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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 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:-

## PART I

### PRELIMINARY

#### *The General Medical Council*

1.—(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.

(1A) The main objective of the General Council in exercising their functions is to protect, promote and maintain the health and safety of the public.

(2) The General Council shall be constituted as provided by Her Majesty by Order in Council under this section subject to the provisions of Part I of Schedule 1 to this Act.

(3) There shall be seven committees of the General Council known as the Education Committee, the Interim Orders Committee, the Preliminary Proceedings Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance and the Health Committee (in this Act referred to as "the statutory committees") constituted in accordance with Part III of Schedule 1 to this Act and having the functions assigned to them by or under this Act.

(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.

#### *Registration of medical practitioners*

2.—(1) There shall continue to be kept by the registrar of the General Council (in this Act referred to as "the Registrar") two registers 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 two registers referred to are "the register of medical practitioners" consisting of three lists, namely—

- (a) the principal list,
- (b) (Deleted 2003)
- (c) the visiting overseas doctors list, and
- (d) the visiting EEA practitioners list,

and "the register of medical practitioners with limited registration".

(3) Medical practitioners shall be registered as fully registered medical practitioners or provisionally or with limited registration as provided in Parts II and III of this Act and in the appropriate list of the register of medical practitioners or in the register of medical practitioners with limited registration as provided in Part IV of this Act.

## PART II

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

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

3.—(1) Subject to the provisions of this Act any person who—

(a) holds one or more primary United Kingdom qualifications and has passed a qualifying examination and satisfies the requirements of this Part of this Act as to experience; or

(b) being a national of any EEA 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 an EEA State; but

(b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68(a), or any other enforceable community 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)(b) above as if he were such a national.

(3) In this Act—

"the EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

"EEA State" means a State which is a contracting party to the EEA Agreement.

#### *Qualifying examinations and primary United Kingdom qualifications*

4.—(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 by any of the bodies or combinations of bodies specified in subsection (2) below for the purpose of granting one or more primary United Kingdom qualifications.

(2) The bodies and combinations of bodies entitled to hold qualifying examinations are—

(a) any of the Universities of Oxford, Cambridge, London, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Newcastle, Bristol, Nottingham, Southampton, Leicester,

Wales, Glasgow, Aberdeen, Edinburgh, Dundee or the Queen's University of Belfast or a combination of any two or more of the universities specified in this paragraph;

(b) a combination of the Royal College of Physicians of London and the Royal College of Surgeons of England;

(c) a combination of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh and the Royal College of Physicians and Surgeons of Glasgow;

(d) the Society of Apothecaries of London;

(e) with the approval and under the directions of the Education Committee, a combination of any two or more of the bodies specified in paragraphs (b), (c) and (d) above.

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

(a) the degree of bachelor of medicine or bachelor of surgery granted by any university in the United Kingdom;

(b) licentiate of the Royal College of Physicians of London 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 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 universities and other bodies specified in subsection (3) above may, with the approval and under the directions of the Education Committee, unite or co-operate in conducting examinations held for the purpose of granting primary United Kingdom qualifications.

(5) Where more than one year of the training for a primary United Kingdom qualification took place outside the EEA, any document certifying possession of such a qualification shall make clear that this was so, and shall state the length (in aggregate) of such training.

*General functions of the Education Committee in relation to medical education in the United Kingdom*

5.—(1) The Education Committee 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 the Education Committee 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 in universities 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

(c) determine patterns of experience which may be recognised as suitable for giving to those engaging in such employment as is mentioned in section 10(2) below general clinical training for the purposes of the practice of their profession.

(2A) In making the determinations required by subsection (2) above, the Education Committee shall secure that the requirements of article 23 of Directive 93/16/EEC are satisfied.

(2B) The requirements of that article are that any person who fulfils the conditions mentioned in section 3(1)(a) above—

(a) will have acquired—

(i) adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data,

(ii) sufficient understanding of the structure, functions and behaviours of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being,

(iii) adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction, and

(iv) suitable clinical experience in hospitals under appropriate supervision; and

(b) will have undergone medical training comprising at least a six-year course, or 5,500 hours of theoretical and practical instruction, which—

(i) was given in a university or under the supervision of a university, and

(ii) was open only to persons holding qualifications adequate for admission to university for such training.

(3) The determinations of the Education Committee under subsection (2) above shall be embodied in recommendations which may be directed to all or any of the universities or other bodies concerned with medical education.

(4) In this Act—

"Directive 93/16/EEC" means Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications—

(a) as adapted by paragraph 4(a) of Annex VII to the EEA Agreement, in which the primary medical qualifications awarded in EEA States are set out; and

(b) as amended by the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24 June 1994(a), as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union;

"the prescribed knowledge and skill" means knowledge and skill of the extent for the time being determined under subsection (2)(a) above and embodied in recommendations 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 embodied in recommendations under subsection (3) above;

"a prescribed pattern of experience" means any pattern of experience for the time being determined under sub-section (2)(c) above and embodied in recommendations under subsection (3) above.

#### *Further powers of the Education Committee*

6.—(1) A university or other body 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 the Education Committee, furnish the Committee with such information as the Committee may require as to—

(a) the courses of study and examinations to be gone through in order to obtain the qualifications;

(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 the Education Committee may appoint such number of inspectors as they may determine, and the inspectors shall attend, as the Committee may direct, all or any of the qualifying examinations held by any university or other body specified in section 4(3) above.

(3) Any person deputed for the purpose by the Education Committee 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 the Education Committee their opinion as to the sufficiency of every examination which they attend, and any other matters relating to such examinations which the Committee may require them to report.

(5) The Education Committee 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 and shall also forward a copy of the report, together with any observations on it made by the said body or bodies, to the Privy Council.

#### *Power to appoint visitors of medical schools*

7.—(1) The Education Committee may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in any such directions, places where instruction is given to medical students under the direction of any university or other body specified in section 4(3) above.

(2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee 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 the Committee 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 the Education Committee shall send a copy of the report to the university or other body under whose direction the instruction is given, and on the receipt of the copy that body may, within such period of not less than one month as the Committee may have specified at the time they sent the copy of the report, make to the Committee observations on the report or objections to it.

(4) As soon as may be after the expiration of the period specified under subsection (3) above the Education Committee shall send a copy of the report and of any observations on it or objections to it duly made, together with the Committee's comments on the report and on any such observations or objections, to the Privy Council.

*Power to add further qualifying examinations*

8.—(1) If it appears to the Education Committee that the standard of proficiency required from candidates at examinations held or to be held by any university or combination of universities in the United Kingdom for the purpose of granting one or more primary United Kingdom qualifications does or will conform to the prescribed standard of proficiency, the Committee may represent to the Privy Council that it is expedient that those examinations should become qualifying examinations for the purposes of this Part of this Act.

(2) Her Majesty may by Order in Council give effect to any representations made to the Privy Council under subsection (1) above, and any such Order may make such amendments in section 4(2) above as are necessary for giving effect to the Order.

*Powers of Privy Council where standards not maintained*

9.—(1) If at any time it appears to the Education Committee that the course of study and examinations to be gone through in order to obtain a primary United Kingdom qualification are not such as to equip persons going through the course and examinations with the prescribed knowledge and skill, the Committee may make representations to that effect to the Privy Council.

(2) On any representations under subsection (1) above the Privy Council may, if they see fit, order that a qualification granted, after such time as may be specified in the order, in pursuance of the course of study and examinations to which the order relates shall not be a qualification registrable under section 16 below.

(3) Where an order is made under subsection (2) above, no person shall be entitled to be registered under this Part of this Act by virtue of any qualification specified in the order and granted after such time as may be so specified.

(4) If at any time it appears to the Education Committee that the standard of proficiency required from candidates at any qualifying examination does not conform to the prescribed standard of proficiency, the Committee shall make representations to that effect to the Privy Council.

