

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transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.

### **Registration of members' private interests**

- 1C. (1) The General Council must maintain a system for the declaration and registration of private interests of their members.
- (2) The General Council must publish in such manner as they see fit entries recorded in the register of members' private interests.]

## PART II

### INCIDENTAL POWERS AND DUTIES AND PROCEEDINGS OF THE GENERAL MEDICAL COUNCIL

#### *[<sup>F507</sup>Incidental powers and duties]*

#### **Textual Amendments**

**F507** Italic heading immediately preceding Sch. 1 para. 9 substituted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(a)** (with transitional provisions in Sch. 2)

9 It shall be within the capacity of the General Council as a corporation to do such things and enter into such transactions as are in their opinion incidental or conducive to the performance of their functions under this Act, including the borrowing of money.

- <sup>F508</sup>9A(1) In exercising their functions, the General Council shall—
- (a) have proper regard for—
    - (i) the interests of persons using or needing the services of provisionally or fully registered medical practitioners in the United Kingdom, and
    - (ii) any differing interests of different categories of provisionally or fully registered medical practitioners;
  - (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
    - (i) the employment (whether or not under a contract of service) of provisionally or fully registered medical practitioners,
    - (ii) the education or training of medical practitioners or other health care professionals,
    - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
    - (iv) the regulation of health services, and
    - (v) the provision, supervision or management of health services.
- (2) In carrying out its duty to co-operate under sub-paragraph (1)(b), the General Council shall have regard to any differing considerations relating to practising as a medical practitioner which apply in England, Scotland, Wales or Northern Ireland.

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- (3) In sub-paragraph (1), “other health care professionals” means persons regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, other than the General Council.]

#### Textual Amendments

**F508** Sch. 1 para. 9A substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(3)**; S.I. 2008/2556, art. 2(2)(a)(i)

- 9B (1) For the purposes of ensuring that registered medical practitioners and the public are informed about the General Council and the exercise by them of their functions, the Council shall publish or provide in such manner as they think fit information about the Council and the exercise of their functions.
- (2) Nothing in sub-paragraph (1) above authorises or requires the publication or provision of information if the publication or provision of that information is—
- (a) prohibited by any enactment; or
  - (b) would constitute or be punishable as a contempt of court.
- (3) In sub-paragraph (2) above “enactment” includes—
- (a) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament; and
  - (b) any provision of, or any instrument made under, Northern Ireland legislation.
- 10 For the purpose of enabling the General Council to compile or assist in the compilation of statistics relating to medical practice and practitioners the Council may from time to time issue to persons registered under this Act (otherwise than under [<sup>F509</sup>Schedule 2A]) requests for information on matters which in the opinion of the Council are relevant for that purpose.

#### Textual Amendments

**F509** Words in Sch. 1 para. 10 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **30**

- 11 The General Council may provide facilities for testing the knowledge of English of applicants for registration under [<sup>F510</sup>section [<sup>F511</sup>21B or 21C]] of this Act.

#### Textual Amendments

**F510** Words in Sch. 1 para. 11 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(f), **9(3)** (with transitional provisions in Sch. 2)

**F511** Words in Sch. 1 para. 11 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **42**

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#### Textual Amendments

**F512** Sch. 1 para. 12 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

**F513** 13 . . . . .

#### Textual Amendments

**F513** Sch. 1 para. 13 omitted (1.1.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(4)**; S.I. 2008/2556, art. 2(2)(a)(i)

14 All acts of the General Council shall be decided by the votes of a majority of the members present at any meeting, and if the votes are equal the person who [<sup>F514</sup>chairs] the meeting shall, in addition to his vote as a member of the Council, have a casting vote.

#### Textual Amendments

**F514** Word in Sch. 1 para. 14 substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(5)**; S.I. 2008/2556, art. 2(2)(a)(i)

15 (1) The General Council may by standing order make provision with respect to the meetings and proceedings of and the discharge of their functions by the Council and any committees of the Council, with respect to the composition of committees of the Council and with respect to the functions of the officers of the Council.

[<sup>F515</sup>(1A) Standing orders of the General Council may make provision with regard to the provisional suspension of a member of the General Council from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under section 1(2).]

(2) Any standing order made by the Council under this paragraph may be amended or revoked by a subsequent standing order.

(3) [<sup>F516</sup>Sub-paragraph (1)] does not apply in relation to the statutory committees<sup>F517</sup>...  
<sup>F518</sup>...[<sup>F519</sup>, except in so far as is necessary for enabling standing orders to make provision with regard to the financial affairs of the MPTS or to make provision by virtue of paragraph 19F(9)(c).]

#### Textual Amendments

**F515** Sch. 1 para. 15(1A) inserted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(a)**; S.I. 2008/2556, art. 2(2)(a)(i)

**F516** Words in Sch. 1 para. 15(3) substituted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(6)(b)**; S.I. 2008/2556, art. 2(2)(a)(i)

**F517** Words in Sch. 1 para. 15(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(2)**

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- F518** Words in Sch. 1 para. 15(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **62(a)**
- F519** Words in Sch. 1 para. 15(3) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(5)**; S.I. 2015/1952, art. 2(a)

### *Officers of the General Council*

- <sup>F520</sup>(1A) Standing orders of the General Council may make provision with regard to the appointment of a treasurer of the General Council.]
- (3) The General Council shall appoint a person to be registrar of the Council and may appoint such deputy and assistant registrars of the Council as the Council think fit and where a deputy or assistant registrar is authorised by the Registrar to act for him in any matter, any reference in this Act to the Registrar [<sup>F521</sup>or in a direction or delegation to him under sub-paragraph (4) below,] shall include a reference to that deputy or assistant where the reference relates to that matter.
- <sup>F522</sup>(3A) A deputy or assistant registrar who is authorised in accordance with provision made by virtue of paragraph 19F(7) to act on behalf of the MPTS may not, while so authorised, act for the Registrar in any matter.]
- <sup>F523</sup>(4) Subject to paragraph 6 of Schedule 4 to this Act, the Registrar shall, in addition to the functions specifically mentioned in this Act, have such other functions as the General Council may think fit to direct him to perform or delegate to him (whether or not in rules or standing orders).]

#### **Textual Amendments**

- F520** Sch. 1 para. 16(1A) substituted for Sch. 1 para. 16(1)(2) (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(7)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F521** Words in Sch. 1 para. 16(3) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(ii)** (with transitional provisions in Sch. 2)
- F522** Sch. 1 para. 16(3A) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(6)**; S.I. 2015/1952, art. 2(a)
- F523** Sch. 1 para. 16(4) inserted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(b)(iii)** (with transitional provisions in Sch. 2)

### *Financial provisions*

- <sup>F524</sup>17 There shall be paid to the members of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow, including payments for duties undertaken as trustees of the Council.]

#### **Textual Amendments**

- F524** Sch. 1 para. 17 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(c)** (with transitional provisions in Sch. 2)

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- 18 (1) Any fees or other sums payable by virtue of this Act in connection with registration under this Act shall be paid to the General Council, and any expenses of the Council shall be defrayed out of the sums received by the Council either on account of those fees and sums, or from the sale of registers, or otherwise.
- (2) The General Council shall keep proper accounts of all sums received or paid by them, and proper records in relation to those accounts (including records of the evidence furnished by branch councils under paragraph 28 below), and their accounts for each financial year of the Council shall be audited by auditors appointed by the Council.
- (3) No person shall be appointed auditor under this paragraph unless he is eligible for appointment as a <sup>F525</sup>statutory auditor under Part 42 of the Companies Act 2006].
- (4) As soon as may be after the accounts of the General Council have been audited, the Council shall cause them to be published and shall send a copy of them to the Privy Council together with a copy of any report of the auditors on them, and the Privy Council shall lay a copy of the accounts and of any report of the auditors on the accounts before each House of Parliament.

**Textual Amendments**  
**F525** Words in Sch. 1 para. 18(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 1(dd)** (with arts. 6, 11, 12)

**PART III**

COMMITTEES OF THE GENERAL MEDICAL COUNCIL

*F526 ...*

**Textual Amendments**  
**F526** Sch. 1 para. 19 and cross-heading omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 5(3)**

19 .....

*F527 ...*

**Textual Amendments**  
**F527** Sch. 1 paras. 19A, 19E and cross-headings omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **3(2)**; S.I. 2015/1952, art. 2(b)

<sup>F527</sup>19A .....

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### *[<sup>F528</sup>Registration Panels]*

#### **Textual Amendments**

**F528** Words in Sch. 1 para. 19B heading substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(1)(b)**

19B Subject to the power of the Panel under paragraph 25 below to co-opt members, a [<sup>F529</sup>Registration Panel] shall be constituted as provided by rules made under this paragraph by the General Council.

#### **Textual Amendments**

**F529** Words in Sch. 1 para. 19B substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

### *Registration Appeals Panels*

19C Subject to the restrictions on membership specified in paragraph 23 below and to the power of the Panel under paragraph 25 below to co-opt members, a Registration Appeals Panel shall be constituted as provided by rules made under this paragraph by the General Council.

### *Investigation Committee*

19D Subject to the power of the Committee under paragraph 25 below to co-opt members, the Investigation Committee shall be constituted as provided by rules made under this paragraph by the General Council.

*F527*  
...

<sup>F527</sup>19E .....

### *[<sup>F530</sup>Medical Practitioners Tribunal Service]*

#### **Textual Amendments**

**F530** Sch. 1 para. 19F inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **2(4)**; S.I. 2015/1579, art. 2(a)

- 19F. (1) The MPTS are to be constituted as provided by rules made under this paragraph by the General Council.
- (2) Rules under this paragraph must secure that only persons who are not members of the General Council are to be members of the MPTS.
- (3) Rules under this paragraph must include provision with regard to—
- (a) the numbers of registrant members and lay members of the MPTS;

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- (b) (subject to sub-paragraph (6)) the appointment of members of the MPTS and the terms of office for which members are appointed, and the rules may provide that these are to be determined by whoever makes the appointment as member, on appointment;
  - (c) the grounds (in addition to that mentioned in sub-paragraph (2)) on which a person is to be disqualified from appointment as a registrant or lay member of the MPTS;
  - (d) (subject to sub-paragraph (6)) the appointment of a chair of the MPTS and the chair's term of office, and the rules may provide that the term is to be determined by whoever makes the appointment as chair, on appointment;
  - (e) deputising arrangements in respect of the chair;
  - (f) the quorum at meetings of the MPTS;
  - (g) the circumstances in which a member of the MPTS ceases to hold office or may be removed or suspended from office.
- (4) Provision by virtue of sub-paragraph (3)(a) must secure that the registrant members of the MPTS do not form a majority of the members.
- (5) The chair of the MPTS is, by virtue of being appointed as such, an officer of the General Council.
- (6) Where, immediately before the commencement of this paragraph, a committee of the General Council constituted under paragraph 25 have been carrying out functions relating to fitness to practise proceedings, the General Council—
- (a) may appoint as the chair of the MPTS, for such period as the Council may determine, the person who, immediately before the commencement of this paragraph, was the chair of that committee, and
  - (b) may appoint as a member of the MPTS other than the chair, for such period as the Council may determine, a person who, immediately before the commencement of this paragraph, was a member of that committee.
- (7) Rules under this paragraph may include provision for enabling the General Council to direct the MPTS to delegate to the chair of the MPTS, or to such other officer of the Council as the Council determine, such of the functions of the MPTS as the Council determine (and for enabling the MPTS so to delegate).
- (8) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment as chair or as another member of the MPTS; and the rules may, in particular, require the General Council to set and publish those criteria.
- (9) Rules under this paragraph may include provision with regard to—
- (a) the maximum period for which a member of the MPTS may hold office during a specified period;
  - (b) the maximum period for which a member of the MPTS may serve as chair of the MPTS during a specified period;
  - (c) the education and training of members of the MPTS, and the rules may provide for the General Council to include the requirements with regard to education and training of members of the MPTS in standing orders, and for those standing orders to provide for—
    - (i) the education and training to be the responsibility of another body, and



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- (ii) those requirements to be set and varied by that body from time to time;
  - (d) the attendance of members of the MPTS at meetings of the MPTS;
  - (e) the effect (if any) of any vacancy in the membership of the MPTS or any defect in the appointment of a member.
- (10) The MPTS must maintain a system for the declaration and registration of private interests of their members.
- (11) The MPTS must publish in such manner as they see fit entries recorded in the register of members' private interests.
- (12) In this paragraph, “registrant member” and “lay member” each have the same meaning as in paragraph 1A.
- (13) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient.]

*[<sup>F531</sup>Medical Practitioners Tribunals and Interim Orders Tribunals*

**Textual Amendments**

**F531** Sch. 1 para. 19G inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **3(3)**; [S.I. 2015/1579](#), art. 2(b)

- 19G. (1) Medical Practitioners Tribunals and Interim Orders Tribunals are to be constituted as provided by rules made under this paragraph by the General Council.
- (2) Rules under this paragraph must include provision with regard to—
- (a) the appointment by the MPTS of persons to—
    - (i) a list of persons eligible to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal;
    - (ii) a list of persons eligible to serve as a registrant member of either such Tribunal;
    - (iii) a list of persons eligible to serve as a lay member of either such Tribunal;
  - (b) the determination by the MPTS of the terms on which a person holds a position on a list referred to in paragraph (a) (a “panel list”) and of the grounds on which the MPTS may suspend or remove a person from holding a position on a panel list;
  - (c) the selection by the MPTS of persons who are on a panel list to serve as the chair and the other members of a Medical Practitioners Tribunal or Interim Orders Tribunal;
  - (d) the quorum for a Medical Practitioners Tribunal or Interim Orders Tribunal.
- (3) A person appointed to a panel list within sub-paragraph (2)(a)(ii) or (iii) may also be appointed to a panel list within sub-paragraph (2)(a)(i).
- (4) Rules under this paragraph must secure that—

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- (a) only a person who is not a member of the General Council, the Investigation Committee, a Registration Panel or a Registration Appeals Panel, or who is not an officer of the General Council, may be appointed to a panel list;
  - (b) a person who serves as a member of an Interim Orders Tribunal, or as a member of a Medical Practitioners Tribunal in arrangements made under section 41A(A1), may not serve as a member of a Medical Practitioners Tribunal in any subsequent proceedings in the case concerned.
- (5) Rules under this paragraph may provide for a person to be appointed to a panel list either generally or only for particular proceedings or a particular class of proceedings.
  - (6) Rules under this paragraph must provide that a person appointed to a panel list holds and ceases to hold a position on the list in accordance with the terms of that person's appointment.
  - (7) Rules under this paragraph may include provision with regard to criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment to a panel list or for selection to serve as the chair of a Medical Practitioners Tribunal or Interim Orders Tribunal; and the rules may, in particular, require the MPTS to set and publish those criteria.
  - (8) Rules under this paragraph may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of functions conferred on the MPTS by virtue of sub-paragraph (2)(a) or (b).
  - (9) The MPTS must provide or arrange for the provision of—
    - (a) such training as they may determine for persons appointed to a panel list;
    - (b) such training as they may determine for persons whom they propose to appoint to a panel list.
  - (10) Rules under this paragraph may include provision with regard to the effect (if any) of any defect in the appointment of a person to a panel list or in the selection of a person to serve as the chair or another member of a Medical Practitioners Tribunal or an Interim Orders Tribunal.
  - (11) The MPTS must maintain a system for the declaration and registration of private interests of persons appointed to a panel list.
  - (12) The MPTS must publish in such manner as they see fit entries recorded in the register of appointees' private interests.
  - (13) There are to be paid to persons appointed to a panel list such remuneration and such travelling, subsistence or other expenses as the General Council may allow.
  - (14) In this paragraph, "registrant member" and "lay member" each have the same meaning as in paragraph 1A.
  - (15) Rules under this paragraph may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the General Council to be necessary or expedient.]

*Supplementary*

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- (a) only persons who are not members of the General Council shall be members of <sup>F533</sup>...a Registration Appeals Panel<sup>F533</sup> ...
- <sup>F534</sup>(b) .....; and
- (c) a person who is a member of the Investigation Committee or a [<sup>F535</sup>Registration Panel] may not at the same time be a member of <sup>F533</sup>... a Registration Appeals Panel<sup>F533</sup> ....

**Textual Amendments**

- F532** Words in Sch. 1 para. 23 substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(a)**; S.I. 2015/1952, art. 2(c)
- F533** Words in Sch. 1 para. 23(a)(c) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(b)**; S.I. 2015/1952, art. 2(c)
- F534** Sch. 1 para. 23(b) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(1)(c)**; S.I. 2015/1952, art. 2(c)
- F535** Words in Sch. 1 para. 23(c) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **3(2)(b)**

23B Rules under paragraph [<sup>F536</sup>19B, 19C or 19D] above may make provision as to quorum.

**Textual Amendments**

- F536** Words in Sch. 1 para. 23B substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(2)**; S.I. 2015/1952, art. 2(c)

[<sup>F537</sup>23C. Rules under any of the paragraphs mentioned in paragraph 23B [<sup>F538</sup>or under paragraph 19F] may also make provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the General Council in connection with the exercise of any function relating to the appointment of members or particular members of any of the panels or the committee to which those paragraphs relate, including any function relating to tenure of office or suspension or removal from office.]

**Textual Amendments**

- F537** Sch. 1 para. 23C inserted (1.1.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 21(8)**; S.I. 2008/2556, art. 2(2)(a)(i)
- F538** Words in Sch. 1 para. 23C inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(3)**; S.I. 2015/1579, art. 2(c) (with art. 3)

[<sup>F539</sup>23D. The overriding objective of the General Council in exercising the power to make rules under paragraph 19F or 19G is to secure that Medical Practitioners Tribunals and Interim Orders Tribunals deal with cases fairly and justly][<sup>F540</sup>; and where the

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General Council consider that there is a conflict between meeting the objective under this paragraph and the over-arching objective, they must give priority to meeting the objective under this paragraph.]

