

## **The Privileges and Duties of Registered Medical Practitioners**

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### **What privileges and duties will be conferred upon me if I register with the General Medical Council?**

1. Registration with the General Medical Council confers many “privileges” on doctors (as well as a number of duties). Indeed, certain activities may only lawfully be undertaken by medical practitioners that have been duly registered, i.e. Registered Medical Practitioners.
2. The principal privileges and duties, which arise from a variety of legislative instruments, are detailed on this page and in attached Schedules. Whilst in some instances the Schedules link to the Act or Regulations that confer the privileges and duties, it is important to note that legislation may be amended from time to time and such amendments may not be incorporated into the relevant links. Each schedule is clearly marked with a version date, and is correct as at that date.
3. This page does not purport to provide an exhaustive list of the privileges and duties conferred on practitioners by registering with the General Medical Council; rather, it acts as a summary and guide to the most pertinent privileges, which have been divided into seven categories:

## 1. Medical Practice

1. The most important privilege conferred upon a Registered Medical Practitioner is that, unlike unregistered doctors, he or she may perform any duties as a physician, surgeon or other medical officer:
  - In any hospital, infirmary or dispensary not supported wholly by voluntary contributions;
  - In any prison;
  - In the navy, army or air service;
  - In any other public establishment, body or institution; and
  - To any friendly or other society for the provision of mutual relief in sickness, infirmity or old age.
2. Another important consideration is that, in general, no person is entitled to recover any charge for medical advice or attendance or for the performance of any operation unless he or she is a Registered Medical Practitioner. Furthermore, the right to prescribe prescription-only medicines is a privilege that is unique to registered practitioners.
3. Various pieces of legislation also provide express defences for acts performed by Registered Medical Practitioners in the course of their duties that would otherwise be unlawful, for example:
  - It is a defence to abortion offences if a Registered Medical Practitioner terminates a pregnancy where the termination was supported by two Registered Medical Practitioners who formed the necessary opinion in good faith.
  - It is a defence to the offence of female genital mutilation if the mutilation occurs as a result of a Registered Medical Practitioner performing a surgical operation on a patient which is necessary to protect her mental or physical health or as a result of an operation connected to the patient being in labour or giving birth.
4. The principle privileges and duties affecting a registered doctor's medical practice are set out in more detail in [Schedule 1: Medical Practice](#).

## 2. Writing Medical Certificates

1. Doctors are required to write and sign various medical certificates; however, where a certificate is necessary to comply with a legislative requirement, the certificate will only be valid if it is signed by a practitioner who is registered

with the General Medical Council. Examples of medical certificates that are required to be written and signed by Registered Medical Practitioners include:

- Death certificates are required from a practitioner who attended to the deceased during his or her last illness.
  - A house-bound or seriously ill individual who wishes to get married or to be a party to a civil partnership may rely on a certificate from a Registered Medical Practitioner to evidence his or her requirement for a more specialised registration procedure.
  - An individual seeking to have his or her acquired gender recognised by law requires a report from a Registered Medical Practitioner.
2. Some of the duties and privileges of a registered medical practitioner, set out under the other headings and corresponding schedules, involve the writing of certificates. However further examples of medical certificates that Registered Medical Practitioners may write can be found in [Schedule 2: Writing Medical Certificates](#).

### **3. Appointments**

1. Registered Medical Practitioners have important skills and knowledge and therefore there are several appointments that are exclusively reserved to practitioners registered with the General Medical Council and appointments for which registered medical practitioners are eligible, for example:
- Employment medical advisors must be Registered Medical Practitioners.
  - Special Visitors must be Registered Medical Practitioners; Special Visitors are individuals who assist the court by providing independent advice on matters relating to an individual lacking capacity.
  - It is a legal requirement that Adoption Panels consist of at least one Registered Medical Practitioner.
  - Registered Medical Practitioners are eligible to be appointed as members of the First-tier Tribunal and the Upper Tribunal (tribunals that determine, amongst other things, appeals against a refusal by the Secretary of State to grant social security benefit).