(5) Where representations are made under subsection (4) above the Privy Council, if they think fit, after considering the representations and any objections to them made by any university or other body to which they relate, may by order declare that the examinations held by that university or body shall be deemed not to be qualifying examinations for the purposes of this Part of this Act.

(6) A qualification granted on the passing of an examination to which an order under subsection (5) above relates, and granted while the order is in force, shall not entitle the holder of the qualification to be registered under this Part of this Act.

(7) An order under this section—

(a) if made under subsection (2) above, may be revoked by Her Majesty with the advice of the Privy Council if it is made to appear to Her Majesty, upon further representations from the Education Committee or otherwise, that the university or other body to which the order relates has made effectual provision, to the satisfaction of the Committee, for the improvement of the course of study or examinations to which the order relates or the mode of conducting those examinations;

(b) if made under subsection (5) above, may be revoked by Her Majesty with the advice of the Privy Council if upon further representation from the Education Committee or from any university or other body to which the order relates it seems to Her Majesty expedient so to do;

but the revocation of an order made under subsection (2) above shall not entitle any person to be registered by virtue of a qualification granted before the revocation.

*Experience required for full registration by virtue of primary United Kingdom qualifications*

10.—(1) The following are the requirements as to experience mentioned in section 3(1)(a) above.

(2) A person must, after passing a qualifying examination, have been engaged for the prescribed period in employment in a resident medical capacity in one or more:

- (a) approved hospitals,
- (b) approved institutions, or
- (c) approved medical practices,

and have obtained a certificate under this section.

(3) A person who has been employed as mentioned in subsection (2) above may apply to his examining body for a certificate under this section, and if that body are satisfied—

- (a) that during the time he has been so employed he has been engaged in at least two branches of medicine prescribed for the purposes of this paragraph for the minimum period prescribed for each branch;
- (b) that the combination of posts which he has held while so employed was such as to provide him with the experience required by a prescribed pattern of experience recognised by that body as applicable to persons for whom they are the examining body; and

(c) that his service while so employed has been satisfactory, they shall grant him a certificate in the prescribed form that they are so satisfied.

(4) Where, on an application in that behalf, a person satisfies the General Council that by reason of lasting physical disability he will be or has been prevented from embarking on, or completing, any period of experience of the practice of a branch of medicine prescribed for the purpose of this section the Council may if they think fit direct that the applicant may for the purposes of this section count in lieu thereof experience of the practice of some other prescribed branch of medicine (whether or not one in the practice of which he has already had experience for those purposes) acquired in the same manner and for the same period, or, as the case may be, for so much of that period as will have remained uncompleted.

(5) Where the General Council give a direction under subsection (4) above as respects any person they shall give notice of the direction to his examining body.

*Provisions supplementary to s. 10, etc.*

11.—(1) Subsections (2) to (4) below shall have effect for the construction of section 10 above and the following provisions of this Part of this Act.

(2) References to a person's examining body shall be construed as follows—

- (a) where he claims registration by virtue of a qualification granted on passing an examination held by two or more bodies jointly, such references shall be construed as references to those bodies acting jointly;
- (b) subject as aforesaid, such references shall be construed as references to the body granting the qualification by virtue of which he claims registration or, where he is entitled to claim registration by virtue of two or more qualifications, such references shall be construed as references to the body granting such of those qualifications as he may choose.

(3) References to employment in a resident medical capacity shall be construed as references to employment in the practice of any branch of medicine prescribed for the purposes of section 10 above where—

- (a) in the case of an approved hospital or an approved institution, the person employed is resident in the hospital or institution where he is employed or conveniently near to it and is by the terms of his employment required to be so resident; or
- (b) in the case of an approved medical practice, the person employed satisfies such conditions as to residence as may be prescribed.

(4) In the provision mentioned in subsection (1) above—

"approved" (except in subsection (5)) means approved for the time being for the purposes of this section by any university or other body specified in section 4(3) above as providing experience required by one or more prescribed patterns of experience; and

"medical practice" means a prescribed description of practice in which one or more medical practitioners—

- (a) provide general medical services under Part II of the National Health Service Act 1977, Part II of the National Health Service (Scotland) Act 1978 or Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972; or
- (b) perform personal medical services in accordance with arrangements made under section 28C of the 1977 Act, section 17C of the 1978 Act or the corresponding provisions of the law in force in Northern Ireland; and

"prescribed" (except in the expression "prescribed pattern of experience") means—

- (a) in subsection (3)(b) and in the definition of "medical practice", prescribed by regulations made by the Secretary of State; and

(b) in the other provisions of this Part, prescribed by regulations of the Education Committee.

(4A) The Education Committee may by regulations provide that the period of employment in a medical practice which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.

(5) In making regulations under subsection (2) of section 10 above, or under subsection (4A) of this section, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC; and such regulations shall not have effect until approved by order of the Privy Council.

(6) The Privy Council may approve regulations of the Education Committee made under subsection (2) of section 10 above either as submitted to them or with such modifications as appear to them requisite; but where the Privy Council propose to approve any regulations under that subsection subject to modifications they shall notify to the Education Committee the modifications they propose to make and consider any observations of the Committee on the proposed modifications.

(7) Regulations made by the Secretary of State under this section must be made by statutory instrument; and such a statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Special provisions as to employment in health centres*

12.—(1) For the purposes of sections 10 and 11 above, "institution" includes a health centre, if, and only if, it is a centre provided under section 2 and 3 of the National Health Service Act 1977<sup>(a)</sup>, section 36 of the National Health Service (Scotland) Act 1978<sup>(b)</sup>, or Article 5 of the health and Personal Social Services (Northern Ireland) Order 1972<sup>(c)</sup>.

(2) Employment in such a centre shall not be treated as employment for the purposes of sections 10 and 11 above unless it is either—

- (a) employment by a fully registered medical practitioner in the provision of general medical services under Part II of the National Health Service Act 1977, Part II of the National Health Service (Scotland) Act 1978 or Part VI of the said Order of 1972; or
- (b) employment in the provision of the services of specialists or other services provided for out-patients in a health centre provided as mentioned in subsection (1) above.

(3) The Education Committee may by regulations provide that the period of employment in a health centre which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.

(4) In making regulations under subsection (3) above, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC.

*Power to appoint visitors of approved hospitals*

13.—(1) The Education Committee may, if they think fit, appoint persons to visit any approved hospital, approved institution or approved medical practice.

(2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee on the extent to which the general clinical training given by employment in a resident medical capacity in the hospital, institution or medical practice is such as to provide the experience required by one or more prescribed patterns of experience.

(3) If the Education Committee are of the opinion that—

- (a) an approved hospital, an approved institution or an approved medical practice does not provide experience required by any prescribed pattern of experience; or
- (b) a pattern of experience recognised as applicable to persons by their examining body is not a prescribed pattern of experience; or
- (c) a combination of posts which is accepted by their examining body as providing persons who have held the posts comprised in the combination with the experience required by a pre-scribed pattern of experience does not in fact provide that experience,

then the Committee shall notify their opinion to the university or body concerned and that university or body shall have regard to that opinion in discharging their functions under sections 10 and 11 above.

*Alternative requirements as to experience in certain cases*

14.—(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 requirements as to experience specified in section 10 above, it shall be sufficient for the applicant to satisfy the General Council that he has acquired experience of the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under the said section 10.

(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.

(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 article 23 of Directive 93/16/EEC.

*Provisional registration*

15.—(1) This section shall have effect for enabling persons wishing to obtain certificates under section 10 above to be employed as mentioned in subsection (2) of that section.

(2) A person who, apart from any requirement as to experience, would by virtue of any qualification or qualifications held by him be entitled to be registered under section 3 above shall be entitled to be registered provisionally under this section.

(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 be engaged in employment in a resident medical capacity in one or more approved hospitals, approved institutions or approved medical practices but not further.