#### Textual Amendments

**F539** Sch. 1 para. 23D inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(4)**; S.I. 2015/1579, art. 2(c) (with art. 3)

**F540** Words in Sch. 1 para. 23D inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **21(7)** (with art. 1(4)); S.I. 2015/1579, art. 2(1)

24 Rules under paragraph <sup>F541</sup>19B, 19C, 19D, 19F or 19G] above shall not come into force until approved by order of the Privy Council.

#### Textual Amendments

**F541** Words in Sch. 1 para. 24 substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **4(5)**; S.I. 2015/1579, art. 2(c) (with art. 3)

25 (1) Without prejudice to the preceding provisions of this Part of this Schedule the General Council may constitute <sup>F542</sup>... one or more committees.

<sup>F543</sup>(1A) Any committee of the General Council may consist of or include persons who are not members of the Council.]

<sup>F544</sup>(2) [<sup>F545</sup>Subject to and in accordance with <sup>F546</sup>paragraphs 19B, 19C, 19D, 19F, 19G and 23] above,] a Committee of the General Council may, if authorised to do so by the General Council, co-opt such persons (whether or not members of the Council) as the Committee think fit.]

(3) The General Council may delegate to any committee of the Council <sup>F547</sup>(other than the MPTS or a Medical Practitioners Tribunal or Interim Orders Tribunal)] such of the Council's functions as they think fit <sup>F548</sup>....

<sup>F549</sup>(4) Except where rules made <sup>F550</sup>under paragraph 19F(3)(f) or 19G(2)(d) or] by virtue of paragraph 23B above make provision as to quorum in the case of any of the statutory committees, the quorum of a committee of the General Council shall be such as the Council may from time to time determine.

(5) There shall be paid to the members of the committees of the General Council such remuneration and such travelling, subsistence or other expenses as the Council may allow.]

#### Textual Amendments

**F542** Words in Sch. 1 para. 25(1) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(a)** (with Sch. 2)

**F543** Sch. 1 para. 25(1A) inserted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **5(4)(b)** (with Sch. 2)

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- F544** Sch. 1 para. 25(2) substituted (3.8.2000) by [S.I. 2000/1803](#), [art. 15\(f\)](#)
- F545** Words in Sch. 1 para. 25(2) inserted (7.7.2004 as notified in the London Gazette dated 2.7.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), [5\(4\)\(c\)](#) (with Sch. 2)
- F546** Words in Sch. 1 para. 25(2) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), [4\(6\)](#); [S.I. 2015/1952](#), art. 2(c)
- F547** Words in Sch. 1 para. 25(3) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), [4\(7\)](#); [S.I. 2015/1952](#), art. 2(c)
- F548** Words in Sch. 1 para. 25(3) omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), [Sch. 1 para. 5\(4\)](#)
- F549** Sch. 1 para. 25(4)(5) substituted for Sch. 1 para. 25(4) (1.7.2003 in so far as it relates to new para. 25(5), as notified in the London Gazette dated 1.7.2003, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), [5\(4\)\(d\)](#) (with Sch. 2)
- F550** Words in Sch. 1 para. 25(4) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), [4\(8\)](#); [S.I. 2015/1952](#), art. 2(c)

## PART IV

### THE BRANCH COUNCILS

- 26 (1) There shall continue to be a branch council for England, for Wales, for Scotland and for Northern Ireland.
- [<sup>F551</sup>(2) The branch council for each area shall be constituted as provided by the General Council.
- (2A) Some or all members of a branch council may be persons who are not members of the General Council.]
- (3) The General Council may delegate to a branch council such of the functions of the General Council <sup>F552</sup>... as the General Council think fit.

#### Textual Amendments

- F551** Sch. 1 para. 26(2)(2A) substituted (17.12.2002) for Sch. 1 para. 26(2) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), [15\(7\)\(d\)](#) (with transitional provisions in Sch. 2)
- F552** Words in Sch. 1 para. 26(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), [62\(b\)](#)

- 27 Each branch council shall appoint a registrar of the council but the person appointed to be registrar of the General Council—
- (a) shall also be registrar of the branch council for England; and
- (b) may also be registrar of all or any of the other branch councils.
- 28 The General Council shall furnish each branch council with such sums as the branch council may require for defraying any expenses incurred by the branch council with the approval of the General Council; and each branch council shall furnish the General Council with such evidence as the General Council may reasonably

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require of all payments made by the branch council out of sums furnished by the General Council.

[<sup>F553</sup>29 There shall be paid to the members of the branch councils such remuneration and such travelling, subsistence or other expenses as the General Council may allow.]

**Textual Amendments**

**F553** Sch. 1 para. 29 substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(7)(e)** (with transitional provisions in Sch. 2)

<sup>F554</sup>SCHEDULE 2

Section 17.

PRIMARY EUROPEAN QUALIFICATIONS

**Textual Amendments**

**F554** Sch. 2 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **31**

[<sup>F555</sup>SCHEDULE 2A

Section 18

VISITING MEDICAL PRACTITIONERS FROM RELEVANT EUROPEAN STATES

**Textual Amendments**

**F555** Sch. 2A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **32**

*Application and interpretation*

- 1 This Schedule applies to an exempt person who is lawfully established in medical practice in a relevant European State other than the United Kingdom.
- 2 In this Schedule—
  - (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
  - (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established in medical practice; and
  - (c) a reference to the provision of occasional medical services is a reference to the provision of medical services in the United Kingdom on a temporary and occasional basis.

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*Registration in respect of provision of occasional medical services*

- 3
- (1) A visiting practitioner is entitled to be registered under this Schedule in the register if the practitioner is entitled under paragraph 4 or 7 to provide occasional medical services; and the Registrar shall give effect to the entitlement.
  - (2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the register, but who is not registered in the register's list of visiting medical practitioners from relevant European States, shall be treated as registered in that list.
  - (3) Sub-paragraph (4) applies where a person's entitlement under sub-paragraph (1) to be registered in the register ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional medical services.
  - (4) If the person's name is registered in the register's list of visiting medical practitioners from relevant European States, the Registrar may erase the person's name from that list.
  - (5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which a medical practitioner's name may be erased from the register or under which a medical practitioner's registration in the register may be suspended.

*Entitlement to provide occasional medical services: first year*

- 4
- A visiting practitioner is entitled to provide occasional medical services if—
- (a) the practitioner has complied with the requirements of paragraph 5, and
  - (b) where the practitioner's case falls within regulation [F5563(8)(a), (c) or (e)] of the General Systems Regulations, the provision by the practitioner of occasional medical services is in accordance with regulations [F55719 to 23] of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),
- but paragraph 8 contains provision about the duration of entitlement under this paragraph.

**Textual Amendments**

**F556** Words in Sch. 2A para. 4(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(2)(a)** (with reg. 155)

**F557** Words in Sch. 2A para. 4(b) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(2)(b)** (with reg. 155)

*First provision of services: required documents*

- 5
- (1) A visiting practitioner who proposes to provide occasional medical services for the first time must, before providing any such services, send or produce to the Registrar the required documents.
  - (2) The required documents are—

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- (a) a written declaration that—
- (i) states the practitioner's wish to provide occasional medical services,  
F558 ...
  - (ii) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability;  
[ confirms that the practitioner does not have a criminal conviction;  
F559(iii) and
  - (iv) confirms that the practitioner is not subject to a temporary or final suspension preventing practice as a medical practitioner;]
- [ a written declaration as to whether the practitioner has the necessary  
F560(aa) knowledge of English;]
- (b) if the practitioner is a national of a relevant European State, proof of nationality;
  - (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
  - (d) evidence of medical qualifications (see paragraph 6); and
  - (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
    - (i) that the practitioner is lawfully established in medical practice in that State, and
    - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner there.
- (3) A declaration under sub-paragraph (2)(a) [F561 or (aa)] may be supplied by any means.

#### Textual Amendments

- F558** Word in Sch. 2A para. 5(2)(a)(i) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(3)(a)(i)** (with reg. 155)
- F559** Sch. 2A para. 5(2)(a)(iii)(iv) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(3)(a)(ii)** (with reg. 155)
- F560** Sch. 2A para. 5(2)(aa) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(3)(b)** (with reg. 155)
- F561** Words in Sch. 2A para. 5(3) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(3)(c)** (with reg. 155)

- 6 (1) Subject to sub-paragraph (4), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the medical services that the practitioner proposes to provide in the United Kingdom on a temporary and occasional basis.
- (2) For the purposes of this paragraph and subject to sub-paragraph (4), the evidence of qualifications must, if the visiting practitioner proposes to provide any services as a general practitioner or a specialist medical practitioner in the United Kingdom on a temporary and occasional basis, include evidence of the European-recognised qualifications which entitle the practitioner to provide, in the practitioner's home State, those services as a general practitioner or a specialist medical practitioner.



*Status: Point in time view as at 18/11/2016.*

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- (3) This sub-paragraph applies to a visiting practitioner whose case falls within regulation [<sup>F562</sup>3(8)(a), (c) or (e)] of the General Systems Regulations (with the result that the practitioner is not entitled to provide occasional medical services unless their provision by the practitioner is in accordance with regulations [<sup>F563</sup>19 to 23] of those Regulations).
- (4) If sub-paragraph (3) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's medical qualifications is evidence of the qualifications which entitle the practitioner to practise as a medical practitioner in his home State.
- (5) In this paragraph, “European-recognised qualifications” means qualifications which relevant European States are required by the Directive to recognise.

#### Textual Amendments

- F562** Words in Sch. 2A para. 6(3) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(4)(a)** (with reg. 155)
- F563** Words in Sch. 2A para. 6(3) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **10(4)(b)** (with reg. 155)

#### *Entitlement to provide occasional medical services after first year: renewals*

- 7 (1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional medical services.
- (2) The visiting practitioner is entitled to continue to provide occasional medical services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.
- (3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—
  - (a) who is not entitled under this Schedule to provide occasional medical services;
  - (b) who has been previously entitled under this Schedule to provide occasional medical services; and
  - (c) whose registration in the list of visiting medical practitioners from relevant European States is not suspended.
- (4) The visiting practitioner is once again entitled to provide occasional medical services but, in a case where the practitioner's name is not in the list of visiting medical practitioners from relevant European States as a result of erasure otherwise than under paragraph 3(4), only if the Registrar decides, after having regard (in particular) to the fact of that erasure and the reasons for it, that the entitlement should be renewed. Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.
- (5) In relation to a visiting practitioner “the required renewal documents” are—
  - (a) a renewal declaration; and
  - (b) each evidence of change document (if any).

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- (6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
- (a) states the practitioner's wish to provide occasional medical services in a further year; and
  - (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.
- (7) Where a document—
- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
  - (b) is not a declaration under paragraph 5(2)(a), and
  - (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the Registrar,
- the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the Registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).
- (8) A renewal declaration supplied under this paragraph may be supplied by any means.

*Duration of entitlement to provide occasional medical services*

- 8 (1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.
- (2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.
- (3) For the purposes of sub-paragraph (2)—
- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
  - (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).
- (4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.
- (5) An entitlement under this Schedule to provide occasional medical services ceases if—
- (a) the visiting practitioner concerned becomes established in medical practice in the United Kingdom; or
  - (b) a relevant decision is made against the visiting practitioner concerned.
- (6) In sub-paragraph (5) “relevant decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner's home State

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[<sup>F564</sup>or, if different, a relevant European State in which the practitioner practises or has practised as a medical professional] that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a medical practitioner; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner's registration in the list of visiting medical practitioners from relevant European States is suspended or the practitioner's name is erased from that list, and
- (b) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional medical services,

that entitlement ceases at that time.

#### Textual Amendments

**F564** Words in Sch. 2A para. 8(6) inserted (18.11.2016) by The European Qualifications (Health and Social Care Professions) Regulations 2016 (S.I. 2016/1030), regs. 1, 10(5) (with reg. 155)

#### Conditions

- 9 (1) Paragraph (2) applies if—
- (a) the establishment of a visiting practitioner in the practitioner's home State is subject to a condition relating to the practitioner's medical practice;
  - (b) the practitioner's name is registered in the register; and
  - (c) for any of the purposes of this Act it falls to be decided whether the practitioner's fitness to practise is or may be impaired on the ground of misconduct.
- (2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional medical services that is, or would be if the condition applied in relation to medical practice outside the practitioner's home State, a breach of the condition.
- (3) In paragraphs (1) and (2) “condition” includes limitation.]

### SCHEDULE 3

Section 33.

#### REGISTRATION: SUPPLEMENTARY PROVISIONS

#### Preliminary

- 1 (1) Subject to the following provisions of this Schedule, any right to registration of persons under [<sup>F565</sup>section [<sup>F566</sup>3, 14A, 15, 15A or 19A]] of this Act or of qualifications under section 16 or 26 of this Act shall be conditional on the making of such an application, supported by such evidence, as is required by this Schedule.

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- (2) Nothing in this Schedule applies to anything done in pursuance of a direction under section 41 of this Act for restoration to the register.

#### Textual Amendments

- F565** Words in Sch. 3 para. 1(1) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(a\)](#)  
**F566** Words in Sch. 3 para. 1(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), regs. 1\(2\), 33\(2\)](#)

#### *To which registrar application to be made*

- 2 (1) The following applications shall be made to the registrar of one of the branch councils, that is to say—
- (a) applications for registration of persons under <sup>F567</sup>section 3(1)(a)]<sup>F568</sup>, 15 or 15A] of this Act; and
  - (b) applications under section 16 of this Act (other than applications for registration of primary European qualifications where the applicant was registered under <sup>F569</sup>section 3(1)(b)] of this Act by virtue of those qualifications).
- (2) The following applications shall be made to the Registrar, that is to say—
- (a) applications for registration of persons under <sup>F570</sup>section 3(1)(b)]<sup>F571</sup>, 14A or 19A] of this Act and for the registration of the qualifications of those persons by virtue of which they were entitled to be registered under that paragraph;
  - <sup>F572</sup>(b) .....
  - (c) applications under section 26 of this Act.
- (3) In the following provisions of this Schedule “the appropriate registrar”, in relation to an application for registration, means the registrar to whom, in accordance with this paragraph, the application is made.

#### Textual Amendments

- F567** Words in Sch. 3 para. 2(1)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\)\(h\), 9\(4\)\(a\), 15\(1\)](#) (with transitional provisions in Sch. 2)  
**F568** Words in Sch. 3 para. 2(1)(a) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(7\)\(b\)](#)  
**F569** Words in Sch. 3 para. 2(1)(b) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\), 9\(4\)\(b\)](#) (with transitional provisions in Sch. 2)  
**F570** Words in Sch. 3 para. 2(2)(a) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\), 9\(4\)\(c\)](#) (with transitional provisions in Sch. 2)  
**F571** Words in Sch. 3 para. 2(2)(a) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), regs. 1\(2\), 33\(3\)](#)  
**F572** Sch. 3 para. 2(2)(b) omitted (1.7.2003 as notified in the London Gazette dated 1.7.2003) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(3\), 9\(4\)\(d\)](#) (with Sch. 2)

#### *Proof of qualifications*

- 3 (1) Subject to sub-paragraph (2) below, a person making an application for registration under <sup>F573</sup>section <sup>F574</sup>3, 14A, 15, 15A or 19A]] of this Act or an application under

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section 16 of this Act for the registration of [<sup>F575</sup>any primary United Kingdom] or primary European qualifications he holds when he is registered under [<sup>F576</sup>section 3, 14A, 15 or 15A of this Act] shall produce or send to the appropriate registrar the document conferring or evidencing the qualification by virtue of which the application is made together with a statement of his name and address and such other particulars (if any) as may be required for registration.

[<sup>F577</sup>(1A) An exempt person (“A”) who—

- (a) makes an application for registration under section 3(1)(b) of this Act,
- (b) holds a qualification listed in Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training), and
- (c) satisfies the requirements of article 24 of the Directive (basic medical training),

shall produce or send to the Registrar a certificate as mentioned in sub-paragraph (1B).

(1B) The certificate—

- (a) must be a certificate issued by a competent authority in A's attesting State (as defined by section 44BA(6)); and
- (b) must certify that the document conferring or evidencing A's qualification produced or sent by A under sub-paragraph (1) is evidence of formal qualifications listed in relation to that State in Annex V, point 5.1.1 of the Directive.]

(2) Any [<sup>F578</sup>body or combination of bodies included in the list maintained under section 4(1)] of this Act may from time to time send to the Registrar or the registrar of a branch council lists certified under that body's seal of the persons who have been granted qualifications by the body stating the qualifications and addresses of the persons included in the list, and a registrar—

- (a) may for the purposes of this Act treat any such list sent to that registrar as sufficient evidence of the entitlement of any person mentioned in it to the qualification or qualifications which he is stated in it to have been granted; and
- (b) on an application for registration under [<sup>F573</sup>section 3, 15 or 15A] of this Act or an application under section 16 of this Act for the registration of primary United Kingdom qualifications held on registration under those sections may issue a certificate of registration under paragraph 5 below to a person mentioned in any such list sent to that registrar as having been granted a primary United Kingdom qualification without the document mentioned in sub-paragraph (1) above being produced or sent to him.

<sup>F579</sup>(3) .....

#### Textual Amendments

**F573** Words in Sch. 3 para. 3(1)(2)(b) substituted (4.12.2000) by S.I. 2000/3041, reg. 4(7)(c)

**F574** Words in Sch. 3 para. 3(1) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 33(4)(a)(i)

**F575** Words in Sch. 3 para. 3(1) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 33(4)(a)(ii)

**F576** Words in Sch. 3 para. 3(1) substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 33(4)(a)(iii)

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- F577** Sch. 3 para. 3(1A)(1B) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(4)(b)**
- F578** Words in Sch. 3 para. 3(2) substituted (3.11.2008) by [The Health Care and Associated Professions \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1774\)](#), art. 1(5), **Sch. 1 para. 22**; S.I. 2008/2556, art. 2(1)(a)
- F579** Sch. 3 para. 3(3) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **53**

- 4 A registrar shall not register any qualification, whether on first registration of a person or by way of addition, unless he is satisfied that the person claiming the qualification is entitled to it; but if a registrar to whom an application for registration of a qualification is made determines that he is not so satisfied, the applicant may appeal to the General Council.

