



Medical Act 1983

1983 CHAPTER 54

PART VI

PRIVILEGES OF REGISTERED PRACTITIONERS

46 Recovery of fees.

- (1) Except as provided in subsection (2) 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, or for any medicine which he has both prescribed and supplied unless he proves that he is fully registered.
- (2) Subsection (1) above shall not apply to fees in respect of medical services lawfully rendered in the United Kingdom by a person who is a national of any member State of the Communities without first being registered under this Act if he has previously complied with the requirements of subsection (2) of section 18 above or subsequently complies with those requirements as modified in respect of urgent cases by subsection (3) of that section.
- (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, 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.

47 Appointments not to be held except by fully registered practitioners.

- (1) Subject to subsection (2) below, no person who is not fully registered shall hold any 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

Status: Point in time view as at 05/11/1993.

Changes to legislation: Medical Act 1983, Part VI is up to date with all changes known to be in force on or before 29 March 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)

- (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.
- (3) Suspension of the registration of a fully registered person by a direction of the
 Health Committee under section 37(1) or (2) above, an order of that committee under
 section 38(1) above or an interim order of the Preliminary Proceedings Committee
 under section 42(3)(b) above shall not 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.

48 Certificates invalid if not signed by fully registered practitioner.

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.

49 Penalty for pretending to be registered.

- (1) Subject to subsection (2) below, 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^{F1} . . .
- (2) Subsection (1) above shall not apply to anything done by a person who is a national
 of any member State of the Communities for the purposes of or in connection with the
 lawful rendering of medical services by him without first being registered under this
 Act if he has previously complied with the requirements of subsection (2) of section 18
 above or subsequently complies with its requirements as modified in respect of urgent
 cases by subsection (3) of that section.
- (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.

Status: Point in time view as at 05/11/1993.

Changes to legislation: Medical Act 1983, Part VI is up to date with all changes known to be in force on or before 29 March 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)

Textual Amendments

F1 Words in s. 49(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIV**.

Status:

Point in time view as at 05/11/1993.

Changes to legislation:

Medical Act 1983, Part VI is up to date with all changes known to be in force on or before 29 March 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.