*Provisional registration for EEA nationals*

15A.—(1) This section shall have effect for enabling a national of an EEA 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 an EEA State who, but for the acquisition of suitable experience, has completed the training required for a primary European qualification, shall be entitled to be registered provisionally under this section.

(3) Any person who—

(a) is not a national of an EEA State; but

(b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No.1612/68<sup>(a)</sup>, or any other enforceable Community 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 that 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.

(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 Article 23, paragraph 1(a), (b) and (c) of Directive 93/16/EEC<sup>(a)</sup>

*Registration of qualifications*

16.—(1) A person registered under section 3, 15 or 15A shall be entitled to have registered the 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 Schedule 2 to this Act which he obtains after registration;

(b) subject to subsection (3) below, any additional qualification which the Education Committee determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;

(c) any 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 an EEA State other than a primary United Kingdom qualification or a qualification specified in Schedule 2 to this Act.

(3) If the Education Committee 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 shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

*Primary qualifications obtained in other member States of the Communities*

17.—(1) A primary European qualification for the purposes of this Part of this Act is any of the following obtained in an EEA State other than the United Kingdom, namely—

(a) a European qualification listed in Schedule 2 to this Act which was obtained on or after the implementation date and is not evidence of training commenced before that date;

- (b) subject to compliance with subsection (2) below, a qualification obtained before the implementation date, or on or after that date where training of which it is evidence commenced before that date;
  - (c) subject to compliance with subsection (3) below, a qualification not listed in Schedule 2 to this Act;
  - (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.
- (2) For compliance with this subsection in the case of any qualification, either—
- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the medical authorities of the EEA State in which it was obtained or otherwise) that it accords with the standards laid down by Directive 93/16/EEC; or
  - (b) evidence of it must be accompanied by a certificate of the medical authorities of any EEA State that the holder has effectively and lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.
- (3) For compliance with this subsection in the case of any qualification evidence of it must be accompanied by a certificate of the medical authorities of the EEA State in which it was obtained to the effect that—
- (a) it was awarded following training which satisfied the requirements of article 23 of Directive 93/16/EEC; and
  - (b) it is treated by that State as if it were a qualification listed in relation to that State in article 3 of that Directive.
- (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 the German medical authorities 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 Schedule 2 to this Act; and
  - (b) evidence of it must be accompanied by a certificate of the German medical authorities 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.
- (5) In subsections (2) to (4) above, references to the medical authorities of an EEA State are references to the authorities and bodies designated in accordance with Directive 93/16/EEC.
- (6) In this section 'the implementation date' means—
- (a) in the case of Greece, 1st January 1981;
  - (b) in the case of Spain and Portugal, 1st January 1986;
  - (c) in the case of Austria, Finland, Iceland, Norway and Sweden, 1st January 1994;
  - (d) in the case of Liechtenstein, 1st May 1995; and
  - (e) in the case of any other EEA State, 20th December 1976.

#### *Visiting EEC practitioners*

18.—(1) If he complies with the requirements of this section it shall be lawful for a person who is a national of any EEA State and lawfully established in medical practice in an EEA State other than the United Kingdom on visiting the United Kingdom to render medical services there temporarily without first being registered under the foregoing provisions of this Part or under Part III of this Act.

- (2) Such a person intending so to render services shall provide the Registrar with—
- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
  - (b) a certificate or certificates issued by the competent authority or body and bearing a date not less recent than 12 months prior to the date on which it is provided, which shows—
    - (i) that he is lawfully practising medicine in an EEA State other than the United Kingdom, and
    - (ii) that he holds medical qualifications which EEA States are required by Directive 93/16/EEC to recognise;

and for the purposes of this subsection "the competent authority or body" means the authority or body designated by the EEA State concerned as competent for the purposes of Article 17(3) of that Directive.

- (3) In an urgent case the documents to be provided under subsection (2) above may be provided after the services have been rendered, but where they are so provided they shall be provided as soon as

possible thereafter and in any event not more than 15 days after the date on which the practitioner first rendered such services.

(4) Where a person complies with the requirements of subsection (2) above, the Registrar shall register him under this section in the register of medical practitioners as a visiting EEA practitioner for such period or periods as, having regard to the particulars given in the declaration referred to in subsection (2)(a) above, he considers appropriate.

(5) Registration of a person as a visiting EEA practitioner shall cease if—

- (a) he becomes established in medical practice in the United Kingdom; or
- (b) he renders, save in a case of urgency, medical services in the United Kingdom otherwise than in accordance with a declaration made by him under subsection (2)(a) above.

(6) Any person who—

- (a) is not a national of an EEA State; but
- (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purpose of access to the medical profession, no less favourably than a national of such a State,

shall be treated for the purposes of this section as if he were such a national.

### PART III

#### REGISTRATION OF PERSONS QUALIFYING OVERSEAS

*Full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.*

19.—(1) Where an exempt person satisfies the Registrar—

- (a) that he holds an acceptable overseas qualification other than a primary European qualification;
- (b) that he has acquired experience in the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under section 10 above; and
- (c) that he is of good character,

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 "exempt person" means a person who—

- (a) is a national of an EEA State other than the United Kingdom;
- (b) is a national of the United Kingdom who is exercising an enforceable Community right; or
- (c) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.

(3) In determining an application by any person for registration under this section, the General Council shall take into account—

- (a) if the applicant holds a qualification granted outside the European Economic Area which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State, the acceptance of the qualification; and
- (b) all medical qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.

(4) Subsection (4) of section 10 above shall apply to a person prevented from embarking on, or completing, a period of experience required for the purposes of this section as it applies to a person prevented from embarking on, or completing, a period of experience required for the purposes of that section.

#### *Provisional registration*

21.—(1) The following provisions shall have effect for enabling persons wishing to satisfy the General Council of the matters specified in section 19(1)(b) above to be employed as mentioned in section 10(2) above.

(2) A person who satisfies the Registrar of the matters specified in paragraphs (a) 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.

(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.

(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 be

engaged in employment in a resident medical capacity (within the meaning of section 11 above) in one or more approved hospitals, approved institutions or approved medical practices (within the meaning of that section) but not further.

*Full registration for eligible specialists and qualified general practitioners*

21A.—(1) Where a person satisfies the Registrar—

- (a) that he holds an acceptable overseas qualification other than a primary European qualification;
- (b) that he is an eligible specialist or a qualified general practitioner;
- (c) that he is of good character; and
- (d) that he has the necessary knowledge of English or is an exempt person,

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 subsection (1)(b) above—

"eligible specialist" means a person—

- (a) who—
  - (i) has specialist medical qualifications awarded outside the United Kingdom in a medical specialty in which the United Kingdom awards a CCST; and
  - (ii) has satisfied the competent authority that those qualifications are equivalent to a CCST, or
- (b) who—
  - (i) has specialist medical qualifications awarded outside the United Kingdom in a specialty in which the United Kingdom does not award a CCST, or
  - (ii) has knowledge of or experience in any medical specialty derived from academic or research work,

and has satisfied the competent authority that these give him a level of knowledge and skill consistent with practice as a consultant in that specialty in the National Health Service; and

"qualified general practitioner" means a person who has been awarded a Certificate of Equivalent Experience by the Joint Committee on Postgraduate Training for General Practice.

(3) In this section—

"CCST" means a Certificate of Completion of Specialist Training; and

"competent authority" means the competent authority for the purpose of article 9(2) and (3) of the European Specialist Medical Qualifications Order 1995."

*Limited registration of persons by virtue of overseas qualifications*

22.—(1) Subject to section 23(5) and 24 below, where a person satisfies the Registrar—

- (a) that he has been selected for employment in the British Islands of a description approved by the General Council for the purposes of this section;
- (b) that he holds, has held, or has passed the examination necessary for obtaining some acceptable overseas qualification or qualifications;
- (c) that he has the necessary knowledge of English or is an exempt person ;
- (d) that he is of good character; and
- (e) that he has the knowledge and skill, and has acquired the experience, which is necessary for practice as a medical practitioner registered under this section and is appropriate in his case,

he shall, if the General Council think fit so to direct, be registered under this section as a medical practitioner with limited registration.