*[<sup>F580</sup>Proof of nationality*

**Textual Amendments**

- F580** Sch. 3 paras. 4A, 4B and cross-headings inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(5)**

- 4A An exempt person (“A”) making an application for registration under section 3(1)(b), 14A, 15A or 19A of this Act shall produce or send to the appropriate registrar—
- (a) if A is a national of a relevant European State, proof of A's nationality;
  - (b) if A is not a national of a relevant European State, proof of the Community right by virtue of which A is an exempt person.

*Acknowledgement of applications*

- 4B Where a person makes an application for registration under section 3, 14A, 15, 15A or 19A of this Act, the appropriate registrar, within the period of one month beginning with the date of receipt of the application, must—
- (a) acknowledge receipt of the application; and
  - (b) inform the applicant of any missing document required for the purposes of the application.]

*Issue of certificates of registration*

- 5 [<sup>F581</sup>(1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under [<sup>F582</sup>section [<sup>F583</sup>3, 14A, 15, 15A or 19A]] of this Act the appropriate registrar, if satisfied that the applicant is entitled to be registered in accordance with the application—
- (a) shall issue to the applicant the certificate of registration required by this paragraph; and
  - (b) [<sup>F584</sup>... shall do so before the end of the requisite period.]
- [<sup>F585</sup>(1A) In this paragraph “the requisite period”—
- (a) in the case of an application under section 14A or 19A of this Act, means the period of four months beginning with—

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- (i) the date when the Registrar receives the application, or
  - (ii) if any document required for the purposes of the application is missing when the Registrar receives the application, the date on which the Registrar first has all the documents required for those purposes; and
- (b) in the case of any other application, means the period of three months beginning with the date on which the appropriate registrar receives all the documents enabling him to be satisfied of the applicant's entitlement to be registered in accordance with the application.]
- (2) On registering a person under section 19, 21, [<sup>F586</sup>21B, 21C, 27A or 27B] of this Act the Registrar shall issue to the applicant the certificate of registration required by this paragraph.
- (3) Subject as aforesaid, on an application for the registration of a qualification under section 16 or 26 of this Act, the appropriate registrar if satisfied that the applicant is entitled to have the qualification registered in accordance with the application shall issue to the applicant the certificate of registration required by this paragraph.
- (4) A certificate of registration under this paragraph must be in the form prescribed by regulations under section 31 of this Act for entries in the register <sup>F587</sup>... and shall state the name of the applicant and such other particulars as may be prescribed by the regulations.
- [<sup>F588</sup>(4A) A certificate of registration required to be issued under sub-paragraph (2) or (3) above shall be issued before the end of the requisite period.]

#### Textual Amendments

- F581** Sch. 3 para. 5(1)(1A) substituted for Sch. 3 para. 5(1) (10.7.1996) by [S.I. 1996/1591](#), reg. 7, **Sch. 2 para. 14(2)**
- F582** Words in Sch. 3 para. 5(1) substituted (4.12.2000) by [S.I. 2000/3041](#), reg. 4(7)(c)
- F583** Words in Sch. 3 para. 5(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(6)(a)**
- F584** Words in Sch. 3 para. 5(1)(b) omitted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **9(5)(a)** (with Sch. 2)
- F585** Sch. 3 para. 5(1A) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(6)(b)**
- F586** Words in Sch. 3 para. 5(2) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **43**
- F587** Words in Sch. 3 para. 5(4) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(a)**
- F588** Sch. 3 para. 5(4A) inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **9(5)(d)** (with Sch. 2)

#### *Entry in or alteration of a register*

- 6 (1) Without prejudice to sub-paragraph (2) below, the particulars stated in any certificate of registration issued under paragraph 5(1) or (3) above shall be deemed for all purposes to have been duly registered on the date of issue of the certificate except in

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so far as they were actually registered before that date, and references in this Act to registration shall be construed accordingly.

- (2) On issuing a certificate of registration under paragraph 5(1) or (3) above the appropriate registrar shall—
- (a) if he is the registrar of a branch council (but is not also the Registrar), with all convenient speed send a copy of the certificate certified under his hand to the Registrar, who shall forthwith cause an appropriate entry or alteration to be made in the register <sup>F589</sup> ... ; or
  - (b) if he is the Registrar, forthwith cause an appropriate entry or alteration to be made in the register <sup>F590</sup> ... .
- (3) An entry or alteration made in [<sup>F591</sup>the register] in pursuance of this paragraph shall bear the same date as the certificate of registration by virtue of which it is made.

#### Textual Amendments

- F589** Words in Sch. 3 para. 6(2)(a) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(i)**
- F590** Words in Sch. 3 para. 6(2)(b) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(i)**
- F591** Words in Sch. 3 para. 6(3) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **17(b)(ii)**

*[<sup>F592</sup>Visiting medical practitioners from relevant European States*

#### Textual Amendments

- F592** Sch. 3 para. 7 and cross-heading substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **33(7)**

- 7 (1) No application shall be required in respect of registration in the list of visiting medical practitioners from relevant European States.
- (2) The Registrar may issue certificates of registration to persons who are registered in the list of visiting medical practitioners from relevant European States.]

<sup>F593</sup><sup>F594</sup>SCHEDULE 3A

Section 34B

REGISTRATION [<sup>F593</sup> AND TRAINING] APPEALS

#### Textual Amendments

- F593** Words in Sch. 3A heading inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(2)**; S.I. 2010/478, art. 2(b)



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**F594** Sch. 3A inserted (1.4.2005 as notified in the London Gazette dated 14.1.2005) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **8(2)** (with Sch. 2)

#### Modifications etc. (not altering text)

**C14** Sch. 3A extended (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(6)**

#### <sup>F593</sup> Interpretation

<sup>F593</sup><sub>1</sub> In this Schedule—

“appealable registration decision” shall be construed in accordance with <sup>F595</sup>... [<sup>F595</sup> paragraphs 2 and 2A] below;

“person concerned” means the person in respect of whom an appealable registration decision is made or, as the case may be, an applicant to whom paragraph 3(2) [<sup>F596</sup> or (3)] below applies;

“person making the decision” means—

- (a) in relation to a decision on an application made under paragraph 2 of Schedule 3 to this Act, the appropriate registrar as defined in subparagraph (3) of that paragraph;
- (b) in relation to a decision under [<sup>F597</sup> section <sup>F598</sup> ... 39, 44, 44B or 44C] of this Act, [<sup>F599</sup> or under Schedule 2A to this Act,] the Registrar; and
- (c) in any other case, the General Council; and

<sup>F600</sup> ...

[<sup>F600</sup> “the requisite period” has the meaning given—

- (a) in relation to a decision which is treated as an appealable registration decision by virtue of paragraph 2A(1), by regulations under paragraph 2A(5); or
- (b) in any other case, by paragraph 5(1A) of Schedule 3 to this Act.]

#### Textual Amendments

**F595** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(a)**; S.I. 2010/478, art. 2(b)

**F596** Words in Sch. 3A para. 1 inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(b)**; S.I. 2010/478, art. 2(b)

**F597** Words in Sch. 3A para. 1 substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(a)**

**F598** Word in Sch. 3A para. 1 omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(i)**

**F599** Words in Sch. 3A para. 1 inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(a)(ii)**

**F600** Words in Sch. 3A para. 1 substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(3)(c)**; S.I. 2010/478, art. 2(b)

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**Modifications etc. (not altering text)**

C15 Sch. 3A para. 1 modified (temp.) (19.10.2007) by [The Medical Act 1983 Amendments \(Further Transitional Provisions\) Order of Council 2007 \(S.I. 2007/2796\)](#), arts. 1(1), 5

<sup>F593</sup> *Appealable registration decisions*

2 (1) The following decisions are appealable registration decisions for the purposes of this Schedule—

- (a) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 3 of this Act as a fully registered medical practitioner (registration by virtue of primary United Kingdom or primary European qualifications);
- <sup>F601</sup> [ a decision on an application made under Schedule 3 to this Act not to register the applicant under section 14A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc without certain acquired rights certificates);
- (ab) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 14A(1) to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]
- (b) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15 of this Act (provisional registration);
- (c) a decision on an application made under Schedule 3 to this Act not to register the applicant provisionally under section 15A of this Act (provisional registration for EEA nationals);
- (d) a decision on an application made under Schedule 3 to this Act not to register a qualification under section 16(1) of this Act (registration of qualifications);
- <sup>F602</sup> (e) .....
- (f) a decision not to direct that a person shall be registered under section 19(1) of this Act (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.);
- <sup>F603</sup> [ (fa) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 19A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom);
- (fb) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 19A to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;]
- (g) a decision not to direct that a person shall be registered provisionally under section 21(2) of this Act (provisional registration);
- <sup>F604</sup> (h) .....
- <sup>F605</sup> (i) .....
- <sup>F605</sup> (j) .....

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- <sup>F605</sup>(k) .....  
[ a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
- <sup>F606</sup>(ka) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);]
- (l) a decision not to register a qualification under section 26(1) <sup>F607</sup>... of this Act (registration of qualifications);
- [ a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
- <sup>F608</sup>(m) (i) not to direct that a person be registered under that section,  
(ii) as to any conditions specified in a direction that a person be registered under that section;
- (ma) a decision under section 27B of this Act (special purpose registration)—  
(i) not to direct that a person be registered under that section,  
(ii) as to the conditions specified in a direction that a person be registered under that section;]
- [ a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register<sup>F610</sup>, the General Practitioner Register or the Specialist Register;]
- <sup>F609</sup>(mb) (n) a decision under section 44 of this Act (effect of disqualification in another member State on registration in the United Kingdom)—  
(i) under subsection (1) <sup>F611</sup>... , not to register a person, or  
(ii) under subsection (3), to remove a person’s name from the register;
- [ a decision under section 44B of this Act (fitness to practise matters prior to registration) to refuse to register a person or to erase a person’s name from the register;]
- <sup>F612</sup>(o)
- [ a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.]
- <sup>F613</sup>(p)
- [ a decision that a person shall not, or shall no longer, be registered under Schedule 2A to this Act in the list of visiting medical practitioners from relevant European States.]
- <sup>F614</sup>(q)
- (2) But a decision is not an appealable registration decision for the purposes of this Schedule if it is a decision to refuse registration to a person, or to erase a person’s name from the register, by reason only that the person failed to—
- (a) pay the prescribed fee for registration;
- (b) make an application as required under this Act; or
- (c) produce a certificate obtained under section 10 of this Act.

#### Textual Amendments

- F601** Sch. 3A para. 2(1)(aa)(ab) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(i)**
- F602** Sch. 3A para. 2(1)(e) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(ii)**
- F603** Sch. 3A para. 2(1)(fa)(fb) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iii)**

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- F604** Sch. 3A para. 2(1)(h) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(i)**
- F605** Sch. 3A para. 2(1)(i)-(k) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(a)**
- F606** Sch. 3A para. 2(1)(ka)(kb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(ii)**
- F607** Words in Sch. 3A para. 2(1)(l) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **18(b)**
- F608** Sch. 3A para. 2(1)(m)(ma) substituted for Sch. 3A para. 2(1)(m) (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **44(a)(iii)**
- F609** Sch. 3A para. 2(1)(mb) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **63(b)**
- F610** Words in Sch. 3A para. 2(1)(mb) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(4)**; S.I. 2010/478, art. 2(b)
- F611** Words in Sch. 3A para. 2(1)(n)(i) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(iv)**
- F612** Sch. 3A para. 2(1)(o) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **54**
- F613** Sch. 3A para. 2(1)(p) inserted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **71**
- F614** Sch. 3A para. 2(1)(q) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(b)(v)**

<sup>F593</sup> *Appealable decisions relating to postgraduate medical education and training*

<sup>F593</sup> (1) The following decisions are also appealable registration decisions for the purposes  
<sup>F615</sup> 2A of this Schedule—

- (a) a decision on an application made under section 34C(3) not to include a person's name in the General Practitioner Register;
- (b) a decision on an application made under section 34D(4) not to include a person's name in the Specialist Register;
- (c) a decision on an application made under section 34D(4) not to indicate a field in the Specialist Register;
- (d) a decision on a request made under section 34G(2) not to issue a certificate for the purposes of Article 30(1) of the Directive;
- (e) a decision on an application made under section 34L(1) to refuse to award a CCT;
- (f) a decision to withdraw a CCT under section 34L(7).

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- (2) But a decision mentioned in sub-paragraph (1)(a) or (b) is not to be treated as an appealable registration decision under this paragraph if, in respect of that decision, there is a right of appeal by virtue of section 29F(1)(d) or (e).
- (3) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar as to the length of additional training, the fields to be covered by it or any examination, assessment (including a specified period of assessment) or other test of competence that the Registrar has specified when notifying the person concerned of the decision.
- (4) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.
- (5) In relation to any appealable registration decision falling within sub-paragraph (1), references in this Schedule to the requisite period are references to such period as may be prescribed by the General Council in rules; and different periods may be prescribed in relation to different decisions.
- (6) Rules under sub-paragraph (5) shall not come into force until approved by order of the Privy Council.]

#### Textual Amendments

**F615** Sch. 3A para. 2A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(5)**; S.I. 2010/478, art. 2(b)

#### <sup>F593</sup>Notice of appealable registration decisions

- 3 (1) Where an appealable registration decision is made, the person making the decision shall give the person concerned notice of—
  - (a) the decision;
  - (b) the reasons for the decision; and
  - (c) the person's right to appeal under paragraph 4 below.
- (2) Failure to notify an applicant of a decision made in respect of an application for registration under section [<sup>F616</sup>3, 14A, 15, 15A, 19, 19A or 21] of this Act within the requisite period shall be treated as a decision from which the applicant may appeal under paragraph 4 below.
- [<sup>F617</sup>3) Failure to notify an applicant of a decision made in respect of an application for inclusion in the General Practitioner Register or the Specialist Register within the requisite period shall, in cases prescribed by the General Council in rules, be treated as a decision from which the applicant may appeal under paragraph 4.
- (4) Rules under sub-paragraph (3) shall not come into force until approved by order of the Privy Council.]

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### Textual Amendments

- F616** Words in Sch. 3A para. 3(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **34(c)**
- F617** Sch. 3A para. 3(3)(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 17(6)**; S.I. 2010/478, art. 2(b)

### <sup>F593</sup> Appeals from appealable registration decisions

- 4 (1) A person in respect of whom an appealable registration decision has been made may appeal against the decision to a Registration Appeals Panel.
- (2) An appeal under sub-paragraph (1) above shall be made by giving notice of appeal to the Registrar.
- (3) Any such notice of appeal must be given before the end of the period of 28 days beginning with the date on which notice of the decision was given under paragraph 3(1) above.

This sub-paragraph is subject to any extension of time under paragraph 7 below.

- (4) In the case of an appeal by virtue of paragraph 3(2) [<sup>F618</sup>or (3)] above, notice of appeal must be given before the end of the period of 28 days following the end of the requisite period.
- (5) Where a decision to erase or remove a medical practitioner from the register is an appealable registration decision, the decision shall not be carried into effect—
- (a) until the time for bringing any appeal against the decision has expired without an appeal being brought; or
  - (b) where an appeal is brought, until the date on which the appeal is finally disposed of or abandoned or fails by reason of its non-prosecution.
- (6) Any rules made under paragraph 3 of Schedule 3B to this Act shall apply in relation to an appeal under this Schedule as they apply in relation to an appeal under section 29F of this Act.
- (7) <sup>F619</sup>... [<sup>F619</sup>Paragraph 2 of Schedule 4 and, subject to sub-paragraph (7A), paragraph 7 of that Schedule] shall apply in relation to proceedings under this Schedule before a Registration Appeals Panel as they apply to proceedings before [<sup>F620</sup>the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)].
- [ Where the chair of a Registration Appeals Panel is a legally qualified person, <sup>F621</sup>(7A) paragraph 7 of Schedule 4 is to be taken to authorise but not require the General Council to appoint an assessor to the Panel under that paragraph.
- (7B) In sub-paragraph (7A), “legally qualified person” means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 or who is an advocate or solicitor in Scotland or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.]
- (8) In disposing of an appeal under this paragraph, a Registration Appeals Panel may determine to—

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- (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against;
  - (c) substitute for the decision appealed against any other decision which could have been made by the person making the decision;
  - (d) remit the case to the person making the decision to dispose of in accordance with the directions of the Registration Appeals Panel,
- and a Panel may make such order as to costs (or, in Scotland, expenses) as they think fit.
- (9) A Registration Appeals Panel shall, as soon as reasonably practicable—
- (a) give the person concerned, and the person making the decision, notice of the Panel’s determination on an appeal under sub-paragraph (1) above and of the reasons for that determination; and
  - (b) if that determination is not a determination under sub-paragraph (8)(b) above, give the person concerned notice of his right of appeal under paragraph 5 below.

#### **Textual Amendments**

- F618** Words in Sch. 3A para. 4(4) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010* (S.I. 2010/234), art. 1(3)(4), **Sch. 1 para. 17(7)(a)**; S.I. 2010/478, art. 2(b)
- F619** Words in Sch. 3A para. 4(7) substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010* (S.I. 2010/234), art. 1(3)(4), **Sch. 1 para. 17(7)(b)**; S.I. 2010/478, art. 2(b)
- F620** Words in Sch. 3A para. 4(7) substituted (31.12.2015) by *The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015* (S.I. 2015/794), arts. 1(3), **23(1)**; S.I. 2015/1952, art. 2(o)
- F621** Sch. 3A para. 4(7A)(7B) inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010* (S.I. 2010/234), art. 1(3)(4), **Sch. 1 para. 17(7)(c)**; S.I. 2010/478, art. 2(b)

#### **Modifications etc. (not altering text)**

- C16** Sch. 3A para. 4 extended (30.9.2005 as notified in the London Gazette dated 26.8.2005) by *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003* (S.I. 2003/1250), art. 1(2)(3), **23(2)**

#### *Appeals from a Registration Appeals Panel*

- 5 (1) Where—
- (a) a Registration Appeals Panel determines an appeal under paragraph 4 above; and
  - (b) the Panel’s determination is any determination other than a determination under paragraph 4(8)(b) above to allow the appeal and quash the decision appealed against,
- the person concerned may, before the end of the period of 28 days beginning with the date on which notice of the determination was given to him under paragraph 4(9), appeal against the determination to the relevant court.
- (2) In this paragraph, “the relevant court” means the county court or, in Scotland, the sheriff.

