



# 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 <sup>[<sup>F1</sup>EEA State]</sup> 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.

#### Textual Amendments

**F1** Words in s. 46(2) substituted (10.7.1996) by [S.I. 1996/1591, reg. 7, Sch. 2 para. 11](#)

#### 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—

*Status: Point in time view as at 01/11/2004.*

*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)*

- (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>F2</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 Fitness to Practise Panel—
    - (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
    - (ii) under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act;
  - (b) an order for immediate suspension by a Fitness to Practise Panel under section 38(1) above; or
  - (c) an interim suspension order by an Interim Orders Panel or a Fitness to Practise Panel under section 41A above (or such an order as extended under that section).]

#### Textual Amendments

- F2** 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)

#### **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

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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>F3</sup> . . .

- (2) Subsection (1) above shall not apply to anything done by a person who is a national of any [<sup>F4</sup>EEA State] 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.

#### Textual Amendments

**F3** Words in s. 49(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV**.

**F4** Words in s. 49(2) substituted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 12**

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