(1A) In determining an application by an exempt person for registration under this section, the General Council shall take into account—

- (a) if the applicant holds, has held or has passed the examination necessary for obtaining a qualification granted outside the European Economic Area which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State, the acceptance of the qualification; and
- (b) all medical qualifications, knowledge or experience, wherever acquired, which are relevant to the determination of his application.

(2) In this Act "limited registration" means registration under this section limited in accordance with subsection (5) below in respect of the period for which and the employment for the purposes of which it has effect.

(3) No person shall be registered under this section for a period, or for periods which amount in the aggregate to a period, exceeding five years; and in this Act the "permitted period", in relation to an applicant for registration under this section, means—

- (a) if he has not previously been registered under this section, five years;

(b) if he has previously been so registered, the amount by which five years exceeds the period or aggregate of periods for which he has been so registered.

(4) In this Act an "acceptable overseas qualification" means any qualification granted outside the United Kingdom and for the time being accepted by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of the knowledge and skill requisite for the practice of medicine under the supervision of a person who is registered as a fully registered medical practitioner.

(5) The limits of a person's registration under this section shall be defined in the direction by virtue of which he is registered in accordance with the following provisions, that is to say—

(a) the direction shall specify a period, not exceeding his permitted period, as the period for which his registration is to have effect; and

(b) the direction shall specify the particular employment or the descriptions of employment for the purposes of which he is registered under this section;

and, subject to subsection (6) below and to section 24(1) and (2) below, that person's registration shall have effect for the period and for the purposes of the particular employment or the descriptions of employment specified in the direction.

(6) Where a direction specifies a particular employment as the employment for the purposes of which a person is registered under this section and that employment terminates before the end of the period specified in the direction by virtue of subsection (5)(a) above, the registration of the person under this section shall cease to have effect when that employment terminates.

(7) A person registered under this section shall be treated as registered under section 19 above as a fully registered medical practitioner in relation to the following matters, namely—

(a) any employment in which he is engaged during the currency of his registration, being the particular employment or employment of a description for the purposes of which he is registered; and

(b) things done or omitted in the course of that employment; and

(c) any other thing incidental to his work in that employment which, by virtue of any enactment, may not lawfully or validly be done except by a fully registered medical practitioner;

but in relation to other matters he shall be treated as not so registered.

(8) A person registered under this section shall not, while engaged in the particular employment or in employment of a description for the purposes of which he is registered, work otherwise than under the supervision of a person who is registered as a fully registered medical practitioner.

*Limited registration: supplementary provision*

23.—(1) An applicant for limited registration shall specify in his application the particular employment or the descriptions of employment for the purposes of which he wishes to be registered and shall give such other particulars as the General Council may require.

(2) What knowledge and skill, and what experience, is necessary for practice as a medical practitioner registered under section 22 above shall be determined by the General Council in relation to each branch of medicine and to practice therein in the descriptions of employment for the purposes of which persons apply for registration under that section.

(3) For the purpose of section 22(1)(e) above, the knowledge and skill, and the experience, which is appropriate in the case of an applicant for registration under that section means, subject to subsections (4) and (5) below, the knowledge and skill, or the experience, determined under this section which appears to the Registrar to be appropriate to the particular employment or the descriptions of employment for which the applicant desires to be registered.

(4) The General Council may, in the case of any particular application for limited registration, give to the Registrar a direction determining what knowledge and skill, or what experience, determined by the Council under subsection (2) above for the purposes of section 22(1)(e) above is appropriate in the case of the applicant having regard to the particular employment or descriptions of employment for the purposes of which the applicant wishes to be registered or the Council consider they may grant limited registration.

(5) The General Council may, in the case of any applicant or applicants of any description, give to the Registrar a direction exempting the applicant, or applicants of that description, from compliance with the requirements of section 22(1)(e) above as to knowledge and skill, or as to experience, or both.

*Limited registration erasure*

24.—(1) The General Council may, on an application being made to them containing such particulars as they may require by a person who is registered with limited registration, direct that his name shall be erased from the register on his own application on such day as they may specify in the direction;

but the fact that a person's name has been erased under this subsection shall be disregarded by the Council in deciding whether or not to grant limited registration for a further period to that person.

(2) If it appears to the General Council, having regard to his performance in a relevant employment, that a person registered under section 22 above does not in fact possess the appropriate knowledge and skill, the Council may, subject to subsection (4) below, if they think fit, direct that his name shall be erased from the register.

(3) In subsection (2) above, in relation to a person registered under section 22 above—

(a) "a relevant employment" means an employment of a description for the purposes of which he is or has been so registered; and

(b) "the appropriate knowledge and skill" means the knowledge and skill which was required in his case in pursuance of subsection (1)(e) of that section in connection with the application for registration under that section by virtue of which he is so registered.

(4) No person's name shall be erased from the register under subsection (2) above unless—

(a) the Registrar has served on him a notification of the grounds on which the Council are considering exercising their powers under that subsection; and

(b) the Council have afforded him an opportunity of making representations to them in the matter;

and paragraph 8 of Schedule 4 to this Act shall apply to a notification required to be served by this subsection as it applies to the notifications required to be served by the provisions mentioned in that paragraph.

#### *Full registration of persons with limited registration*

25.—A person who is or has been registered with limited registration may, on satisfying the Registrar that he is of good character, apply to the General Council to be registered fully by virtue of this section; and if the Council think fit so to direct, having regard to the knowledge and skill shown and the experience acquired by the applicant, he shall be registered as a fully registered medical practitioner.

#### *Registration of qualifications*

26.—(1) A person registered under section 19, 21 or 21A above shall be entitled to have registered the acceptable overseas qualification which he holds when he is so registered and also—

(a) *(deleted 2002)*

(b) 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.

(2) A person registered with limited registration under section 22 above shall be entitled to have registered the acceptable overseas qualification or qualifications which he holds when he is so registered and, if such a person is subsequently registered under section 25 above, he shall on being so registered be entitled to have registered, apart from the qualifications mentioned in subsection (1) above, the acceptable overseas qualification or qualifications by virtue of which he was granted limited registration.

(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.

#### *Temporary full registration for visiting overseas specialists*

27.—(1) A person who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services of a specialist nature may apply to the General Council to be registered temporarily as a fully registered medical practitioner and if the Council are satisfied—

(a) that he holds one or more acceptable overseas qualifications;

(b) that he possesses special knowledge of and skill in a particular branch or branches of medicine;

(c) that the medical services he is to provide lie within that branch or one or more of those branches of medicine; and

(d) that he is of good character,

they may, if they think fit, direct that he shall be registered under this section as a fully registered medical practitioner for such period as they may specify in the direction.

- (2) No person shall be fully registered under this section for a period exceeding twelve months.
- (3) At the expiration of the period specified in a direction under subsection (1) above the registration of the person to whom the direction applies shall cease to have effect.

*The Review Board for Overseas Qualified Practitioners*

28.—(1) There shall continue to be a body known as the Review Board for Overseas Qualified Practitioners (in this Act referred to as the "Review Board") constituted in accordance with the following provisions of this section and having the functions conferred on them by section 29 below.

(2) The Review Board shall consist of—

- (a) a chairman and a deputy chairman, not being members of the General Council, appointed by the President of the General Council having regard to the recommendation of such body or bodies concerned with postgraduate medical education in England and Wales, in Scotland and in Northern Ireland, as the Council may by rules prescribe;
- (b) such number of other members as the Council may by rules prescribe, being members of the General Council and including at least—

- (i) one elected member,
- (ii) one appointed member, and
- (iii) one member who is or has been registered under Part III of the Medical Act 1956<sup>(a)</sup>, under section 18 or 22 of the Medical Act 1978<sup>(b)</sup> or under section 19 or 22 above.