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- (3) In sub-paragraph (2) above, “the sheriff” means the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the address of the person concerned; or
  - (b) which would have been so shown if the person concerned were registered.
- (4) On an appeal under this paragraph from a Registration Appeals Panel, the relevant court may—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the determination appealed against;
  - (c) substitute for the determination appealed against any other determination which could have been made by the Registration Appeals Panel;
  - (d) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of the case in accordance with the directions of the relevant court,
- and may make such order as to costs (or, in Scotland, expenses) as the relevant court thinks fit.

#### *Notices*

- 6 (1) Any notice required to be given under paragraph 3 or 4(9) above to the person concerned may be given—
- (a) by delivering it to him;
  - (b) by leaving it at his proper address;
  - (c) by sending it by a registered post service; or
  - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded.
- (2) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, the proper address of the person concerned shall be—
- (a) the address—
    - (i) which is shown in the register as his address, or
    - (ii) which would have been so shown if he were registered; or
  - (b) if the conditions in sub-paragraph (3) below are satisfied, his last known address.
- (3) The conditions are that—
- (a) the last known address of the person concerned differs from the address mentioned in sub-paragraph (2)(a) above; and
  - (b) it appears to the body or person giving the notice that a letter sent to the person concerned at his last known address is more likely to reach him.
- (4) For the purposes of this paragraph—
- (a) the giving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
  - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.



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**Modifications etc. (not altering text)**

- C17** Sch. 3A para. 6 applied (1.4.2005) by [The General Medical Council \(Registration Appeals Panels Procedure\) Rules Order of Council 2005 \(S.I. 2005/400\)](#), Sch. rules 1, **13(1)**
- C18** Sch. 3A para. 6 applied (30.9.2005 for specified purposes as notified in the London Gazette dated 26.8.2005, 1.4.2006 in so far as not already in force as notified in the London Gazette dated 26.8.2005) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2003 \(S.I. 2003/1250\)](#), arts. 1(2)(3), **18(7)**

*Extension of time for appealing*

- 7 Where—
- (a) any notice required by paragraph 3(1) above to be given to the person concerned is given by sending it to him by post; and
  - (b) the Registrar is satisfied, on the application of that person, that he did not receive the notice within the period of 14 days beginning with the day on which the person making the decision gave the decision to which the notice relates, the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 4(2) above.]

[<sup>F622</sup>SCHEDULE 3B

Section 29F

LICENCE TO PRACTISE AND REVALIDATION: APPEALS

**Textual Amendments**

- F622** Sch. 3B inserted (24.1.2005 for the insertion of Sch. 3B para. 3(1)-(3)(5)-(8) as notified in the London Gazette dated 14.1.2005, 16.11.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **11** (with Sch. 2)

*Manner of, and time for, appealing*

- 1 (1) A medical practitioner who wishes to appeal to a Registration Appeals Panel under section 29F of this Act against a decision of a licensing authority must give written notice of appeal to the Registrar.
- (2) Any such notice of appeal must be given within the period of 28 days beginning with the day on which the practitioner is given notice of the decision of the licensing authority.
- (3) Sub-paragraph (2) above is subject to paragraph 2 below.

*Extension of time for appealing*

- 2 Where—
- (a) any notice required by section 29B or 29D to be given to a medical practitioner by the Registrar is given by sending it to him by post; and

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- (b) the Registrar is satisfied, on the application of the practitioner, that the practitioner did not receive the notice within the period of 14 days beginning with the day on which the licensing authority gave the decision to which the notice relates,

the Registrar may, if he thinks fit, by authorisation in writing extend the time for giving notice of appeal under paragraph 1 above.

*Rules as to procedure and evidence*

- 3 (1) The General Council shall make rules as to—
- (a) the procedure to be followed; and
  - (b) the rules of evidence which are to apply,
- in proceedings before a Registration Appeals Panel.
- (2) Rules made under this paragraph shall include provision—
- (a) securing that notice of the time and place of any hearing is given, at such time and in such manner as may be specified in the rules, to the medical practitioner to whom the proceedings relate;
  - (b) securing that any party to proceedings before a Registration Appeals Panel shall, if he so requires, be entitled to be heard by the Panel;
  - (c) enabling any party to the proceedings to be represented by counsel or solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules; and
  - (d) requiring proceedings to be held in public<sup>F623</sup> ..., unless and to the extent that the rules provide otherwise.
- (3) In sub-paragraph (2) above, “party”, in relation to any proceedings, means—
- (a) the medical practitioner to whom the proceedings relate; or
  - (b) <sup>F624</sup>...the General Council.
- (4) Paragraphs 2 and 7 of Schedule 4 to this Act shall apply in relation to proceedings before a Registration Appeals Panel as they apply in relation to proceedings before [<sup>F625</sup>the Investigation Committee (where, in the case of paragraph 7, the Committee are considering giving a warning to a person)].
- (5) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (6) The Privy Council may approve such rules—
- (a) as submitted to them; or
  - (b) subject to such modifications as appear to them to be requisite.
- (7) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
- (a) notify the General Council of the modifications they propose to make; and
  - (b) consider any observations which the General Council may make on the modifications.
- (8) Before making rules under this paragraph the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.

*Status: Point in time view as at 18/11/2016.*

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#### Textual Amendments

- F623** Words in Sch. 3B para. 3(2)(d) omitted (19.7.2006, 9.9.2009 in so far as not already in force as notified in the London Gazette dated 21.8.2009) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **67**
- F624** Words in Sch. 3B para. 3(3)(b) omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **26(1)**; S.I. 2015/1952, art. 2(o)
- F625** Words in Sch. 3B para. 3(4) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **23(2)**; S.I. 2015/1952, art. 2(o)

#### References to the Investigation Committee

- 4 (1) Where a matter—
- (a) arises in the course of proceedings relating to a medical practitioner before a Registration Appeals Panel; and
  - (b) ought, in the opinion of the Panel, to be investigated by the Investigation Committee,
- sub-paragraph (2) below applies.
- (2) In any such case, the Registration Appeals Panel may—
- (a) adjourn the proceedings; and
  - (b) give a direction to the Registrar to refer the matter to the Investigation Committee.

#### Powers of Registration Appeal Panels disposing of an appeal

- 5 In disposing of an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, the determinations that may be made by a Registration Appeals Panel are—
- (a) if the appeal is against a decision to refuse to grant a licence to practise, that a licence to practise should, or (as the case may be) should not, be granted to the practitioner;
  - (b) if the appeal is against a decision to withdraw a licence to practise, that a licence to practise should, or (as the case may be) should not, be withdrawn from the practitioner; or
  - (c) if the appeal is against a decision to refuse to restore a licence to practise, that a licence to practise should, or (as the case may be) should not, be restored to the practitioner,
- and a Panel may make such orders as to costs (or, in Scotland, expenses) as they think fit.

#### Successful appeals

- 6 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should be granted to the medical practitioner;

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- (b) that a licence to practise should not be withdrawn from the medical practitioner; or
  - (c) that a licence to practise should be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar informing him of the determination and directing him accordingly—
- (a) to grant the licence;
  - (b) not to withdraw the licence; or
  - (c) to restore the licence.
- (3) The Registrar shall give notice of the determination to the medical practitioner.
- (4) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

#### *Unsuccessful appeals*

- 7 (1) This paragraph applies in any case where, on an appeal under section 29F of this Act by a medical practitioner against a decision of a licensing authority, a Registration Appeals Panel determines—
- (a) that a licence to practise should not be granted to the medical practitioner;
  - (b) that a licence to practise should be withdrawn from the medical practitioner; or
  - (c) that a licence to practise should not be restored to the medical practitioner.
- (2) The Registration Appeals Panel shall give notice to the Registrar—
- (a) informing him of the determination; and
  - (b) if the determination is that a licence to practise should be withdrawn from the medical practitioner, directing him to withdraw the licence.
- (3) The Registrar shall give the medical practitioner notice of—
- (a) the determination; and
  - (b) his right under paragraph 8 below to appeal against the determination.
- (4) Any direction under sub-paragraph (2)(b) above has effect subject to section 29F(3) of this Act (no implementation pending appeal).
- (5) Section 29H of this Act applies in relation to any notice under sub-paragraph (2) above.

#### *Further appeal to court against determination within paragraph 7*

- 8 (1) Where, on an appeal under section 29F of this Act by a medical practitioner, a Registration Appeals Panel makes a determination falling within sub-paragraph (1) of paragraph 7 above, the practitioner may appeal against the determination.
- (2) Any such appeal must be made within the period of 28 days beginning with the day on which the practitioner is given notice under paragraph 7 above of the determination of the Registration Appeals Panel.
- (3) Any such appeal must be made [<sup>F626</sup>in England and Wales to the county court or, in Northern Ireland,] to a county court or, in Scotland, to the sheriff.

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- (4) In sub-paragraph (3) above “the sheriff” means the sheriff in whose sheriffdom is situated the address—
- (a) which is shown in the register as the practitioner’s address; or
  - (b) which would be so shown, if the practitioner were registered.
- (5) On appeal under this paragraph from a Registration Appeals Panel, the county court or the sheriff may—
- (a) dismiss the appeal;
  - (b) allow the appeal and quash the decision appealed against; or
  - (c) remit the case to the Registrar for him to refer it to a Registration Appeals Panel to dispose of in accordance with the directions of the court (or the sheriff),
- and may make such orders as to costs (or, in Scotland, expenses) as it (or he) thinks fit.]

#### Textual Amendments

**F626** Words in Sch. 3B para. 8(3) inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 110; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

## [<sup>F627</sup>SCHEDULE 4

Section 43

### [<sup>F628</sup>PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

#### Textual Amendments

**F627** Sch. 4 substituted (7.7.2004 for the substitution of Sch. 4 para. 5A(2) for specified purposes and paras. 1, 5A(1)(3)(3A)(9), 6, 7(3)(4)(6) as notified in the London Gazette dated 2.7.2004, 1.11.2004 in so far as not already in force as notified in the London Gazette dated 8.10.2004) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), arts. 1(2)(3), 14 (with Sch. 2 and savings in The Medical Act 1983 (Amendment) Order 2002 (Saving Provision) Order of Council 2004 (S.I. 2004/1731), arts. 1(1), 2)

**F628** Sch. 4 title substituted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)

### [<sup>F629</sup>Procedure of and evidence before the Investigation Committee, Medical Practitioners Tribunals and Interim Orders Tribunals]

#### Textual Amendments

**F629** Sch. 4 para. 1 cross-heading substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), 8(1); S.I. 2015/1952, art. 2(e)

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- 1 (1) Subject to the provisions of this paragraph, the General Council shall make rules<sup>F630</sup> ...with respect to—
- (a) the reference of cases to the Investigation Committee [<sup>F631</sup>or the MPTS];
  - [<sup>F632</sup>(aa) the arrangements by the MPTS for a Medical Practitioners Tribunal or Interim Orders Tribunal to consider a matter;] and
  - (b) the procedure to be followed and rules of evidence to be observed in proceedings before [<sup>F633</sup>the Investigation Committee or a Medical Practitioners Tribunal or Interim Orders Tribunal].
- [<sup>F634</sup>(1A) The overriding objective of the General Council in making rules under this Schedule with respect to the procedure to be followed in proceedings before a Medical Practitioners Tribunal or an Interim Orders Tribunal, or with respect to the procedure to be followed by the Investigation Committee when deciding whether to give a warning under section 35C(6), is to secure that the Tribunal or Committee (as the case may be) deals with cases fairly and justly.]
- [<sup>F635</sup>(1B) Where the General Council consider that there is a conflict between meeting the objective under sub-paragraph (1A) and the over-arching objective, they must give priority to meeting the objective under sub-paragraph (1A).]
- (2) Rules made under this paragraph in connection with the consideration by the Investigation Committee of whether to warn a person regarding his future conduct or performance under section 35C(6) above shall include provision—
- (a) securing that notice shall be given to this effect to the person concerned;
  - (b) securing that the person concerned shall be entitled to make representations in writing to the Committee;
  - (c) securing that if the Committee determines that there should be an oral hearing, the person concerned shall, if he so requires, be entitled to be heard by the Committee;
  - (d) enabling the person concerned to be represented before the Committee by counsel or a solicitor, or (if the rules so provide and he so elects) by a person of such other description as may be specified in the rules; and
  - (e) securing that notice be served on the person concerned of any decision taken in relation to him by the Committee.
- [<sup>F636</sup>(2ZA) Rules made under this paragraph in connection with the referral of a matter to, or the consideration of a matter by, a Medical Practitioners Tribunal or Interim Orders Tribunal may include provision for—
- (a) the Investigation Committee to continue to investigate the matter after the referral is made or consideration by the Tribunal has begun (as the case may be); and
  - (b) the withdrawal of the matter (or part of it) by the Investigation Committee if they decide that the matter (or part of it) should not be considered by a Medical Practitioners Tribunal or they are of the opinion that an Interim Orders Tribunal should not consider making an order.
- (2ZB) Section 35CC(1) applies to functions of the Investigation Committee by virtue of sub-paragraph (2ZA) as it applies to their functions under section 35C.]
- (2A) [<sup>F637</sup>Rules made under this paragraph may include provision—
- (a) for enabling the Investigation Committee, whether before or after a matter has been referred to a Medical Practitioners Tribunal (but before the

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- Tribunal's hearing of the matter has begun), and in such circumstances as may be specified in the rules, to agree with the person concerned that the person will comply with such undertakings as the Committee consider appropriate; and
- (b) with respect to the procedure to be followed where any such undertakings are breached.
- (2B) Section 35CC(1) applies to the functions of the Investigation Committee by virtue of sub-paragraph (2A) as it applies to their functions under section 35C.
- (2C) Rules made under this paragraph may include provision—
- (a) for enabling the General Council, where a Medical Practitioners Tribunal find that a person's fitness to practise is impaired, to agree with the person concerned that the person will comply with such undertakings as the Council consider appropriate;
- (b) for enabling a Medical Practitioners Tribunal to take any such undertakings into account;
- (c) with respect to the procedure to be followed—
- (i) where there is a breach of any such undertakings, or
- (ii) where the General Council consider that any such undertakings should no longer apply and that a direction under section 35D should instead be given.
- (2D) Rules making provision by virtue of sub-paragraph (2C)(c) may, make provision—
- (a) for enabling or requiring a Medical Practitioners Tribunal to review whether the undertakings should continue to apply;
- (b) for treating the requirements contained in the undertakings as if they were requirements specified in a direction given under section 35D(2)(c); and
- (c) for enabling a Medical Practitioners Tribunal to give a direction under section 35D—
- (i) where there is a breach of any such undertakings, or
- (ii) where the General Council consider that any such undertakings should no longer apply.
- (2E) For the purposes of sub-paragraph (2D), the rules may apply sections 35D and 35E with such modifications, and may make such consequential modifications of this Act, as the Council think fit; and accordingly where the rules make such provision, references in this Act to section 35D or 35E include a reference to that section as so applied.]
- [<sup>F638</sup>(2F) Where rules made under this paragraph include provision under sub-paragraph (2A) (a), the Investigation Committee or such person as is by virtue of sub-paragraph (2B) exercising the function conferred by the provision must, in exercising the function, have regard to the over-arching objective.
- (2G) Where rules made under this paragraph include provision under sub-paragraph (2C) (b), or provision under sub-paragraph (2C)(c) of the kind mentioned in sub-paragraph (2D), a Medical Practitioners Tribunal must, in exercising the function conferred by the provision, have regard to the over-arching objective.]
- (3) Rules made under this paragraph in connection with the consideration by [<sup>F639</sup>an Interim Orders Tribunal or a Medical Practitioners Tribunal] of the making of an interim suspension order or an order for interim conditional registration under

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section 41A above, or in connection with the review of such an interim order, shall include provision—

- (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whom the proceedings relate;
- (b) securing that a person in relation to whom an order has been made shall, if he so requires, be entitled to be heard by [F640the Tribunal] on each occasion on which they review the order;
- (c) enabling the person in relation to whom the order has been made to be represented before [F640the Tribunal] by counsel or a solicitor, or (if the rules so provide and he so elects) by a person of such other description as may be specified in the rules;
- (d) for service on the person to whom the proceedings relate of notice of any decision taken in relation to him by [F640the Tribunal]; and
- (e) determining when proceedings before [F640the Tribunal] are to be held in public and when in private (including provision securing that they are to be held in public if the person to whom the proceedings relate so requests).

(4) Rules made under this paragraph in connection with any other proceedings before [F641a Medical Practitioners Tribunal] shall include provision—

- (a) securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the person to whose registration the proceedings relate;
- (b) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by [F642a Tribunal];
- (c) enabling any party to the proceedings to be represented before [F643the Tribunal] by counsel or a solicitor, or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules;
- (d) F644 ... for proceedings before [F642a Tribunal] to be held in public unless and to the extent that the rules provide otherwise; F645 ...

F645(e) .....

[F646(4A) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal may include provision for preliminary hearings.

(4B) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal which include provision with respect to the consequences of a failure to comply with those rules or with directions given by the Tribunal or a case manager appointed under paragraph 7A may, in particular—

- (a) where the failure relates to the admission of evidence, enable the Tribunal to refuse to admit the evidence and enable a case manager appointed under paragraph 7A to direct the Tribunal to consider whether to admit the evidence;
- (b) confer power on the Tribunal to draw adverse inferences;
- (c) confer power on the Tribunal to award costs (or, in Scotland, expenses).

(4C) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal may include provision for the award of costs (or, in Scotland, expenses) in a case where a party’s, or a party’s representative’s, conduct of the proceedings has been unreasonable.



