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**Changes to legislation:** Medical Act 1983, Paragraph 2 is up to date with all changes known to be in force on or before 26 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) View outstanding changes

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4

#### [<sup>F1</sup>PROCEEDINGS BEFORE THE INVESTIGATION COMMITTEE, MEDICAL PRACTITIONERS TRIBUNALS AND INTERIM ORDERS TRIBUNALS]

##### Textual Amendments

- F1** 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)
- F1** 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>F1</sup>Procedure of and evidence before the Investigation Committee, Medical Practitioners Tribunals and Interim Orders Tribunals]*

##### Textual Amendments

- F1** 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)

- 2 (1) For the purpose of proceedings in England or Wales or in Northern Ireland before—
- (a) the Investigation Committee;
  - (b) [<sup>F2</sup>an Interim Orders Tribunal]; or
  - (c) [<sup>F3</sup>a Medical Practitioners Tribunal],

the Committee [<sup>F4</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>F5</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>F2</sup>an Interim Orders Tribunal] or [<sup>F3</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.

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- (3) For the purpose of proceedings before the Investigation Committee, [<sup>F2</sup>an Interim Orders Tribunal] or [<sup>F3</sup>a Medical Practitioners Tribunal] in Scotland, the Committee [<sup>F4</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>F4</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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 2(1)(b) repealed by 2008 c. 14 Sch. 7 para. 23(5)(a)(i)Sch. 15 Pt. 2
- Sch. 4 para. 2(1)(c) repealed by 2008 c. 14 Sch. 7 para. 23(5)(a)(i)Sch. 15 Pt. 2
- Sch. 4 para. 2(1) words repealed by 2008 c. 14 Sch. 7 para. 23(5)(a)(ii)Sch. 15 Pt. 2
- Sch. 4 para. 2(2) words repealed by 2008 c. 14 Sch. 7 para. 23(5)(b)Sch. 15 Pt. 2
- Sch. 4 para. 2(3) words repealed by 2008 c. 14 Sch. 7 para. 23(5)(c)(i)Sch. 15 Pt. 2
- Sch. 4 para. 2(3) words repealed by 2008 c. 14 Sch. 7 para. 23(5)(c)(ii)Sch. 15 Pt. 2

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act words substituted by 2005 c. 4 Sch. 11 para. 6

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29B(2A)-(2C) inserted by S.I. 2008/3131 Sch. 1 para. 9(2)
- s. 29B(2A)(a) word substituted by S.I. 2010/234 Sch. 1 para. 2
- s. 29B(3A) inserted by S.I. 2008/3131 Sch. 1 para. 9(3)
- s. 29E(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 12(2)(b)
- s. 29E(2)(e)(f) inserted by S.I. 2008/3131 Sch. 1 para. 12(3)(b)
- s. 29F(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 14(3)
- s. 35C(2)(f)(g) inserted by S.I. 2008/1774 Sch. 1 para. 15 (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 35ZA inserted by 2008 c. 14 Sch. 7 para. 4
- Sch. 1 para. 1A(1)(b)(iv)(v) inserted by S.I. 2024/374 Sch. 5 para. 1(2)(b)(iii)
- Sch. 3B para. 5(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(2)(b)
- Sch. 3B para. 6(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(a)(ii)
- Sch. 3B para. 6(2)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(3)(b)(ii)
- Sch. 3B para. 7(1)(d)(e) inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(a)(ii)
- Sch. 3B para. 7(2)(c) and word inserted by S.I. 2008/3131 Sch. 1 para. 19(4)(b)(ii)