(3) There shall be paid to the members of the Review Board such fees and such travelling, subsistence or other allowances as the General Council may allow.

(4) The General Council shall provide the Review Board with office accommodation and secretarial assistance for the discharge of their functions.

(5) The General Council may by rules make provision with respect to the quorum and procedure of the Review Board.

(6) No rules under this section shall come into force until approved by order of the Privy Council.

*Functions of the Review Board*

29.—(1) Any person in whose case a decision falling within subsection (2) below is made by the General Council may require the Registrar to state in writing the reasons for the decision and, subject to subsection (3) below, may apply to the Review Board for that decision to be reviewed by the Board.

(2) The following are the decisions referred to in subsection (1) above, namely—

- (a) a refusal to direct by virtue of section 19 above that a person be registered under that section as a fully registered medical practitioner;
- (b) a refusal to direct that a person be registered provisionally under section 21 above;
- (c) in a case where at the date of the refusal a person had been registered with limited registration for a period, or for periods which amount in the aggregate to a period, of not less than three years and six months, a refusal to direct by virtue of section 25 above that he be registered under section 19 above as a fully registered medical practitioner;
- (d) in the case of a person who is or has been registered with limited registration for a period, a refusal to direct under section 22(1) above that he be granted limited registration for a further period; and
- (e) a direction under section 24(2) above that a person's name be erased from the register of medical practitioners with limited registration.

(3) A person in whose case a decision falling within subsection (2) above is made shall not be entitled to apply to the Review Board for the decision to be reviewed where—

- (a) the decision is such a refusal as is referred to in paragraph (a) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person does not satisfy the requirements of section 20 above as to experience; or
- (b) the decision is such a refusal as is referred to in paragraph (a) or (b) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that no qualification which the person claims to hold is a recognised overseas qualification; or
- (c) the decision is such a refusal as is referred to in paragraph (a), (b), (c) or (d) of that subsection and the reason or one of the reasons for the refusal given by the Registrar is that the person has failed to satisfy him that he has the necessary knowledge of English.

(4) On completing a review under this section of any decision, the Review Board shall determine whether in their opinion the decision ought to stand and shall notify their opinion to the President of the General Council or to such other member of the Council as the Council may appoint to act for the purposes of this subsection; and the President or member so appointed may, if having regard to the Board's opinion he thinks fit, direct that the decision be reversed.

### *Guidance*

29G.—(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—

(a) for the purposes of revalidation.

(2) In preparing any such guidance 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 the health service, the Scottish health service or the Northern Ireland health service.

(3) In subsection (2) above—

"the health service" means the health service established in pursuance of the National Health Service Act 1946;

"the Northern Ireland health service" means any service provided in pursuance of Article 4(a) of the Health and Personal Social Services (Northern Ireland) Order 1972; and

"the Scottish health service" means the health service established in pursuance of the National Health Service (Scotland) Act 1947.

### PART IV

#### GENERAL PROVISIONS CONCERNING REGISTRATION

##### *The registers*

30.—(1) The register of medical practitioners shall include—

(a) in the principal list the names of persons entitled to be registered under section 3, 15 or 15A above, or directed to be registered under section 19, 21, 21A or 25 above;

(b) *(Deleted 2003)*

(c) in the visiting overseas doctors list the names of persons from time to time directed to be registered under section 27 above; and

(d) in the visiting EEA practitioners list the names of persons entitled to be registered from time to time under section 18 above.

(2) The register of medical practitioners with limited registration shall include the names of persons granted limited registration under section 22 above.

(3) Each register shall also include the addresses and dates of registration of the persons registered in it, such of their qualifications as they are entitled to have registered under section 16 or 26 above and such other particulars (if any) of those persons as may be prescribed for that register.

(4) It shall be the duty of the Registrar to keep the registers 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, and from time to time to make the 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 either 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 either 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.

##### *Power to make regulations with respect to the registers*

31.—(1) Subject to the provisions of this Act, the General Council may make regulations with respect to the form and keeping of the registers and the making of entries, alterations and corrections in them.

(2) Regulations under this section may provide for 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 either register is not kept by making entries in bound books, adequate precautions shall be taken for guarding against, and facilitating the discovery of, falsification.

(3) Different regulations may be made under this section by virtue of subsection (1) or (2) above in relation to the register of medical practitioners and the register of medical practitioners with limited registration.

(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 or 15A above and those provisionally registered under section 21 above.

(5) *(Deleted 2003)*

(6) *(Deleted 2003)*

(7) *(Deleted 2003)*

(8) Regulations under this section may make provision with respect to the restoration to the registers or a particular list in the register of medical practitioners in which he was registered of the name of any person whose name has been erased from it by virtue of section 30(5) above or of any regulations made in pursuance of 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 the register or a particular list in it the name of any such person as is mentioned in that subsection unless he furnishes to the Registrar such evidence of his identity and good character as may be prescribed; and  
(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 Council so direct after making such investigation of his conduct 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.

(10) Regulations made in pursuance of subsection (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.

#### *Voluntary removal from the Register*

31A.—(1) The General Council may make regulations—

- (a) providing for the erasure by the Registrar from the register of medical practitioners of the name of any person who applies, in the manner prescribed by the regulations, for his name to be erased from the register;
- (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 the register of the name of any person whose names has been erased in accordance with regulations made in pursuance of paragraph (a) above.

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

#### *Registration fees*

32.—(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 in any year subsequent to the year beginning with the date on which he was first registered;
- (c) authorising the Registrar, notwithstanding anything in this Act, to refuse to make any entry in, or restore any entry to, the register or a particular list in it 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 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.

(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.

(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 as a visiting EEA practitioner and accordingly this section shall not apply in relation thereto.

(6) Where on an application in that behalf by any person a direction is given—

- (a) that he be registered with limited registration under section 22 above; or
- (b) for his name to be erased from the register of medical practitioners with limited registration by virtue of section 24(1) above,

the General Council may include therein a direction that the right to registration or erasure conferred thereby shall be subject to the payment by him of such fee as may be specified in the direction.

(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.

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

(9) For the avoidance of doubt it is hereby declared that in this section "entry" includes an entry by way of alternation of a previous entry.

#### *Supplementary provisions about registration*

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

#### *The Register*

34.—(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, appear in—

- (a) the register of medical practitioners; or
- (b) the register of practitioners with limited registration.

(2) The list published in accordance with subsection (1) above shall include in respect of each practitioner—

- (a) information about his registered qualifications;
- (c) such other particulars (if any) as the General Council may direct in relation to that list.

#### *Proof of registration*

34.A—(1) The Registrar may issue a certificate that a person—

- (a) is registered;
- (b) is not registered;
- (c) was registered at a specified date or during a specified period;
- (d) was not registered at a specified date or during a specified period;
- (e) has never been registered;

(2) A certificate issued under subsection (1) above shall be evidence (and in Scotland sufficient evidence) of the matters certified.

#### PART V

#### PROFESSIONAL CONDUCT AND FITNESS TO PRACTISE

##### *General Council's power to advise on conduct or performance or ethics*

35. 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 standards of professional conduct or performance or on medical ethics.

##### *General Council's power to require disclosure of information*

35A.—(1) For the purpose of assisting the General Council or any of their committees in carrying out functions in respect of professional conduct, professional performance or fitness to practise, a person authorised by the Council may require—

- (a) a practitioner (except the practitioner in respect of whose professional conduct, professional performance or fitness to practise 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.