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- (4D) Provision by virtue of sub-paragraph (4B)(c) or (4C) may, in particular, include—
- (a) provision for assessment or taxation of costs (or, in Scotland, taxation of expenses);
  - (b) provision for a wasted costs order (or, in Scotland, wasted expenses order);
  - (c) provision requiring regard to be had to a party’s ability to pay;
  - (d) provision conferring on either party a right of appeal against an award of costs to the High Court (or, in Scotland, against an award of expenses to the Court of Session);
  - (e) provision for the enforcement of an award of costs (or, in Scotland, expenses) in the same manner as if the award had been made by order of the county court (or, in Scotland, by decree of the sheriff court or, in Northern Ireland, by order of a county court).]

[<sup>F647</sup>(4E) Rules made under this paragraph in connection with any proceedings before a Medical Practitioners Tribunal or Interim Orders Tribunal may contain such provisions as appear to the General Council expedient for securing that, where the chair of the Tribunal is a legally qualified person and the chair advises the Tribunal on any question of law as to evidence, procedure or any other matter specified in the rules, the chair shall either—

- (a) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
- (b) inform every such party or person of the advice that the chair has tendered, if the advice is tendered after the Tribunal have begun their deliberations, whether by including the advice in the Tribunal’s decision or by some other means,

and the rules may also contain such incidental and supplementary provisions as appear to the General Council expedient.

(4F) In sub-paragraph (4E), “legally qualified person” means a person who satisfies the criteria set under paragraph 7(1C) in relation to legal qualifications and legal experience.]

- (5) Rules made under this paragraph shall specify the relevant date for the purposes of sections 35A and 35B of this Act.
- (6) Before making rules under this paragraph the General Council shall consult such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the General Council requisite to be consulted.
- (7) Rules under this paragraph shall not come into force until approved by order of the Privy Council.
- (8) The Privy Council may approve such rules—
  - (a) as submitted to them; or
  - (b) subject to such modifications as appear to them to be requisite.
- (9) Where the Privy Council propose to approve rules under this paragraph subject to modifications, they shall—
  - (a) notify the General Council of the modifications they propose to make; and
  - (b) consider any observations which the General Council may make on the modifications.

<sup>F648</sup>(10) . . . . .

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### Textual Amendments

- F630** Words in Sch. 4 para. 1(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(a)**; S.I. 2015/1952, art. 2(e)
- F631** Words in Sch. 4 para. 1(1)(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(b)**; S.I. 2015/1952, art. 2(e)
- F632** Sch. 4 para. 1(1)(aa) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(c)**; S.I. 2015/1952, art. 2(e)
- F633** Words in Sch. 4 para. 1(1)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(1)(d)**; S.I. 2015/1952, art. 2(e)
- F634** Sch. 4 para. 1(1A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), 7; S.I. 2015/1579, art. 2(d) (with art. 3)
- F635** Sch. 4 para. 1(1B) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(8)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F636** Sch. 4 para. 1(2ZA)(2ZB) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(2)**; S.I. 2015/1579, art. 2(e)
- F637** Sch. 4 para. 1(2A)-(2E) substituted for Sch. 4 para. 1(2A) (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **9(1)**; S.I. 2015/1579, art. 2(f)
- F638** Sch. 4 para. 1(2F)(2G) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(9)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F639** Words in Sch. 4 para. 1(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(3)(a)**; S.I. 2015/1952, art. 2(e)
- F640** Words in Sch. 4 para. 1(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(3)(b)**; S.I. 2015/1952, art. 2(e)
- F641** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(a)**; S.I. 2015/1952, art. 2(e)
- F642** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(b)**; S.I. 2015/1952, art. 2(e)
- F643** Words in Sch. 4 para. 1(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(4)(c)**; S.I. 2015/1952, art. 2(e)
- F644** Words in Sch. 4 para. 1(4)(d) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(1)(b)**
- F645** Sch. 4 para. 1(4)(e) and preceding word omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(1)(c)**

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- F646** Sch. 4 para. 1(4A)-(4D) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(5)**; S.I. 2015/1579, art. 2(e)
- F647** Sch. 4 para. 1(4E)(4F) inserted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(6)**; S.I. 2015/1579, art. 2(e)
- F648** Sch. 4 para. 1(10) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **57(1)(d)**

- 2 (1) For the purpose of proceedings in England or Wales or in Northern Ireland before—
- (a) the Investigation Committee;
  - (b) [<sup>F649</sup>an Interim Orders Tribunal]; or
  - (c) [<sup>F650</sup>a Medical Practitioners Tribunal],

the Committee [<sup>F651</sup>or Tribunal] may administer oaths, and any party to the proceedings may issue a writ of subpoena ad testificandum or duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

- (2) Section 36 of the [<sup>F652</sup>Senior Courts Act 1981] or section 67 of the Judicature (Northern Ireland) Act 1978 (which provide a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to proceedings before the Investigation Committee, [<sup>F649</sup>an Interim Orders Tribunal] or [<sup>F650</sup>a Medical Practitioners Tribunal] in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in the High Court or actions or suits pending in the High Court of Justice in Northern Ireland.
- (3) For the purpose of proceedings before the Investigation Committee, [<sup>F649</sup>an Interim Orders Tribunal] or [<sup>F650</sup>a Medical Practitioners Tribunal] in Scotland, the Committee [<sup>F651</sup>or Tribunal] may administer oaths and the Court of Session shall on the application of any party to the proceedings have the like power as in any action in that court—
- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Committee [<sup>F651</sup>or Tribunal] and for the issue of letters of second diligence against any witness or haver failing to appear after due citation;
  - (b) to grant warrant for the recovery of documents; and
  - (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

#### Textual Amendments

- F649** Words in Sch. 4 para. 2 substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(7)(a)**; S.I. 2015/1952, art. 2(e)
- F650** Words in Sch. 4 para. 2 substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(7)(b)**; S.I. 2015/1952, art. 2(e)

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- F651** Words in Sch. 4 para. 2 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(7)(c)**; S.I. 2015/1952, art. 2(e)
- F652** Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

3

Where—

- (a) several sittings of the Investigation Committee, [<sup>F653</sup>a Medical Practitioners Tribunal or an Interim Orders Tribunal]<sup>F654</sup>... are required to enable [<sup>F655</sup>the Committee or a Tribunal]<sup>F656</sup>... to dispose of a case; or
- (b) on an appeal to the relevant court under section 40 of this Act, the case is remitted to the Registrar for him to refer the case to [<sup>F657</sup>the MPTS for them to arrange for]<sup>F658</sup>[<sup>F658</sup>a Medical Practitioners Tribunal]<sup>F659</sup>... <sup>F660</sup>... <sup>F659</sup>... to dispose of the case in accordance with directions given by the court,

the validity of the proceedings on the case before the [<sup>F661</sup>Committee or Tribunal]<sup>F662</sup>..., as the case may be, shall not be called into question by reason only that members of the [<sup>F661</sup>Committee or Tribunal]<sup>F662</sup>... who were present at a former meeting were not present at a later meeting of the [<sup>F661</sup>Committee or Tribunal]<sup>F662</sup>... or that members present at a later meeting were not present at a former meeting of the [<sup>F661</sup>Committee or Tribunal]<sup>F662</sup>..., as the case may be.

#### Textual Amendments

- F653** Words in Sch. 4 para. 3(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(a)**; S.I. 2015/1952, art. 2(e)
- F654** Words in Sch. 4 para. 3(a) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(b)**; S.I. 2015/1952, art. 2(e)
- F655** Words in Sch. 4 para. 3(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(c)**; S.I. 2015/1952, art. 2(e)
- F656** Words in Sch. 4 para. 3 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(i)**; S.I. 2015/1952, art. 2(e)
- F657** Words in Sch. 4 para. 3(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(d)**; S.I. 2015/1952, art. 2(e)
- F658** Words in Sch. 4 para. 3(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(e)**; S.I. 2015/1952, art. 2(e)
- F659** Words in Sch. 4 para. 3(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(f)**; S.I. 2015/1952, art. 2(e)
- F660** Words in Sch. 4 para. 3(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(g)**; S.I. 2015/1952, art. 2(e)
- F661** Words in Sch. 4 para. 3 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(8)(h)**; S.I. 2015/1952, art. 2(e)

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**F662** Words in Sch. 4 para. 3 omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\)](#) and the [Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(8)(i)**; S.I. 2015/1952, art. 2(e)

*Reference and transfer of cases to the Investigation Committee*

**F663** 3A .....

**Textual Amendments**

**F663** Sch. 4 para. 3A omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\)](#) and the [Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(9)**; S.I. 2015/1952, art. 2(e)

*F627 Reference and transfer of cases to the Health Committee*

**F627** 4 .....

*F627 Preliminary proceedings*

**F627** 5 .....

*[F664 Professional performance assessments and health assessments]*

**Textual Amendments**

**F664** Words in Sch. 4 para. 5A(1)(a) and cross-heading substituted (3.8.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\)](#) and the [Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(1)(a)**; S.I. 2015/1579, art. 2(g)

- 5A (1) The General Council may make rules—
- (a) authorising the giving of directions by any of—
    - (i) the Investigation Committee,
    - (ii) [F665 a Medical Practitioners Tribunal],
    - (iii) such other persons as may be specified in the rules,requiring [F666 an assessment of a kind referred to in sub-paragraph (1A)] to be carried out;
  - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.

[F667(1A) The assessments referred to in sub-paragraph (1) are—

- (a) in the case of a registered person, an assessment of the standard of a person's professional performance;
- (b) in the case of a person applying under section 41, or by virtue of section 31(8) or 31A(1)(c), for his name to be restored to the register, an assessment of the standard of professional performance of which the person would be capable if the person's name were to be restored to the register;

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- (c) in either case, an assessment of the person's physical or mental health.]
- [<sup>F668</sup>(2) An assessment by virtue of this paragraph is to be carried out in accordance with such directions as the Registrar may give as to—
- (a) whether the assessment is to be carried out by an Assessment Team or by an individual assessor;
  - (b) the form or content of the assessment.
- (2ZA) Where the assessment is to be carried out by an Assessment Team, the Team—
- (a) must include at least one fully registered person selected by the Registrar; and
  - (b) is otherwise to be constituted in accordance with directions given by the Registrar.
- (2ZB) Where the assessment is to be carried out by an individual assessor, the assessor must be a fully registered person selected by the Registrar.
- (2ZC) The General Council may make rules as to—
- (a) the appointment of fully registered persons and of other persons to a list of persons eligible to be members of an Assessment Team and the appointment of fully registered persons to a list of persons eligible to be individual assessors;
  - (b) the procedure to be followed in carrying out an assessment by virtue of this paragraph;
  - (c) the procedure to be followed following the making of a report on an assessment carried out by virtue of this paragraph.
- (2ZD) Where there are rules made under sub-paragraph (2ZC)(a), a person selected under sub-paragraph (2ZA) or (2ZB) must be a person who is included in the applicable list of eligible persons provided for in the rules.
- (2ZE) The General Council may make rules authorising the Assessment Team which, or individual assessor who, is to carry out an assessment by virtue of this paragraph to determine the procedure to be followed in carrying out the assessment in so far as it is not provided for in rules under sub-paragraph (2ZC)(b).]
- (2A) An assessment of the standard of a registered person's professional performance may include an assessment of his professional performance at any time prior to the assessment and may include an assessment of the standard of his professional performance at the time of the assessment.
- [<sup>F669</sup>(2B) An assessment of a person's physical or mental health may include an assessment of the person's physical or mental health at any time prior to the assessment and may include an assessment of the person's physical or mental health at the time of the assessment.]
- [<sup>F670</sup>(3) If the Registrar is of the opinion that a registered person who is required to submit to an assessment by virtue of this paragraph has failed to submit to that assessment or to comply with requirements imposed in respect of the assessment, the Registrar—
- (a) may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal, and
  - (b) if he does so, must without delay serve on the person concerned a notification of the making of such a referral.

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- (3A) If the Investigation Committee are of the opinion that a registered person who is required to submit to an assessment by virtue of this paragraph has failed to submit to that assessment or to comply with requirements imposed in respect of that assessment—
- (a) the Investigation Committee may direct the Registrar to refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal; and
  - (b) the Registrar, having been given a direction under paragraph (a), must make the referral to the MPTS and must without delay serve on the person concerned a notification of the making of the referral.
- (3B) Where a matter is referred to the MPTS under sub-paragraph (3) or (3A), the MPTS must arrange for the matter to be considered by a Medical Practitioners Tribunal.
- (3C) Where a Medical Practitioners Tribunal, having given a direction by virtue of this paragraph to require a registered person to submit to an assessment, are of the opinion that the person concerned has failed to submit to that assessment or to comply with requirements imposed in respect of that assessment, the Tribunal must consider that matter.
- (3D) The Medical Practitioners Tribunal, on their consideration of a matter under sub-paragraph (3B) or (3C), may, if they think fit—
- (a) direct that the person’s registration in the register is to be suspended (that is to say, is not to have effect) during such period not exceeding twelve months as may be specified in the direction; or
  - (b) direct that the person’s registration is to be conditional on the person’s compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Tribunal think fit to impose for the protection of members of the public or in the person’s interests.
- (3E) Where, under sub-paragraph (3D), the Tribunal give a direction for suspension or a direction for conditional registration, the MPTS must without delay serve on the person concerned notification of the direction and of the person’s right to appeal against it under sub-paragraph (5).
- (3F) Where, under sub-paragraph (3D), the Tribunal give a direction for suspension or a direction for conditional registration, or where the Tribunal decide not to give a direction under that sub-paragraph, the MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction or decision.
- (3G) While a person’s registration in the register is suspended by virtue of a direction under sub-paragraph (3D)—
- (a) the person is to be treated as not being registered in the register notwithstanding that the person’s name still appears in it, but
  - (b) sections 31A, 35C, 35CC, 35D, 35E and 39 are to continue to apply to the person.]
- [<sup>F671</sup>(3H) In deciding whether to give a direction under sub-paragraph (3D), a Medical Practitioners Tribunal must have regard to the over-arching objective.]
- (5) An appeal shall lie to the relevant court (within the meaning of section 40(5) of this Act) from any direction of [<sup>F672</sup>a Medical Practitioners Tribunal] given [<sup>F673</sup>under

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sub-paragraph (3D)] above, and on an appeal under this sub-paragraph the relevant court may—

- (a) quash the direction;
- (b) substitute for the direction any other direction which [<sup>F674</sup>the Tribunal] could have made; or
- (c) remit the case to [<sup>F675</sup>the MPTS for them to arrange for][<sup>F672</sup>a Medical Practitioners Tribunal] to [<sup>F676</sup>dispose of it] in accordance with the court's directions,

and the decision of the court on any appeal under this sub-paragraph shall be final.

[<sup>F677</sup>(5A) Subject to paragraph 9, an appeal under sub-paragraph (5) must be brought before the end of 28 days beginning with the date on which notification of the direction was served under sub-paragraph (3E).]

- (6) An Assessment Team [<sup>F678</sup>or an individual assessor], for the purposes of carrying out an assessment of the standard of a person's professional performance—
  - (a) may require the production of, inspect and take copies of any records (in whatever form they are held) arising out of or relating to the person's professional practice; and
  - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the Team [<sup>F679</sup>or the assessor] in legible form.
- (7) A person who, without reasonable excuse, obstructs an Assessment Team [<sup>F680</sup>or an individual assessor] in the execution of <sup>F681</sup>... powers under sub-paragraph (6) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Nothing in this paragraph shall require or permit any disclosure of information which is prohibited by or under any other enactment; but where information is held in a form in which the prohibition operates by reason of the fact that the information is capable of identifying an individual, an Assessment Team [<sup>F680</sup>or an individual assessor] may, in exercising <sup>F681</sup>... powers under sub-paragraph (6) above, require that the information be put into a form in which it is not capable of identifying an individual.
- (8A) In determining for the purposes of sub-paragraph (8) above whether a disclosure is not prohibited, by reason of being a disclosure of personal data which is exempt from the non-disclosure provisions of the Data Protection Act 1998 by virtue of section 35(1) of that Act, it shall be assumed that the disclosure is required under this paragraph.
- (9) Sub-paragraphs (6) and (7) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.
- [<sup>F682</sup>(10) In this paragraph a reference to the standard of a <sup>F683</sup>... person's professional performance includes the standard of the person's knowledge of English and, in particular, whether the person has the necessary knowledge of English.
- (11) But an assessment [<sup>F684</sup>of a person's professional performance] carried out by virtue of this paragraph must not be limited to an assessment of whether a person has the necessary knowledge of English.



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(12) Where an assessment is required to be undertaken by virtue of paragraph 5C below, that assessment [<sup>F685</sup>shall not be undertaken as part of an assessment carried out by virtue of this paragraph] .]

[<sup>F686</sup>(13) The General Council may by rules provide that an assessment of a person's knowledge of English undertaken as part of an assessment of the person's professional performance by virtue of this paragraph is to be undertaken in accordance with such provision as is made in rules under paragraph 5C(2) subject to such modifications as the General Council consider necessary or expedient.]