2. Further examples of appointments that are either exclusively available to Registered Medical Practitioners and appointments for which Registered Medical Practitioners are eligible, can be found in [Schedule 3: Appointments](#).

#### **4. Assessing the suitability of individuals to perform certain activities**

1. Registered Medical Practitioners are experts in matters of health and medicine, and therefore in some instances legislation requires a Registered Medical Practitioner to assess whether or not an individual is medically suitable for certain roles and licences, such examples include:
  - An individual wishing to become a police officer must be certified as medically suitable for the role by a Registered Medical Practitioner.
  - The Secretary of State may require drivers to submit to an examination by a Registered Medical Practitioner.
  - An individual seeking a licence to drive a private hire vehicle may be required to provide a signed certificate and/or submit to an examination by a Registered Medical Practitioner.
2. Further examples of instances where legislation provides that assessments by Registered Medical Practitioners may be used to assist a decision-maker in making a determination can be found in [Schedule 4: Assessing the suitability of individuals to perform certain activities](#).

#### **5. Assisting public bodies and other persons**

1. Whilst legislation confers various powers on public bodies and other entities, in some instances the legislative provisions provide protection to the public by requiring that the power is exercised whilst accompanied or assisted by a Registered Medical Practitioner. Indeed, in some instances, legislation may require that a power is exercised through a Registered Medical Practitioner, for example if a police constable wishes to conduct an intimate search he must generally do so by instructing a Registered Medical Practitioner to perform the search.
2. Additional examples of where a Registered Medical Practitioner may be required to assist a public authority exercising its powers include:
  - A court may direct that a police constable exercising certain warrants should be accompanied by a Registered Medical Practitioner.

- The power of the police to take intimate samples from a suspect may only be exercised by a Registered Medical Practitioner or a registered nurse, save in relation to urine samples.
  - At the direction of the court, a Registered Medical Practitioner (or a registered nurse or a biomedical student under the supervision of the Registered Medical Practitioner) may perform blood tests on the parties to a dispute so as to ascertain paternity.
3. Further examples of this class of privilege can be found in [Schedule 5: Assisting public bodies and other persons](#).

## **6. Mental Health**

1. Registered Medical Practitioners perform an important role within the legislative framework relating to mental health: before many powers can be exercised, and before the court can make a number of determinations, a registered practitioner is required to certify, amongst other things, the medical appropriateness of the proposed action. For example, an order for compulsory admission to hospital may only be made on the recommendation of two Registered Medical Practitioners. Similarly, certain forms of treatment, including treatment that will have the effect of destroying brain tissue, requires both consent from the patient and a second opinion from a Registered Medical Practitioner.
2. In matters surrounding mental health, it is often a pre-condition that opinions are obtained from two Registered Medical Practitioners before any action can be taken and it is a common requirement that one of the opinions is written by a practitioner who is specifically approved as having experiences in the diagnosis or treatment of mental disorders.
3. For further details of the mental health powers that depend upon recommendations and opinions from Registered Medical Practitioners, see [Schedule 6: Mental Health Regime](#).

## **7. Matters of discipline: criminal trials, the armed forces and detention**

1. Registered Medical Practitioners play an important role in the criminal courts, in particular where determinations necessarily depend on matters of medical evidence, for example a court will not make a determination that an individual is mentally unfit to stand trial without written evidence from two registered

practitioners; the same is true in relation to the armed forces' court-martial system. Registered Medical Practitioners may also be called upon to assist a court in deciding the most appropriate sentence for a convicted individual. Further, in the event that an individual is detained, legislation provides that registered medical practitioners have a role to play, whether within prisons, youth offender institutes or detention centres.

2. Further examples of the privileges and duties in connection with these matters can be found in [Schedule 7: Matters of discipline: criminal trials, the armed forces and detention](#)