(2) As soon as is reasonably practicable after the relevant date, the General Council shall require, from a practitioner in respect of whom a decision mentioned in subsection (3) has been made, 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 the relevant date is—

- (a) the date of a decision to refer a case in respect of a practitioner to the Preliminary Proceedings Committee in accordance with rules made under paragraph 5(2) of Schedule 4 to this Act;
- (b) where rules have been made under paragraph 1(1) or 5A(1) of Schedule 4 to this Act which provide for any of the following decisions—

- (i) to invite a practitioner to agree to an assessment of his professional performance;
- (ii) to invite a practitioner to agree to an assessment to determine whether his fitness to practise is seriously impaired by reason of his physical or mental condition;
- (iii) to notify a practitioner that medical reports received by the General Council appear to provide evidence that his fitness to practise may be seriously impaired by reason of his physical or mental condition,

the date of the decision in question.

(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) may, in exercising his functions under that subsection, require that the information be put into a form which is not capable of identifying that individual.

(6) Subsection (1) shall not apply in relation to the supplying of information or the production of any document which a person could not be compelled to supply or produce in civil proceedings before the court (within the meaning of section 38).

(7) For the purposes of subsection (4), "enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

(8) For the purposes of this section and section 35B, a "practitioner" means a fully registered person, a provisionally registered person or a person registered with limited registration.

*Notification and disclosure by the General Council*

35B.—(1) As soon as is reasonably practicable after the relevant date, the General Council shall notify the following of the making of a decision mentioned in section 35A(3) in respect of a practitioner—

(a) the Secretary of State, the Scottish Ministers 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.

(2) The General Council may disclose to any person any information relating to a practitioner's professional conduct, professional performance or fitness to practise which they consider it to be in the public interest to disclose.

*Professional misconduct and criminal offences*

36.—(1) Where a fully registered person—

(a) is found by the Professional Conduct Committee to have been convicted in the British Islands of a criminal offence, or to have been convicted elsewhere of an offence which, if committed in England and Wales, would constitute a criminal offence, whether while so registered or not; or

(b) is judged by the Professional Conduct Committee to have been guilty of serious professional misconduct, whether while so registered or not;

the Committee may, if they think fit, direct—

(i) that his name shall be erased from the register;

(ii) 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

(iii) 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 the committee think fit to impose for the protection of members of the public or in his interests.

(2) Where a fully registered person whose registration is subject to conditions imposed under subsection (1) above by the Professional Conduct Committee or under section 41A by the Interim Orders Committee or the Professional Conduct Committee is judged by the Professional Conduct Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, direct—

(a) that his name shall be erased from the register; or

(b) that his registration in the register shall be suspended (that is to say, shall not have any effect) during such period not exceeding twelve months as may be specified in the direction.

(3) Where the Professional Conduct Committee have given a direction for suspension under subsection (1) or (2) above, the Committee may—

(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) direct that the name of the person whose registration is suspended shall be erased from the register; or

(c) direct that the registration of the person whose registration is suspended shall, as from the expiry of the current period of suspension, 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 the Committee think fit to impose for the protection of members of the public or in his interests;

but the Committee shall not extend any period of suspension under this section for more than twelve months at a time.

(4) Where the Professional Conduct Committee have given a direction for conditional registration, the Committee may—

(a) 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

(b) revoke the direction or revoke or vary any of the conditions imposed by the direction;

but the Committee shall not extend any period of conditional registration under this section for more than twelve months at a time.

(5) Subsection (2) above shall apply to a fully registered person whose registration is subject to conditions imposed under subsection (3)(c) above as it applies to a fully registered person whose registration is subject to conditions imposed under subsection (1) above, and subsection (3) above shall apply accordingly.

(6) Where the Professional Conduct Committee give a direction under this section for erasure, for suspension or for conditional registration or vary the conditions imposed by a direction for conditional registration the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.

(7) In subsection (6) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(8) While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.

(9) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

#### *Professional performance*

36A.—(1) Where the standard of professional performance of a fully registered person is found by the Committee on Professional Performance to have been seriously deficient, the Committee shall direct—

(a) 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

(b) that his registration shall be conditional on his compliance, during such period not exceeding three years as may be specified in the direction, with the requirements so specified.

(2) Where a fully registered person, whose registration is subject to conditions imposed under any provision of this section by the Committee on Professional Performance, or under section 41A by the Interim Orders Committee or the Committee on Professional Performance, is judged by the Committee on Professional Performance to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit, direct that his registration in the register shall be suspended during such period not exceeding twelve months as may be specified in the direction.

(3) Where the Committee on Professional Performance have given a direction for suspension under any provision of this section the Committee may direct—

- (a) 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; or
- (b) that the registration of the person whose registration is suspended shall, as from the expiry (or termination under subsection (5)(b) below) of the current period of suspension 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 the Committee think fit to impose for the protection of members of the public or in his interests;

but, subject to subsection (4) below, the Committee shall not extend any period of suspension under this section for more than twelve months at a time.

(4) The Committee on Professional Performance may make a direction extending a 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.

(5) Where the Committee on Professional Performance have made a direction for indefinite suspension, they—

- (a) shall review the suspension when requested to do so by the person whose registration is suspended (but not until two years after the date on which the direction takes effect and not more than once in any period of two years), and
- (b) having carried out such a review, may direct that the suspension be terminated.

(6) Where the Committee on Professional Performance have given a direction for conditional registration, the Committee may—

- (a) 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;
- (b) revoke the direction or revoke or vary any of the conditions imposed by the direction;
- (c) direct that the registration shall be suspended during such period not exceeding twelve months as may be specified in the direction;

but the Committee shall not extend any period of conditional registration under this section for more than three years at a time.

(7) Where the Committee on Professional Performance give a direction under this section for suspension or for conditional registration, or vary the conditions imposed by a direction for conditional registration, the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.

(8) In subsection (7) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(9) While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.

(10) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

*Unfitness to practise through illness, etc.*

37.—(1) Where the fitness to practise of a fully registered person is judged by the Health Committee to be seriously impaired by reason of his physical or mental condition the Committee may, if they think fit, direct—

- (a) 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
- (b) 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 the Committee think fit to impose for the protection of members of the public or in his interests.

(2) Where a fully registered person whose registration is subject to conditions imposed under subsection (1) above by the Health Committee or under section 41A by the Interim Orders Committee or the Health Committee is judged by the Health Committee to have failed to comply with any of the requirements imposed on him as conditions of his registration the Committee may, if they think fit,

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.

(3) Where the Health Committee have given a direction for suspension under subsection (1) or (2) above, the Committee may—

(a) direct that the current period of suspension shall be extended for such period from the time when it would otherwise expire as may be specified in the direction; or

(b) direct that the registration of the person whose registration is suspended shall, as from the expiry (or termination under subsection 3B(b) below) of the current period of suspension, 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 the Committee think fit to impose for the protection of members of the public or in his interests;

but, subject to subsection (3A) below, the Committee shall not extend any period of suspension under this section for more than twelve months at a time.

(3A) The Health Committee may give a direction extending a 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 given not more than two months before the date on which the period of suspension would otherwise expire.

(3B) Where the Health Committee have given a direction for indefinite suspension, they—

(a) shall review the suspension when requested to do so by the person whose registration is suspended (but not until two years after the date on which the direction takes effect and not more than once in any period of two years), and

(b) having carried out such a review, may direct that the suspension be terminated.

(4) Where the Health Committee have given a direction for conditional registration, the Committee may—

(a) 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

(b) revoke the direction or revoke or vary any of the conditions imposed by the direction;

but the Committee shall not extend any period of conditional registration under this section for more than twelve months at a time.

(5) Subsection (2) above shall apply to a fully registered person whose registration is subject to conditions imposed under subsection (3)(b) above as it applies to a fully registered person whose registration is subject to conditions imposed under subsection (1) above, and subsection (3) above shall apply accordingly.

(6) Where the Health Committee give a direction under this section for suspension or for conditional registration or vary the conditions imposed by a direction for conditional registration the Registrar shall forthwith serve on the person to whom the direction applies a notification of the direction or of the variation and of his right to appeal against the decision in accordance with section 40 below.

(7) In subsection (6) above references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(8) While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it.