### Textual Amendments

- F665** Words in Sch. 4 para. 5A(1)(a)(ii) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(1)(a)**; S.I. 2015/1952, art. 2(g)
- F666** Words in Sch. 4 para. 5A(1)(a) substituted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(1)(b)**; S.I. 2015/1579, art. 2(g)
- F667** Sch. 4 para. 5A(1A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(2)**; S.I. 2015/1579, art. 2(g)
- F668** Sch. 4 para. 5A(2)-(2ZE) substituted for Sch. 4 para. 5A(2) (3.8.2015 for specified purposes, 31.12.2015 in so far as not already in force) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(3)**; S.I. 2015/1579, art. 2(g); S.I. 2015/1952, art. 2(g)
- F669** Sch. 4 para. 5A(2B) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(4)**; S.I. 2015/1579, art. 2(g)
- F670** Sch. 4 paras. 5A(3)-(3G) substituted for Sch. 4 para. 5A(3)(3A) (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(5)**; S.I. 2015/1952, art. 2(g)
- F671** Sch. 4 para. 5A(3H) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(10)** (with art. 1(4)); S.I. 2015/1952, art. 2(m)
- F672** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(a)**; S.I. 2015/1952, art. 2(g)
- F673** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(b)**; S.I. 2015/1952, art. 2(g)
- F674** Words in Sch. 4 para. 5A(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(6)(c)**; S.I. 2015/1952, art. 2(g)
- F675** Words in Sch. 4 para. 5A(5)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(7)(a)**; S.I. 2015/1952, art. 2(g)
- F676** Words in Sch. 4 para. 5A(5)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(7)(b)**; S.I. 2015/1952, art. 2(g)

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- F677** Sch. 4 para. 5A(5A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(8)**; S.I. 2015/1952, art. 2(g)
- F678** Words in Sch. 4 para. 5A(6) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(9)(a)**; S.I. 2015/1952, art. 2(g)
- F679** Words in Sch. 4 para. 5A(6)(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(9)(b)**; S.I. 2015/1952, art. 2(g)
- F680** Words in Sch. 4 para. 5A(7)(8) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(10)(a)**; S.I. 2015/1952, art. 2(g); S.I. 2015/1952, art. 2(g)
- F681** Word in Sch. 4 para. 5A(7)(8) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **10(10)(b)**; S.I. 2015/1952, art. 2(g); S.I. 2015/1952, art. 2(g)
- F682** Sch. 4 paras. 5A(10)-(12) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(2)** (with arts. 11, 12)
- F683** Word in Sch. 4 para. 5A(10) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(1)**; S.I. 2015/1579, art. 2(h)
- F684** Words in Sch. 4 para. 5A(11) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(2)**; S.I. 2015/1579, art. 2(h)
- F685** Words in Sch. 4 para. 5A(12) substituted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(3)**; S.I. 2015/1579, art. 2(h)
- F686** Sch. 4 para. 5A(13) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(4)**; S.I. 2015/1579, art. 2(h)

- 5B (1) A justice of the peace (including, in Scotland, a sheriff) may issue a warrant under this paragraph if satisfied by the evidence on oath of at least two members of an Assessment Team [<sup>F687</sup>or an individual assessor] that there are reasonable grounds for suspecting that the team [<sup>F688</sup>or assessor] will require a warrant for the purposes of carrying out an assessment required by virtue of rules made under paragraph 5A above.
- (2) A warrant under this paragraph shall authorise one or more members of the Assessment Team (who must, if so required, produce documents identifying themselves)<sup>F689</sup>, or (as the case may be) an individual assessor (who must, if so required, produce documents identifying himself),] together with any constables—
- (a) to enter any building specified in the warrant, but not a dwelling-house, using such force as is reasonably necessary for the purpose; and
  - (b) to search the premises for the purposes of the exercise of the powers under paragraph 5A(6) above.
- (3) A warrant under this paragraph shall continue in force until the end of the period of 21 days beginning with the day on which it is issued.

*Status: Point in time view as at 18/11/2016.*

*Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) A person who intentionally obstructs the exercise of any rights conferred by a warrant issued under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Textual Amendments

- F687** Words in Sch. 4 para. 5B(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(11)(a)**; S.I. 2015/1952, art. 2(g)
- F688** Words in Sch. 4 para. 5B(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(11)(b)**; S.I. 2015/1952, art. 2(g)
- F689** Words in Sch. 4 para. 5B(2) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **10(12)**; S.I. 2015/1952, art. 2(g)

#### Knowledge of English Assessments

<sup>F690</sup>5C(1) The General Council may make rules—

- (a) authorising the giving of directions by any of—
- (i) the Investigation Committee,
  - (ii) <sup>F691</sup>a Medical Practitioners Tribunal],
  - (iii) such other persons as may be specified in the rules,
- requiring a registered person <sup>F692</sup>or a person seeking restoration to the register] to undertake an assessment of that person's knowledge of English;
- (b) specifying circumstances in which such an assessment may be undertaken otherwise than in accordance with a direction.

[ The reference in sub-paragraph (1) to a person seeking restoration to the register is <sup>F693</sup>(1A) a reference to a person applying under section 41, or by virtue of section 31(8) or 31A(1)(c), for the person's name to be restored to the register.]

- (2) An assessment required to be undertaken by virtue of this paragraph must be undertaken in accordance with rules made by the General Council under this paragraph; and the rules shall, in particular, provide—
- (a) for the procedures to be followed <sup>F694</sup>... when directing a <sup>F695</sup>... person to undertake such an assessment;
  - (b) for the <sup>F695</sup>... person who is required to undertake such an assessment to provide information in respect of that assessment to such persons as may be prescribed under the rules;
  - (c) for the information provided by virtue of paragraph (b) to be disclosed to such persons as may be prescribed under the rules.
- (3) If the Registrar is of the opinion that a <sup>F696</sup>registered] person who is required to undertake an assessment of that person's knowledge of English has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information requested in respect of that assessment the Registrar<sup>F697</sup>...—
- (a) <sup>F698</sup>may refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal,] and

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- (b) if he does so, shall without delay serve on the person a notification of the making of such a referral.

[ If the Investigation Committee are of the opinion that a registered person who is  
<sup>F699</sup>(3A) required to undertake an assessment of that person’s knowledge of English has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information requested in respect of that assessment—

- (a) the Investigation Committee may direct the Registrar to refer that matter to the MPTS for them to arrange for it to be considered by a Medical Practitioners Tribunal; and  
 (b) the Registrar, having been given a direction under paragraph (a), must make the referral to the MPTS and must without delay serve on the person concerned a notification of the making of the referral.

(3B) Where a matter is referred to the MPTS under sub-paragraph (3) or (3A), the MPTS must arrange for the matter to be considered by a Medical Practitioners Tribunal.

(3C) If a Medical Practitioners Tribunal, having given a direction by virtue of this paragraph to require a person to undertake an assessment of that person’s knowledge of English, are of the opinion that the person concerned has failed to undertake that assessment or has undertaken the assessment but has failed to provide the information required in respect of that assessment, the Tribunal must consider that matter.]

(4) [<sup>F700</sup>The Medical Practitioners Tribunal, on their consideration of a matter under sub-paragraph (3B) or (3C) may], if they think fit—

- (a) direct that the person’s registration in the register shall be suspended (that is to say, shall not have effect) during such period not exceeding 12 months as may be specified in the direction; or  
 (b) direct that the person’s registration shall be conditional on the person’s compliance, during such period not exceeding 3 years as may be specified in the direction, with such requirements so specified as [<sup>F701</sup>the Tribunal] think fit to impose for the protection of members of the public or in the person’s interests.

[ In deciding whether to give a direction under sub-paragraph (4), a Medical  
<sup>F702</sup>(4A) Practitioners Tribunal must have regard to the over-arching objective.]

(5) Where under sub-paragraph (4), [<sup>F703</sup>the Medical Practitioners Tribunal] give a direction for suspension or a direction for conditional registration [<sup>F704</sup>the MPTS] must without delay serve on the person concerned notification of the direction and of the person’s right to appeal against it under sub-paragraph (7).

[ Where, under sub-paragraph (4), the Medical Practitioners Tribunal give a direction  
<sup>F705</sup>(5A) for suspension or a direction for conditional registration, or where the Tribunal decide not to give a direction under that sub-paragraph, the MPTS must without delay serve on the Registrar and the Professional Standards Authority for Health and Social Care notification of the direction or decision.]

(6) While a person’s registration in the register is suspended by virtue of a direction under sub-paragraph (4)—

- (a) the person is to be treated as not being registered in the register notwithstanding that the person’s name still appears in it, but  
 (b) sections 31A, 35C, 35CC, 35D, 35E and 39 are to continue to apply to the person.

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- (7) An appeal shall lie to the relevant court (within the meaning of section 40(5) of this Act) from any direction of [<sup>F706</sup>a Medical Practitioners Tribunal] given under sub-paragraph (4) and on an appeal under this paragraph the relevant court may—
- (a) quash the direction,
  - (b) substitute for the direction any other direction which [<sup>F707</sup>the Tribunal] could have made, or
  - (c) remit the case to [<sup>F708</sup>the MPTS for them to arrange for][<sup>F706</sup>a Medical Practitioners Tribunal] to [<sup>F709</sup>dispose of it] in accordance with the court's directions,
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (8) Subject to paragraph 9, an appeal under sub-paragraph (7) must be brought before the end of the period of 28 days beginning with the date on which notification of the direction was served under sub-paragraph (5).
- (9) Sub-paragraphs (6) to (9) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.]

#### Textual Amendments

- F690** Sch. 4 para. 5C inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(3)** (with arts. 11, 12)
- F691** Words in Sch. 4 para. 5C(1)(a)(ii) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(5)(a)**; S.I. 2015/1952, art. 2(h)
- F692** Words in Sch. 4 para. 5C(1)(a) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(5)(b)**; S.I. 2015/1579, art. 2(h)
- F693** Sch. 4 para. 5C(1A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(6)**; S.I. 2015/1579, art. 2(h)
- F694** Words in Sch. 4 para. 5C(2)(a) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(7)(a)**; S.I. 2015/1579, art. 2(h)
- F695** Word in Sch. 4 para. 5C(2)(a)(b) omitted (3.8.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(7)(b)**; S.I. 2015/1579, art. 2(h)
- F696** Word in Sch. 4 para. 5C(3) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(a)**; S.I. 2015/1579, art. 2(h)
- F697** Word in Sch. 4 para. 5C(3) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(b)**; S.I. 2015/1952, art. 2(h)
- F698** Words in Sch. 4 para. 5C(3)(a) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(8)(c)**; S.I. 2015/1952, art. 2(h)
- F699** Sch. 4 paras. 5C(3A)-(3C) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(9)**; S.I. 2015/1952, art. 2(h)

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- F700** Words in Sch. 4 para. 5C(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(10)(a)**; S.I. 2015/1952, art. 2(h)
- F701** Words in Sch. 4 para. 5C(4)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(10)(b)**; S.I. 2015/1952, art. 2(h)
- F702** Sch. 4 para. 5C(4A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **21(11)** (with art. 1(4)); S.I. 2015/1579, art. 2(l)
- F703** Words in Sch. 4 para. 5C(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(11)(a)**; S.I. 2015/1952, art. 2(h)
- F704** Words in Sch. 4 para. 5C(5) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(11)(b)**; S.I. 2015/1952, art. 2(h)
- F705** Sch. 4 para. 5C(5A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(12)**; S.I. 2015/1952, art. 2(h)
- F706** Words in Sch. 4 para. 5C(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(a)**; S.I. 2015/1952, art. 2(h)
- F707** Words in Sch. 4 para. 5C(7)(b) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(b)**; S.I. 2015/1952, art. 2(h)
- F708** Words in Sch. 4 para. 5C(7)(c) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(c)**; S.I. 2015/1952, art. 2(h)
- F709** Words in Sch. 4 para. 5C(7) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **11(13)(d)**; S.I. 2015/1952, art. 2(h)

*Proceedings for erasure of entries fraudulently or incorrectly made*

**F710**<sub>6</sub> .....

**Textual Amendments**

**F710** Sch. 4 para. 6 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **57(2)**

*Legal assessors*

- 7 (1) For the purposes of advising—
  - (a) the Investigation Committee where it is considering giving a warning to a person;
  - F711**(b) .....
  - F712**(c) .....

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on questions of law arising in proceedings before [F713 the Committee], there shall in all such proceedings be an assessor to [F714 the Committee] who shall be appointed by the General Council<sup>F715</sup>....

[F716(1A) The General Council must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1).]

[F717(1B) The MPTS must appoint a person as an assessor to a Medical Practitioners Tribunal or an Interim Orders Tribunal for the purpose of advising the Tribunal on questions of law arising in proceedings before them—

- (a) if the chair of the Tribunal is not a legally qualified person, or
- (b) in any other case where they consider it appropriate to do so.

(1C) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under sub-paragraph (1B).

(1D) In sub-paragraph (1B), “legally qualified person” means a person who satisfies such criteria as are set under sub-paragraph (1C) in relation to legal qualifications and legal experience.]

(2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.

[F718(2A) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as an assessor.]

(3) [F719 The General Council] may make rules as to the functions of assessors appointed under this paragraph, including without prejudice to the generality of the powers to make such rules, the function of advising on the drafting of decisions.

(4) Rules made under this paragraph in connection with proceedings before the Investigation Committee, [F720 a Medical Practitioners Tribunal or an Interim Orders Tribunal] may in particular contain such provisions as appear to [F721 the General Council] expedient for—

- (a) securing that where an assessor advises the Committee or [F722 a Tribunal] on any question of law as to evidence, procedure or any other matter specified in the rules, he shall either—
  - (i) so advise in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings, or
  - (ii) inform every such party or person of the advice that he has tendered, if the advice is tendered after the Committee or [F722 the Tribunal] have begun their deliberations;
- (b) securing that every such party or person shall be informed if in any case the Committee or [F722 the Tribunal] do not accept the advice of the assessor on any such question,

and may also contain such incidental and supplementary provisions as appear to [F721 the General Council] expedient.

*Status: Point in time view as at 18/11/2016.*

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- (5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.
- [<sup>F723</sup>(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.]

#### Textual Amendments

- F711** Sch. 4 para. 7(1)(b) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(a)**; S.I. 2015/1952, art. 2(j)
- F712** Sch. 4 para. 7(1)(c) and preceding word omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(b)**; S.I. 2015/1952, art. 2(j)
- F713** Words in Sch. 4 para. 7(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(c)**; S.I. 2015/1952, art. 2(j)
- F714** Word in Sch. 4 para. 7(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(d)**; S.I. 2015/1952, art. 2(j)
- F715** Words in Sch. 4 para. 7(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(1)(e)**; S.I. 2015/1952, art. 2(j)
- F716** Sch. 4 para. 7(1A) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(2)**; S.I. 2015/1952, art. 2(j)
- F717** Sch. 4 para. 7(1B)-(1D) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(3)**; S.I. 2015/1952, art. 2(j)
- F718** Sch. 4 para. 7(2A) inserted (3.8.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(4)**; S.I. 2015/1579, art. 2(j)
- F719** Words in Sch. 4 para. 7(3) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(a)** (with art. 91)
- F720** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(5)(a)**; S.I. 2015/1952, art. 2(j)
- F721** Words in Sch. 4 para. 7(4) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(b)** (with art. 91)
- F722** Words in Sch. 4 para. 7(4) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **13(5)(b)**; S.I. 2015/1952, art. 2(j)
- F723** Sch. 4 para. 7(6) substituted (20.7.2006) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), arts. 1(2)(a), **57(3)(c)** (with art. 91)



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## *f<sup>F724</sup> Case managers*

### **Textual Amendments**

**F724** Sch. 4 para. 7A inserted (3.8.2015 for specified purposes, 31.12.2015 in so far as not already in force) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), 14; [S.I. 2015/1579](#), art. 2(k); [S.I. 2015/1952](#), art. 2(k)

- 7A. (1) For the purpose of conducting the management of cases before a Medical Practitioners Tribunal, the MPTS may appoint persons as case managers.
- (2) A person may be appointed as a case manager either generally or for any particular proceedings or class of proceedings; accordingly, when appointing a person as a case manager for particular proceedings, the MPTS may appoint—
- (a) a person whom they have already appointed generally or for proceedings of the class in question, or
  - (b) a person whom they have not already appointed but wish to appoint for the particular proceedings.
- (3) The MPTS must set and publish the criteria which a person must satisfy (whether in relation to qualifications, experience, competencies or other matters) in order to be eligible for appointment under this paragraph.
- (4) The General Council may make rules containing provision for a body (including a committee of the General Council which is not one of the statutory committees) to assist the MPTS in connection with the exercise of any function relating to the appointment of a person as a case manager.
- (5) The chair of a Medical Practitioners Tribunal may be appointed as a case manager for the proceedings before that Tribunal if the chair satisfies such criteria as are set under sub-paragraph (3) in relation to legal qualifications and legal experience.
- (6) The General Council may make rules as to the functions of case managers appointed under this paragraph including, without prejudice to the generality of the powers to make such rules, provision—
- (a) enabling the case manager to give directions (including directions as to the adjournment of proceedings);
  - (b) requiring directions given by the case manager to be treated as binding except in cases or circumstances specified in the rules;
  - (c) (where the rules include provision by virtue of paragraph 1(4D)(a)) enabling the case manager to assess costs (or, in Scotland, to tax expenses or, in Northern Ireland, to tax costs) and requiring the case manager to have regard to a party's ability to pay.
- (7) Nothing in this paragraph prevents a Medical Practitioners Tribunal from themselves collectively conducting the management of the case before them.
- (8) The General Council may pay to persons appointed under this paragraph such remuneration as the Council may determine.
- (9) Rules made under this paragraph may also contain such incidental and supplementary provisions as appear to the General Council expedient.

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- (10) Rules under this paragraph do not come into force until approved by order of the Privy Council.]

*Service of notifications of decisions*

- 8 (1) This paragraph applies to any notice required to be served on a person under section 35C(5), (7) or (8), 35E(1), 39(2), [F725 41(10) or 41A(5)] of this Act [F726 or paragraph [F727 5A(3), (3A) or (3E) or] 5C(3)[F728, (3A)] or (5) above][F729 or by virtue of section 35CC(6)].
- (2) Any such notice may be so served—
- (a) by delivering it to him;
  - (b) by leaving it at his proper address;
  - (c) by sending it by a registered post service; F730 ...
  - (d) by sending it by a postal service which provides for the delivery of the notice by post to be recorded[F731; or
  - (e) by sending it to an email address which the person provides for the purpose of fitness to practise proceedings]
- (3) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 in its application to this paragraph, a person's proper address shall be—
- (a) his address in the register; or
  - (b) if the conditions in sub-paragraph (4) below are satisfied, his last known address.
- (4) The conditions are that—
- (a) the person's last known address differs from his address in the register; and
  - (b) it appears to the Registrar that a letter sent to the person at his last known address is more likely to reach him.
- (5) For the purposes of this paragraph—
- (a) the serving of a notice effected by sending it by post shall be deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post; and
  - (b) so much of section 7 of the Interpretation Act 1978 as relates to the time when service is deemed to have been effected shall not apply to a notice sent by post.
- [F732(6) For the purposes of this paragraph, service of a notice sent by email is effected only if there is an electronic receipt showing that the email has been opened (or if the recipient acknowledges receipt in some other way).]

**Textual Amendments**

- F725** Words in Sch. 4 para. 8(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **35**
- F726** Words in Sch. 4 para. 8(1) inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(4)** (with arts. 11, 12)
- F727** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(12)(a)**; S.I. 2015/1952, art. 2(i)

*Status: Point in time view as at 18/11/2016.*

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- F728** Word in Sch. 4 para. 8(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(12)(b)**; S.I. 2015/1952, art. 2(i)
- F729** Words in Sch. 4 para. 8(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **22(2)**; S.I. 2015/1952, art. 2(n)
- F730** Word in Sch. 4 para. 8(2) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **24(1)(a)**; S.I. 2015/1952, art. 2(o)
- F731** Sch. 4 para. 8(2)(e) and preceding word inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **24(1)(b)**; S.I. 2015/1952, art. 2(o)
- F732** Sch. 4 para. 8(6) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **24(2)**; S.I. 2015/1952, art. 2(o)

#### **Modifications etc. (not altering text)**

- C19** Sch. 4 para. 8 applied (1.11.2004) by The Medical Act 1983 (Amendment) Order 2002 (Transitional Provision) Order of Council 2004 (S.I. 2004/2610), arts. 1(1), **2**

#### *Extension of time for appealing*

- 9 Where—
- (a) any notice required by section 35E(1) or 39(2) of this Act [<sup>F733</sup>or paragraph [<sup>F734</sup>5A(3E) or] 5C(5) above] to be served on a person by the Registrar [<sup>F735</sup>or the MPTS] is served on him by sending it by post; and
- (b) the Registrar is [<sup>F736</sup>or (as the case may be) the MPTS are] satisfied, on an application of that person, that the person did not receive the notice within 14 days beginning with the day of the giving of the decision to which the notification relates,
- the Registrar [<sup>F737</sup>or (as the case may be) the MPTS] may, if [<sup>F738</sup>he or they think] fit, by authorisation in writing extend the time within which an appeal under section 40 of this Act [<sup>F739</sup>or paragraph [<sup>F740</sup>5A(5) or] 5C(7) above <sup>F741</sup>...] may be brought against the decision.

#### **Textual Amendments**

- F733** Words in Sch. 4 para. 9(a) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(5)(a)** (with arts. 11, 12)
- F734** Word in Sch. 4 para. 9(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(a)**; S.I. 2015/1952, art. 2(i)
- F735** Words in Sch. 4 para. 9(a) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(a)**; S.I. 2015/1952, art. 2(d)
- F736** Words in Sch. 4 para. 9(b) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(b)**; S.I. 2015/1952, art. 2(d)

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- F737** Words in Sch. 4 para. 9 inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(c)**; S.I. 2015/1952, art. 2(d)
- F738** Words in Sch. 4 para. 9 substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **5(19)(d)**; S.I. 2015/1952, art. 2(d)
- F739** Words in Sch. 4 para. 9 inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(5)(b)** (with arts. 11, 12)
- F740** Word in Sch. 4 para. 9 inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(b)**; S.I. 2015/1952, art. 2(i)
- F741** Words in Sch. 4 para. 9 omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(13)(c)**; S.I. 2015/1952, art. 2(i)

*Taking effect of directions for erasure, suspension or conditional registration and of variations of conditions of registration*

- 10 (1) A direction for erasure, for suspension or for conditional registration given by [<sup>F742</sup>a Medical Practitioners Tribunal] under section 35D of [<sup>F743</sup>this Act or a] variation by [<sup>F742</sup>a Medical Practitioners Tribunal] under section 35D(12) <sup>F744</sup>... shall take effect—
- (a) where no appeal under section 40 is brought against the direction or variation within the time specified in that section, on the expiration of that time;
  - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
  - (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.
- (2) Where the time for appealing against a direction or variation is extended by an authorisation under paragraph 9 above—
- (a) sub-paragraph (1) shall apply to the direction as if the reference in paragraph (a) to the time specified in section 40 of this Act were a reference to that time as so extended; and
  - (b) if the authorisation is given after the expiration of the time specified in section 40 of this Act, the direction or variation shall be deemed not to have taken effect on the expiration of that time,
- and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.
- (3) Any reference in this paragraph to a direction for suspension or for conditional registration includes a reference to a direction extending a period of suspension or conditional registration.

**Textual Amendments**

- F742** Words in Sch. 4 para. 10(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **8(10)**; S.I. 2015/1952, art. 2(e)
- F743** Words in Sch. 4 para. 10(1) substituted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by The Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006 (S.I. 2006/1914), art. 1(2)(b)(c)(3), **64(a)**

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**F744** Words in Sch. 4 para. 10(1) omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **64(b)**

[<sup>F745</sup>10(A)] A direction for suspension or for conditional registration given by a Medical Practitioners Tribunal under paragraph 5A(3D) is to take effect—

- (a) where no appeal under paragraph 5A(5) is brought against the direction within the time specified in paragraph 5A(5A), on the expiration of that time;
- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.

(2) Where the time for appealing against a direction is extended by an authorisation under paragraph 9—

- (a) sub-paragraph (1) is to apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5A(5A) were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in paragraph 5A(5A), the direction is deemed not to have taken effect on the expiration of that time,

and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph is to be construed accordingly.]

#### Textual Amendments

**F745** Sch. 4 para. 10A inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Overarching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(14)**; S.I. 2015/1952, art. 2(i)

[<sup>F746</sup>10(B)] A direction for suspension or for conditional registration given by [<sup>F747</sup>the Medical Practitioners Tribunal] under paragraph 5C(4) above shall take effect—

- (a) where no appeal under paragraph 5C(7) above is brought against the direction within the time specified in paragraph 5C(8) above, on the expiration of that time;
- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, on the withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought and is not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.

(2) Where the time for appealing against a direction is extended by an authorisation under paragraph 9 above—

- (a) sub-paragraph (1) above shall apply to the direction as if the reference in paragraph (a) to the time specified in paragraph 5C(8) above were a reference to that time as so extended; and
- (b) if the authorisation is given after the expiration of the time specified in paragraph 5C(8) above, the direction shall be deemed not to have taken effect on the expiration of that time,

and any reference in this Act to the time when such a direction takes effect in accordance with this paragraph shall be construed accordingly.]

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### Textual Amendments

- F746** Sch. 4 para. 10B inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(6)** (with arts. 11, 12)
- F747** Words in Sch. 4 para. 10B(1) substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(11)**; S.I. 2015/1952, art. 2(e)

- 11 (1) If, while a person's registration is suspended under [<sup>F748</sup>section 35D] of this Act [<sup>F749</sup>or under paragraph [<sup>F750</sup>5A(3D) or] 5C(4) above<sup>F751</sup> ...], a direction is given under [<sup>F752</sup>subsection (5)(a), (b) or (c)] or (8)(a) or (c) of [<sup>F753</sup>section 35D], the suspension of his registration shall continue to have effect throughout any period which may intervene between the time when, but for this sub-paragraph, the suspension of his registration would end and the time when<sup>F754</sup>—
- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
  - (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
  - (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]
- (2) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of suspension for a further period takes effect after the time when, but for sub-paragraph (1) above, the current period of suspension would have ended, that further period shall be treated as having started to run from that time.
- (3) If, while a person's registration is subject to conditions imposed under [<sup>F755</sup>section 35D] of this Act [<sup>F756</sup>or under paragraph [<sup>F757</sup>5A(3D) or] 5C(4) above<sup>F758</sup> ...], a direction is given under subsection (10) or (12) of [<sup>F759</sup>section 35D] the conditions attached to his registration shall continue to attach to it throughout any period which may intervene between the time when, but for this sub-paragraph, his registration would cease to be conditional and the time when<sup>F760</sup>—
- (a) the direction takes effect in accordance with paragraph 10, 10A or 10B above,
  - (b) where on an appeal under this Act against the direction the MPTS arrange for the matter to be disposed of by a Medical Practitioners Tribunal, the Tribunal dispose of the matter and their decision on doing so takes effect, or
  - (c) an appeal under this Act against the direction is determined (otherwise than by the dismissal of the appeal or by the disposal of the matter by a Medical Practitioners Tribunal).]
- (4) If, on the determination of an appeal under section 40 of this Act, a direction extending a current period of conditional registration for a further period takes effect after the time when, but for sub-paragraph (3) above, the current period of conditional registration would have ended, that further period shall be treated as having started to run from that time.
- [<sup>F761</sup>(5) A reference in this paragraph to an appeal under this Act does not include a reference to an appeal under section 40A.]

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### Textual Amendments

- F748** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(a)**; S.I. 2015/1952, art. 2(i)
- F749** Words in Sch. 4 para. 11(1) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(a)(i)** (with arts. 11, 12)
- F750** Words in Sch. 4 para. 11(1) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(b)**; S.I. 2015/1952, art. 2(i)
- F751** Words in Sch. 4 para. 11(1) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(c)**; S.I. 2015/1952, art. 2(i)
- F752** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(d)**; S.I. 2015/1952, art. 2(i)
- F753** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(15)(e)**; S.I. 2015/1952, art. 2(i)
- F754** Words in Sch. 4 para. 11(1) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)
- F755** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(a)**; S.I. 2015/1952, art. 2(i)
- F756** Words in Sch. 4 para. 11(3) inserted (29.4.2014) by The Medical Act 1983 (Amendment) (Knowledge of English) Order 2014 (S.I. 2014/1101), arts. 1(1), **9(7)(b)(i)** (with arts. 11, 12)
- F757** Words in Sch. 4 para. 11(3) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(b)**; S.I. 2015/1952, art. 2(i)
- F758** Words in Sch. 4 para. 11(3) omitted (31.12.2015) by virtue of The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(c)**; S.I. 2015/1952, art. 2(i)
- F759** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **12(16)(d)**; S.I. 2015/1952, art. 2(i)
- F760** Words in Sch. 4 para. 11(3) substituted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **25**; S.I. 2015/1952, art. 2(o)
- F761** Sch. 4 para. 11(5) inserted (31.12.2015) by The General Medical Council (Fitness to Practise and Over-arching Objective) and the Professional Standards Authority for Health and Social Care (References to Court) Order 2015 (S.I. 2015/794), arts. 1(3), **17(2)**; S.I. 2015/1952, art. 2(l) (with Sch. para. 2)

### *Recording of directions for suspension or conditional registration*

- 12 Where a direction under section 35D of this Act [<sup>F762</sup>or under paragraph [<sup>F763</sup>5A(3D) or] 5C(4) of this Schedule]<sup>F764</sup>... for suspension or for conditional registration takes effect in relation to any person the Registrar shall record in the register the fact that that person's registration is suspended or subject to conditions.

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#### Textual Amendments

- F762** Words in Sch. 4 para. 12 inserted (29.4.2014) by [The Medical Act 1983 \(Amendment\) \(Knowledge of English\) Order 2014 \(S.I. 2014/1101\)](#), arts. 1(1), **9(8)** (with arts. 11, 12)
- F763** Words in Sch. 4 para. 12 inserted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(17)(a)**; S.I. 2015/1952, art. 2(i)
- F764** Words in Sch. 4 para. 12 omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **12(17)(b)**; S.I. 2015/1952, art. 2(i)

#### *Meaning of “party”*

- 13 In this Schedule “party”, in relation to proceedings before the Investigation Committee, [<sup>F765</sup>a Medical Practitioners Tribunal or Interim Orders Tribunal] means any person to whose registration the proceedings relate, or <sup>F766</sup>...the General Council.]

#### Textual Amendments

- F765** Words in Sch. 4 para. 13 substituted (31.12.2015) by [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **8(12)**; S.I. 2015/1952, art. 2(e)
- F766** Words in Sch. 4 para. 13 omitted (31.12.2015) by virtue of [The General Medical Council \(Fitness to Practise and Over-arching Objective\) and the Professional Standards Authority for Health and Social Care \(References to Court\) Order 2015 \(S.I. 2015/794\)](#), arts. 1(3), **26(2)**; S.I. 2015/1952, art. 2(o)

#### [<sup>F767</sup>SCHEDULE 4A

Section 49B

#### DIRECTIVE 2005/36: FUNCTIONS OF THE GENERAL COUNCIL UNDER SECTION 49B(3)

#### Textual Amendments

- F767** Sch. 4A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **36**

#### *Provision of Directive*

#### *Function of General Council*

[<sup>F768</sup> Article 4f

Considering applications for partial access to the medical profession under regulations 10 and 11 of the General Systems Regulations.]

Article 7(2)(b)

Issuing certificates containing attestations in relation to persons established, in the United Kingdom, as medical practitioners.



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- Article 8(1) [<sup>F769</sup>In the event of justified doubts, receiving] information from, or providing information to, other competent authorities in relation to—
- (a) the legality of a person's establishment as a medical practitioner;
  - [<sup>F770</sup>(aa) the legality of a person's establishment as a specialist or as a general practitioner;]
  - (b) the good conduct of such a person;
  - (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
- [<sup>F771</sup>Receiving information from, or providing information to, other competent authorities in relation to a person's training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.]
- Article 8(2) Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing medical services.
- Article 23(1) Issuing certificates of effective and lawful practice in the United Kingdom to medical practitioners.
- Article 23(6) [<sup>F772</sup>Issuing certificates stating that medical qualifications awarded in the United Kingdom which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.1, 5.1.2, 5.1.3 or 5.1.4 of Annex V to the Directive (as the case may be), certify, as the case may be, successful completion of—
- (a) basic medical training that is in accordance with Article 24 of the Directive;
  - (b) specialist training that is in accordance with Article 25 of the Directive;
  - (c) training in general practice that is in accordance with Article 28 of the Directive;
  - (d) training under Article 22(a) of the Directive which is to be treated as training in accordance with Article 25 or 28 of the Directive.]
- Article 50(1) and paragraph 1(b) of Annex VII Providing information to other competent authorities concerning the training in the United Kingdom of a medical practitioner to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
- Article 50(1) and paragraph 1(d) of Annex VII Issuing, in respect of practice as a medical practitioner, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII

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- to the Directive within the time limits set by that sub-paragraph.
- Article 50(1) and paragraph 1(e) of Annex VII Issuing, in respect of practice as a medical practitioner, the certificates of good health referred to in subparagraph (e) of paragraph 1 of Annex VII to the Directive within the time limits set by that subparagraph.
- Article 50(1) and paragraph 2 of Annex VII Issuing certificates stating that [<sup>F773</sup>a person's primary United Kingdom qualifications or their CCT] are qualifications covered by the Directive.
- Article 50(2) In cases of justified doubts—
- (a) requiring confirmation of the authenticity of non-UK medical qualifications;
  - [<sup>F774</sup>(aa) providing confirmation to competent authorities of other relevant European States of the authenticity of a person's CCT;]
  - (b) requiring confirmation that holders of non-UK medical qualifications satisfy the minimum training conditions set out in article 24 of the Directive;
  - [<sup>F775</sup>(ba) providing confirmation that holders of a CCT satisfy the minimum training conditions set out in Article 25 or 28 of the Directive (as the case may be) or are to be treated as satisfying those conditions under Article 22(a) of the Directive;]
  - (c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's primary United Kingdom qualification;
  - (d) providing confirmation that holders of primary United Kingdom qualifications satisfy the minimum training conditions set out in article 24 of the Directive.
- Article 50(3) In cases of justified doubts—
- (a) verifying information provided in connection with non-UK medical qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
  - (b) providing information in connection with a person's primary United Kingdom qualification awarded following training in another relevant European State [<sup>F776</sup>or a CCT awarded following such training].
- [<sup>F777</sup> Article 50(3a) In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent

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- authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the medical profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.
- Article 50(3b) Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.
- Article 53 Ensuring that any language controls imposed on a medical practitioner are compliant with article 53 of the Directive.
- Article 55a When considering an application for registration as a fully registered practitioner, ensuring that in respect of professional traineeships—
- (a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;
  - (b) traineeships undertaken in a third country are taken into account.]
- Article 56(1) Ensuring the confidentiality of information exchanged with other competent authorities.
- Article 56(2) Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for practice as a medical practitioner.
- Where such information is received by the General Council—
- (a) examining the veracity of the circumstances;
  - (b) deciding the nature and scope of any investigations that need to be carried out;
  - (c) informing other competent authorities of the General Council's conclusions.]
- [<sup>F778</sup>Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with [Directive 95/46/EC](#) and [Directive 2002/58/EC](#) and through the IMI.]
- [<sup>F779</sup>Article 56(2a) Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.
- Article 56a(1) and (2) Informing all other competent authorities, by way of an alert through the IMI, about a medical practitioner whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information

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Article 56a(3)	<p>provided is limited to the information referred to in article 56a(2) of the Directive.</p> <p>Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.</p>
Article 56a(4)	<p>Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with <a href="#">Directive 95/46/EC</a> and <a href="#">Directive 2002/58/EC</a>.</p>
Article 56a(5)	<p>Informing all other competent authorities through the IMI without delay when—</p> <ul style="list-style-type: none"> <li>(a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired;</li> <li>(b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.</li> </ul>
Article 56a(6)	<p>Notifying the medical practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the practitioner—</p> <ul style="list-style-type: none"> <li>(a) is the subject of an alert sent under article 56a(1) or (3) of the Directive;</li> <li>(b) has the right to appeal the decision or to apply for rectification of the decision;</li> <li>(c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.</li> </ul> <p>Informing competent authorities, where applicable, that an alert is subject to appeal proceedings by the practitioner.</p>
Article 56a(7)	<p>Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of—</p> <ul style="list-style-type: none"> <li>(a) the date of adoption of the revoking decision; or</li> <li>(b) the expiry of the prohibition or restriction referred to in that article.</li> </ul>
Article 57a(1)	<p>Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a medical practitioner may be easily completed by the applicant remotely and by electronic means.]</p>

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### Textual Amendments

- F768** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(2)** (with reg. 155)
- F769** Words in Sch. 4A substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(3)(a)** (with reg. 155)
- F770** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(2)**; S.I. 2010/478, art. 2(b)
- F771** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(3)(b)** (with reg. 155)
- F772** Words in Sch. 4A substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(3)**; S.I. 2010/478, art. 2(b)
- F773** Words in Sch. 4A substituted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(4)**; S.I. 2010/478, art. 2(b)
- F774** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(5)(a)**; S.I. 2010/478, art. 2(b)
- F775** Words in Sch. 4A inserted (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(5)(b)**; S.I. 2010/478, art. 2(b)
- F776** Words in Sch. 4A added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 18(6)**; S.I. 2010/478, art. 2(b)
- F777** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(4)** (with reg. 155)
- F778** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(5)** (with reg. 155)
- F779** Words in Sch. 4A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **11(6)** (with reg. 155)

## SCHEDULE 5

Section 56(1).

### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1 ..... **F780**

### Textual Amendments

- F780** Sch. 5 paras.1, 19 repealed by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(2)(3), **Sch. 6 Pt. I**

### *Mental Health Act<sup>M5</sup> 1959*

### Marginal Citations

- M5** 1959 c. 72.

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- 2 In the definition of “medical practitioner” in section 147(1) of the Mental Health Act 1959 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

*Mental Health (Scotland) Act<sup>M6</sup> 1960*

**Marginal Citations**

**M6** 1960 c. 61.

- 3 In the definition of “medical practitioner” in section 111(1) of the Mental Health (Scotland) Act 1960 for the words “the Medical Act 1956” there shall be substituted the words “ Schedule 1 to the Interpretation Act 1978 ”.

- 4 ..... **F781**

**Textual Amendments**

**F781** Sch. 5 para. 4 repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, [Sch. 7](#)

*Medicines Act<sup>M7</sup> 1968*

**Marginal Citations**

**M7** 1968 c. 67.

- 5 In section 132(1) of the Medicines Act 1968 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

*Mines Act (Northern Ireland) 1969*

- 6 In section 158(1) of the <sup>M8</sup>Mines Act (Northern Ireland) 1969, in the definition of “doctor” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

**Marginal Citations**

**M8** 1969 c. 6 (N.I.).

*Nurses and Midwives Act (Northern Ireland)<sup>M9</sup> 1970*

**Marginal Citations**

**M9** 1970 c. 11 (N.I.).

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- 7 In section 54(1) of the Nurses and Midwives Act (Northern Ireland) 1970, in the definition of “doctor” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

*Nursing Homes and Nursing Agencies Act (Northern Ireland) <sup>M10</sup> 1971*

**Marginal Citations**

**M10** 1971 c. 32 (N.I.).

- 8 In section 20 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

*Misuse of Drugs Act <sup>M11</sup> 1971*

**Marginal Citations**

**M11** 1971 c. 38.

- 9 In section 37(1) of the Misuse of Drugs Act 1971 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

*Health and Personal Social Services (Northern Ireland) Order <sup>M12</sup> 1972*

**Marginal Citations**

**M12** S.I. 1972/1265 (N.I. 14).

- 10 In Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972, in the definition of “medical practitioner” for the words “the Medical Acts 1956 to 1969” there shall be substituted the words “ the Medical Act 1983 ”.

*Finance Act <sup>M13</sup> 1972*

**Marginal Citations**

**M13** 1972 c. 41.

- 11 In the Finance Act 1972—
- (a) in Schedule 4 in Note (2)(a) to Group 14 and in Schedule 5 in Note (2) to Group 7 for the words “paragraph (3) of Article 7 of the Medical Qualifications (EEC Recognition) Order 1977” and “that Article” there shall be substituted respectively the words “ subsection (3) of section 18 of the Medical Act 1983 ” and “ that section ”; and

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- (b) Note (2)(b) to the said Group 14 and Note (4) to the said Group 7 shall cease to have effect.

*Poisons Act<sup>M14</sup> 1972*

**Marginal Citations**

**M14** 1972 c. 66.

- 12 In section 11(2) of the Poisons Act 1972 for the definition of “doctor” there shall be substituted—

““doctor” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

*Births and Deaths Registration (Northern Ireland) Order<sup>M15</sup> 1976*

**Marginal Citations**

**M15** S.I. 1976/1041 (N.I. 14).

- 13 In Article 2(2) of the Births and Deaths Registration (Northern Ireland) Order 1976, in the definition of “registered medical practitioner” for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

*Pharmacy (Northern Ireland) Order 1976*

- 14 In Article 23 of the <sup>M16</sup>Pharmacy (Northern Ireland) Order 1976 for the words “the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.

**Marginal Citations**

**M16** S.I. 1976/1213 (N.I. 22).

*Poisons (Northern Ireland) Order<sup>M17</sup> 1976*

**Marginal Citations**

**M17** S.I. 1976/1214 (N.I. 23).

- 15 In Article 2(2) of the Poisons (Northern Ireland) Order 1976, in the definition of “fully registered person” for the words “section 54(1) of the Medical Act 1956” there shall be substituted the words “ section 55 of the Medical Act 1983 ”.



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*National Health Service Act<sup>M18</sup> 1977*

**Marginal Citations**

**M18** 1977 c. 49.

- 16 In the National Health Service Act 1977—
- F782(a) .....
  - F783(b) .....

**Textual Amendments**

- F782** Sch. 5 para. 16(a) repealed (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(f) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F783** Sch. 5 para. 16(b) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

*National Health Service (Scotland) Act<sup>M19</sup> 1978*

**Marginal Citations**

**M19** 1978 c. 29.

- 17 In the National Health Service (Scotland) Act 1978—
- (a) in section 19(7) for the words “section 8(1) or (2) of the Medical Act 1978”, “section 9(1)” and “section 13(3)(b)” there shall be substituted respectively the words “section 37(1) or (2) of the Medical Act 1983”, “section 38(1)” and “section 42(3)(b)”; and
  - (b) in section 108(1) for the definition of “medical practitioner” there shall be substituted—

““medical practitioner” means a registered medical practitioner within the meaning of Schedule 1 to the Interpretation Act 1978”.

*Interpretation Act<sup>M20</sup> 1978*

**Marginal Citations**

**M20** 1978 c. 30.

- 18 In Schedule 1 to the Interpretation Act 1978, in the definition of “registered medical practitioner”, for the words “the Medical Act 1956” there shall be substituted the words “the Medical Act 1983”.
- 19 ..... F784

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#### Textual Amendments

**F784** Sch. 5 paras.1, 19 repealed by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(2)(3), [Sch. 6 Pt. I](#)

## SCHEDULE 6

Section 56.

### TRANSITIONAL AND SAVING PROVISIONS

- 1 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.
- 2 Where, apart from this paragraph, anything done under or for the purposes of any enactment which is repealed by this Act would cease to have effect by virtue of that repeal it shall have effect as if it had been done under or for the purposes of the corresponding provision of this Act.
- 3 Notwithstanding the repeal by this Act of section 57(3) of the 1956 Act, anything continued in force by that section shall continue in force following that repeal and so far as it could have been made, given or done under this Act shall have effect as if it had been so made, given or done.
- 4 The repeal of section 4 of the 1978 Act by this Act shall not affect the operation of [<sup>F785</sup>Article] 3 of the <sup>M21</sup>Irish Republic (Termination of 1927 Agreement) Order 1979 but after the commencement of this Act, except where the context otherwise requires, the references in [<sup>F785</sup>that Article] to provisions of the 1956 Act shall have effect as references to the corresponding provisions of this Act.

#### Textual Amendments

**F785** Words substituted by [Dentists Act 1984 \(c. 24, SIF 83:1\)](#), s. 54(1), [Sch. 5 para. 15](#)

#### Marginal Citations

**M21** [S.I. 1979/289](#).

- 5 Nothing in the repeals made by this Act shall affect any registration or entry or note in a register which has effect by virtue of any enactment repealed by this Act.
- 6 References in any enactment, instrument or other document passed or made before 23rd February 1951 to the General Council of Medical Education and Registration of the United Kingdom shall be construed as references to the General Council.
- 7 References (however worded) to the general register kept for the purposes of the 1956 Act in any Act or instrument passed or made before 26th January 1979 shall be construed as references to the register of medical practitioners.
- 8 The reference in section 31(8) of this Act to a person whose name has been erased from the register by virtue of section 30(5) of this Act shall include references to a person whose name has been erased from the register by virtue of section 3(5) of the <sup>M22</sup>Medical Act 1969, or section 41(7) of the 1956 Act or the corresponding enactment repealed by that Act.

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#### Marginal Citations

**M22** 1969 c. 40.

- 9 A person who immediately before the commencement of section 11 of the Medical Act 1969 held an additional qualification within the meaning of section 8 of the 1956 Act as originally enacted shall, if registered under section 3 of this Act or on becoming so registered, be entitled to have the qualification registered; and if he is not registered under section 3 of this Act that qualification shall confer on him the same right to registration under that section as a primary United Kingdom qualification.
- 10 Any reference to infamous conduct in any professional respect in any enactment passed, or in any instrument made, before 1st April 1970 shall, in so far as it relates to the conduct of medical practitioners, be construed as, or as including, a reference to serious professional misconduct.
- 11 (1) In any enactment passed before 1st January 1979 the expression “legally qualified medical practitioner”, or “duly qualified medical practitioner”, or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall, unless the contrary intention appears, be construed to mean a [<sup>F786</sup>registered medical practitioner][<sup>F787</sup>who holds a licence to practise].
- (2) In any enactment passed before 1st January 1979 references (however expressed) to a person registered under the Medical Acts or as a medical practitioner shall, unless the contrary intention appears, be construed as references to a [<sup>F786</sup>registered medical practitioner][<sup>F788</sup>who holds a licence to practise].

#### Textual Amendments

- F786** Words in Sch. 6 para. 11(1)(2) substituted (16.11.2009 as notified in the London Gazette dated 21.8.2009) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(3), **12(8)** (with Sch. 2)
- F787** Words in Sch. 6 para. 11(1) added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 19**; S.I. 2010/478, art. 2(b)
- F788** Words in Sch. 6 para. 11(2) added (11.2.2010 for specified purposes, 1.4.2010 in so far as not already in force) by [The General and Specialist Medical Practice \(Education, Training and Qualifications\) Order 2010 \(S.I. 2010/234\)](#), art. 1(3)(4), **Sch. 1 para. 19**; S.I. 2010/478, art. 2(b)

- 12 Any direction given or order made under sections 32 to 38 of or Schedule 4 to the 1956 Act or section 15 or 16 of the <sup>M23</sup>Medical Act 1969 which had taken effect before 1st August 1980 and was in force immediately before that day shall, if it could be given or made under a provision of this Act have effect on and after that day as if given or made under that provision of this Act and sections 36, 38, 40 and 41 of this Act shall apply accordingly.

#### Marginal Citations

**M23** 1969 c. 40.

- 13 Any reference in any instrument to the Disciplinary Committee or to any provision repealed by section 6(4)(a) of the 1978 Act shall be construed as a reference to the

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Professional Conduct Committee or to the provision of this Act which corresponds to that repealed provision.

F789 14 .....

**Textual Amendments**  
F789 Sch. 6 para. 14 omitted (1.1.2009) by virtue of [The Medical Profession \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/3131\)](#), art. 1(3), **Sch. 1 para. 6**

15 In relation to any person who was provisionally registered under section 17 of the 1956 Act immediately before section 16 of the 1978 Act came into operation—  
(a) section 15 of the 1956 Act shall continue to have effect as it had immediately before that date;  
(b) section 10 of this Act shall not have effect; and  
(c) the remaining provisions of this Act shall have effect as if references to or to the provisions of section 10 of this Act were references to or to the provisions of section 15 of the 1956 Act.

16 The decisions within section 29(2) of this Act shall include those which were within subsection (2) of section 28 of the 1978 Act immediately before the commencement of this Act other than those to which subsection (3) of that section applied.

17 Section 41 of this Act applies to a person whose name has been erased from the register under section 33 of the 1956 Act or any corresponding enactment repealed by that Act as it applies to a person whose name is erased under section 36 of this Act.

18 Until provision is made with respect to proceedings before the Professional Conduct Committee under section 44 of this Act, rules made or having effect as if made under <sup>F790</sup>... paragraph 1 of Schedule 4 to this Act, so far as relating to proof of criminal convictions, shall be applied with any necessary modifications to proof of a disqualifying decision.

**Textual Amendments**  
F790 Words in Sch. 6 para. 18 repealed (1.4.2003) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), s. 42(3), Sch. 8 para. 15, **Sch. 9 Pt. 2**; S.I. 2003/833, art. 3(b)(c) (with art. 4)

19 Section 53 of this Act shall apply to a copy of any document to which section 51 of the 1956 Act applied immediately before the commencement of this Act as if such documents were mentioned in subsection (2) of that section.

20 (1) A person registered under section 23 of the 1956 Act shall be deemed to be provisionally registered within the meaning of this Act and the definitions in section 55 of this Act of “provisionally registered” and “a fully registered person” shall have effect accordingly.

(2) Without prejudice to sub-paragraph (1) above—  
(a) sections 30(1)(a) and (b) and 31(4) of this Act shall have effect as if after the words “section 15 above” there were inserted the words “or section 23 of the Medical Act 1956”;  
(b) section 34(4) of this Act shall have effect as if there were inserted at the end the words “or section 23 of the Medical Act 1956”; and

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- (c) section 41(3) of this Act shall apply to a person who was provisionally registered under section 23 of the 1956 Act as it applies to a person provisionally registered under section 21 of this Act.
- 21 The re-enactment in paragraph 2(2) of Schedule 1 to this Act of section 1(5) of the 1978 Act shall not oblige the General Council to make a new electoral scheme any earlier than they would otherwise have done so.
- 22 Nothing in this Act shall affect the validity of the standing orders of the General Council in force immediately before 27th September 1979 and those orders shall have effect as if made under paragraph 15 of Schedule 1 to this Act.
- F791<sup>23</sup> .....

**Textual Amendments**

**F791** Sch. 6 para. 23 omitted (19.7.2006 for specified purposes, 19.10.2007 in so far as not already in force as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), art. 1(2)(b)(c)(3), **19**

- 24 (1) Where immediately before the commencement of this Act paragraph 9 of Schedule 5 to the 1978 Act applied to a person, after the commencement of this Act—
  - (a) he shall be treated as having been registered under section 19 of this Act as a fully registered medical practitioner; and
  - (b) any qualifications of his registered under section 18 of the 1956 Act shall be treated as having been registered under section 26 of this Act as if they were recognised overseas qualifications.
- (2) Sections 22 and 23 of the 1956 Act shall, notwithstanding their repeal by the 1978 Act, continue to have effect in relation to persons who were registered under section 23 immediately before the repeal; and a person who was so registered shall, on satisfying the General Council of the matters specified in paragraph (a), (b) or (c) of section 22(2) of the 1956 Act, be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have had registered under section 18 of the 1956 Act.
- (3) Where immediately before the commencement of this Act paragraph 11(b) of Schedule 5 to the 1978 Act applied to any person he shall be treated for the purposes of sub-paragraph (2) above as having been registered under section 23 of the 1956 Act immediately before its repeal.
- (4) Where immediately before the commencement of this Act paragraph 12 of Schedule 5 to the 1978 Act applied to any person, he shall be entitled to be registered under section 19 of this Act as a fully registered medical practitioner and to have registered under section 26 of this Act as if they were recognised overseas qualifications any qualifications which he would have been entitled to have registered by virtue of that paragraph.
- (5) Any person who immediately before the commencement of this Act was treated by virtue of paragraph 13 of Schedule 5 to the 1978 Act as registered under section 18 of that Act shall after the commencement of this Act be treated as registered under section 19 of this Act as a fully registered medical practitioner.

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## SCHEDULE 7

### PART I

#### ENACTMENTS REPEALED

<b>Chapter</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
4 & 5 Eliz. 2. c. 76.	The Medical Act 1956.	The whole Act.
5 & 6 Eliz. 2. c. 28.	The Dentists Act 1957.	In section 2(4) the words “subject to the next following subsection”. Section 2(5).
6 & 7 Eliz. 2. c. 58.	The Medical Act 1956 (Amendment) Act 1958.	The whole Act.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, paragraph 3.
1966 c. 13.	The Universities (Scotland) Act 1966.	In Schedule 6, paragraph 20.
1969 c. 40.	The Medical Act 1969.	The whole Act.
1972 c. 41.	The Finance Act 1972.	In Schedule 4, Note (2)(b) to Group 14. In Schedule 5, Note (4) to Group 7.
1973 c. 48.	The Pakistan Act 1973.	In Schedule 3, paragraph 4(a).
1973 c. 49.	The Bangladesh Act 1973.	In the Schedule, paragraph 12.
1977 c. 49.	The National Health Service Act 1977.	In Schedule 14, in paragraph 13(1)(b), the reference to paragraph 69 of the National Health Service Reorganisation Act 1973. In Schedule 15, paragraph 14.
1978 c. 12.	The Medical Act 1978.	The whole Act.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In Schedule 16, paragraph 9.
1981 c. 54.	The [ <sup>F652</sup> Senior Courts Act 1981].	In Schedule 5, the entries relating to the Medical Act 1956 and the Medical Act 1978.
1983 c. 41.	The Health and Social Services and Social Security Adjudications Act 1983.	In Schedule 6, paragraph 1.

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*Status: Point in time view as at 18/11/2016.*

*Changes to legislation: Medical Act 1983 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## PART II

### REVOCATION

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<b>Reference</b>	<b>Title</b>	<b>Extent of Revocation</b>
S.I. 1977 No. 827.	Medical Qualifications (EEC Recognition) Order 1977.	Articles 3, 4, 7 and 8.
S.I. 1980 No. 872.	General Medical Council (Qualifying Examinations) (University of Leicester) Order 1980.	The whole order.
S.I. 1980 No. 1721.	Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980.	Article 2.
S.I. 1982 No. 1076.	Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982.	Article 2(1).

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**Status:**

Point in time view as at 18/11/2016.

**Changes to legislation:**

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