(9) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of "fully registered person".

*Power to order immediate suspension after a finding of professional misconduct or unfitness to practise*

38.—(1) On giving a direction for erasure or a direction for suspension under section 36(1) or (2), 36A or 37(1) or (2) above or under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act in respect of any person the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee, if satisfied that to do so is necessary for the protection of members of the public or would be in the best interests of that person, may order that his registration be suspended forthwith in accordance with this section; and in this subsection the reference to section 36(2) includes a reference to that provision as applied by section 36(5) and the reference to section 37(2) includes a reference to that provision as applied by section 37(5).

(2) Where, on the giving of a direction an order under subsection (1) 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) from the time when the order is made until the time when the direction takes effect in accordance with paragraph 10 of Schedule 4 to this Act or in accordance with rules made by virtue of paragraph 5A(3) of that Schedule or an appeal against it under section 40 below or paragraph 5A(4) of that Schedule is (otherwise than by the dismissal of the appeal) determined.

(3) Where the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee make an order under subsection (1) above the Registrar shall forthwith serve notification of the order on the person to whom it applies.

(4) If, when an order under subsection (1) above is made, the person to whom it applies is neither present nor represented at the proceedings, subsection (2) 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.

(5) 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.

(6) The court may terminate any suspension of a person's registration in the register imposed under subsection (1) above, and the decision of the court on any application under this subsection shall be final.

(7) In this section "the court"—

(a) in the case of a person whose address in the register is in Scotland, means the Court of Session;

(b) in the case of a person whose address in the register is in Northern Ireland, means the High Court of Justice in Northern Ireland; and

(c) in the case of any other person, means the High Court of Justice in England and Wales.

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

39.—(1) If the General Council are satisfied that any entry in the register has been fraudulently procured or incorrectly made they may direct that the entry shall be erased from the register.

(2) Where the General Council give a direction for the erasure of a person's name under this section the Registrar shall forthwith serve on that person a notification of the direction and of his right to appeal against the decision in accordance with section 40 below.

#### *Appeals*

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

(a) a decision of the Professional Conduct Committee under section 36 above giving a direction of erasure, for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration;

(aa) a decision of the Committee on Professional Performance under section 36A above giving a direction for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration; or

(b) a decision of the Health Committee under section 37 above giving a direction for suspension or for conditional registration or varying the conditions imposed by a direction for conditional registration; or

(c) *(Deleted 2003)*

(d) a decision of the Professional Conduct Committee under section 41(6) giving a direction that the right to make further applications under that section shall be suspended indefinitely; or

(e) a decision of the General Council under section 45(6) giving a direction that the right to make further applications under that section shall be suspended indefinitely.

(1A) A decision of the General Council under section 39 above giving a direction for erasure is also an appealable decision for the purposes of this section.

(2) In subsection (1) above the references to a direction for suspension and a direction for conditional registration include references to a direction extending a period of suspension or a period of conditional registration.

(3) 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 36(6), 36A(7), or 37(6) above, or section 41(7) or 45(5) below, appeal against the decision to the relevant court.

(3A) In subsection (3), "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 (including one appealing against a decision falling within subsection (1)(e)), means the High Court of Justice in England and Wales.

(3B) A person in respect of whom an appealable decision falling within subsection (1A) above 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 39(2), appeal against the decision to a county court or, in Scotland, the sheriff in whose sheriffdom the address in the register is situated.

(4) *(Deleted 2003)*

(5) *(Deleted 2003)*

(6) *(Deleted 2003)*

(7) On an appeal under this section from the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee, 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 the committee concerned, or
- (d) remit the case to the committee concerned 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.

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

- (a) dismiss the appeal,
- (b) allow the appeal and quash the direction appealed against, or
- (c) remit the case back 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) *(Deleted 2003)*

(10) *(Deleted 2003)*

(11) On an appeal under this section from the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee the General Council may appear as respondent; and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

*Restoration of names to register*

41.—(1) Subject to subsections (2) and (5) below, where the name of a person has been erased from the register under section 36 above the Professional Conduct Committee may, if they think fit, direct his name to be restored to the register.

(2) No application for the restoration of a name to the register under this section shall be made to the Professional Conduct Committee—

- (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.

(3) In the case of a person who was provisionally registered under section 15, 15A or 21 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, 15A or 21 above, as the case requires.

(4) 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.

(5) Before determining whether to give a direction under subsection (1), the Professional Conduct Committee shall require an applicant for restoration to provide such evidence as they direct as to one or more of his good character, professional competence and health; and they shall not give such a direction if that evidence does not satisfy them.

(6) 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, the Professional Conduct Committee may direct that his right to make any further such applications shall be suspended indefinitely.

(7) Where the Professional Conduct Committee give a direction under subsection (6), the Registrar 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.

(8) Any person in respect of whom a direction has been given under subsection (6) may, after the expiration of three years from the date on which the direction was given, apply to the Professional Conduct Committee for that direction to be reviewed by the Committee 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.

#### *Interim Orders*

41A.—(1) Where the Interim Orders Committee 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, the Committee 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 the Committee think fit to impose (an "order for interim conditional registration").

(2) Subject to subsection (9), where the Interim Orders Committee have made an order under subsection (1), the Committee—

(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), the Interim Orders Committee, the Professional Conduct Committee, the Health Committee or the Committee on Professional Performance may, subject to subsection (4)—

(a) revoke the order or revoke any condition imposed by the order;

(b) vary any condition imposed by the order;

(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;

(d) if satisfied that the public interest, including the protection of members of the public, or the interests of the person concerned would be adequately served by an order for interim conditional registration, replace an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.

(4) No order under subsection (1) or (3)(b) to (d) shall be made by any Committee in respect of any person unless he has been afforded an opportunity of appearing before the Committee and being heard on the question whether such an order should be made in his case; and for the purposes of this subsection a person may be represented before the Committee by counsel or a solicitor, or (if rules made under paragraph 1 of Schedule 4 to this Act so provide and he so elects) by a person of such other description as may be specified in the rules.

(5) If an order is made under any provision of this section the Registrar 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 court for an order made by the Interim Orders Committee under subsection (1) or (3) to be extended, and may apply again for further extensions.

(7) On such an application the court may extend (or further extend) for up to 12 months the period for which the order has effect.

(8) In this section, references to an interim suspension order and an order for interim conditional registration include such an order as so extended.

(9) For the purposes of subsection (2) the first review after the court's extension of an order made by the Interim Orders Committee or after a replacement order made by the Interim Orders Committee under subsection (3)(c) or (d) 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 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 that provision, within the period of three months beginning on that date.

(10) Where an order has effect under any provision of this section, the 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 court under any application under this subsection shall be final.

(11) 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) This section applies to a provisionally registered person and to a person registered with limited registration whether or not the circumstances are such that he falls within the meaning in this Act of the expression "fully registered person".

(13) In this section "the court" has the same meaning as in section 38.

*Interim Orders made by committees other than the Interim Orders Committee*

41B.—(1) This section applies where the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee have made an order under section 41A(3)(c) or (d).

(2) Subject to subsections (3) and (4), any Committee referred to in subsection (1) may—

- (a) do any of the things referred to in section 41A(3)(a) to (d) in relation to the order; and
- (b) before the expiry of the order, extend it or further extend it.

(3) Subsection (2)(b) applies equally to a replacement order made by one of those Committees by virtue of section 41A(3)(c) or (d) as applied by subsection (2)(a).

(4) An order may not be extended under this section for more than three months at a time.

(5) Subsections (5) and (10) to (13) of section 41A apply for the purposes of this section as they apply for the purposes of that section.

(6) For the purposes of rules made under paragraph 1 of Schedule 4 for the Committees referred to in subsection (1), "proceedings" in that paragraph includes proceedings under this section.

*Preliminary proceedings as to professional misconduct and unfitness to practise*

42.—(1) The Preliminary Proceedings Committee shall have the functions assigned to them by this section.

(2) It shall be the duty of the Committee to decide whether any case referred to them for consideration in which a practitioner is alleged to be liable to have his name erased under section 36 above or his registration suspended or made subject to conditions under section 36 or 37 above ought to be referred for inquiry by the Professional Conduct Committee or the Health Committee.

(3) If the Committee decide that a case ought to be referred for inquiry by the Professional Conduct Committee or the Health Committee—

- (a) they shall give a direction designating the Committee which is to inquire into the case; and
- (b) the Registrar shall serve a notification of the decision of the Preliminary Proceedings Committee on the person whose case has been so referred.

*Proceedings before Professional Conduct, Health, Preliminary Proceedings and Assessment Referral Committees and the Committee on Professional Performance*

43. Schedule 4 to this Act (which contains supplementary provisions about proceedings before the Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance, the Health Committee and the Preliminary Proceedings Committee) shall have effect.

*Effect of disqualification in another member State on registration in the United Kingdom*

44.—(1) A person who is subject to a disqualifying decision in an EEA State in which he is or has been established in medical practice shall not be entitled to be registered by virtue of section 3(b) 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 the EEA State in which he was established in medical practice or in which he acquired a primary United Kingdom or primary European 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, 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 from practising medicine there.

(3) If a person has been registered by virtue of section 3(b) above and it is subsequently shown to 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) If registration is refused or a person's name is removed from the register in accordance with subsection (3) above—

- (a) the Registrar shall, on request, state in writing the reasons for the refusal, or the removal, as the case may be;
- (b) the person may appeal by giving notice in writing to the General Council; and
- (c) any such appeal shall be determined by the General Council or, if the Council have delegated their functions under this subsection to a committee, by that committee.

(5) If a person has been registered as a fully registered medical practitioner by virtue of section 3(b) 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) the Professional Conduct Committee may direct that his registration be suspended for such period, not exceeding the length of the first-mentioned period, as the Committee think fit, and the period of suspension shall begin on a date to be specified in the Committee's direction; and
- (b) sections 36(6) and 40 of and paragraphs 1, 2, 8, 9, 10 and 13 of Schedule 4 to this Act shall have effect, with any necessary modifications, in relation to suspension under this subsection.

(6) Where on or after the date on which a person was registered by virtue of section 3(b) 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 had been such as is imputed to him by that decision, as the case may be.

(7) Subsection (1) of section 18 above shall not apply to a person and that person shall not be registered as a visiting EEA practitioner at any time when he is subject to a disqualifying decision imposed by a member State on its competent authority (within the meaning of that section).

*Disciplinary provisions affecting practitioners who render services while visiting the United Kingdom*

45.—(1) If a national of an EEA State who has medical qualifications entitling him to registration under section 3 above but is not so registered and who renders medical services while visiting the United Kingdom (whether or not registered as a visiting EEA practitioner) -

- (a) is found by the Professional Conduct Committee to have been convicted of a criminal offence in any EEA State where he was practising medicine; or
- (b) is judged by the Professional Conduct Committee to have been guilty of serious professional misconduct, the Committee may, if they think fit, impose on him a prohibition in respect of the rendering of medical services in the United Kingdom in the future.

(2) A prohibition imposed under this section shall either relate to a period specified by the Professional Conduct Committee or be expressed to continue for an indefinite period.

(3) A person may apply to the General Council for termination of a prohibition imposed on him under this section and the Council may, on any such application, terminate the prohibition or reduce the period of it; but no application may be made under this subsection—

- (a) earlier than five years from the date on which the prohibition was imposed; or
- (b) in the period of twelve months following a decision made on an earlier application.

(4) Section 18(1) above does not apply to a person and that person shall not be registered as a visiting EEA practitioner at a time when he is subject to a prohibition imposed by the Professional Conduct Committee under this section.

(5) Before determining whether to terminate a prohibition under subsection (3), the General Council shall require the person applying for its termination to provide such evidence as they direct as to one

or more of his good character, professional competence and health; and they shall not terminate the prohibition if that evidence does not satisfy them.

(6) Where, during the same period of prohibition, a second or subsequent application for termination of the prohibition, made by or on behalf of a person on whom the prohibition has been imposed, is unsuccessful, the General Council may direct that his right to make any further such applications shall be suspended indefinitely.

(7) Where the General Council give a direction under subsection (6), the Registrar 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.

(8) Any person in respect of whom a direction has been given under subsection (6) may, after the expiration of three years from the date on which the direction was made, apply to the General Council for that direction to be reviewed by the General Council 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.

## PART VI

### PRIVILEGES OF REGISTERED PRACTITIONERS

#### *Recovery of fees*

46.—(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 EEA State 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 recovery 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.

#### *Appointments not to be held except by fully registered practitioners*

47.—(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

(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 Committee on Professional Performance under Section 36A above, or under rules made by virtue of paragraph 5A(3) of Schedule 4 to this Act, a direction of the Health Committee under section 37(1) or (2) above, an order of either of those Committees under section 38(1) above or an interim order under section 41A 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.

#### *Certificates invalid if not signed by fully registered practitioner*

48. 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.

#### *Penalty for pretending to be registered*

49.—(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 (as defined in section 75 of the Criminal Justice Act 1982<sup>(a)</sup>); and for the purpose of this subsection—

(a) section 37 of that Act; and

(b) an order under section 143 of the Magistrates' Courts Act 1980<sup>(b)</sup> which alters the sums specified in subsection (2) of the said section 37,

shall extend to Northern Ireland and the said section 75 shall have effect as if after the words "England and Wales" there were inserted the words "or Northern Ireland".

(2) Subsection (1) above shall not apply to anything done by a person who is a national of any 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.

#### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Default powers of Privy Council*

50.—(1) If at any time it appears to the Privy Council that—

(a) the Education Committee have failed to secure the maintenance of the prescribed standard of proficiency at examinations; or

(b) the General Council or the Education Committee 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, 10, 11, 12, 13 or 32(1) to (3) or (7) to (9) or paragraph 7 of Schedule 4 to this Act,

the Privy Council may notify their opinion to the General Council or that Committee as the case requires.

(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.

(3) Subsection (2) above shall apply to the Education Committee as it applies to the General Council.

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

51.—(1) Any power of the Privy Council to make orders under the provisions of this Act (except section 9(2) and (5)) 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.

(3) Subsection (2) above does not apply to an Order in Council under section 8(2) above or an order of the Privy Council under section 31(10) or 32(8) above or an order under section 11(5) above, but no order under section 11(5) above shall be made unless a draft of it has been laid before Parliament and has been approved by a resolution of each House of Parliament.

##### *Exercise of powers of Privy Council*

52.—(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.

#### *Annual Reports*

52A. —(1) The General Council shall publish at least once in each calendar year a statistical report which indicates the efficiency and effectiveness of the arrangements the Council has put in place to protect the public from persons whose fitness to practise is impaired, together with the General Council's observations on the report.

(2) The General Council—

(a) within such time as may be specified by the Privy Council, shall submit a report to it on the General Council's exercise of its functions during the period specified by the Privy Council; and

(b) thereafter shall submit such a report once in each year in respect of the period since its last such report.

(3) The Privy Council shall lay before each House of Parliament a copy of the report submitted by the Council under subsection (2) above.

#### *Proof of certain instruments*

53.- (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 such instrument, shall be admissible in evidence.

(2) The instruments referred to in subsection (1) above are—

(a) any order of the Privy Council under section 9 above;

(b) regulations made by the General Council under section 31 or 32 above;

(c) an order of the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee under section 38 above; and

(d) a direction of the General Council under section 39 above.

#### *Saving of certain occupations*

54. 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.

#### *Interpretation*

55.—(1) In this Act—

"acceptable overseas qualification" has the meaning given by section 22(4) above;

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

"appointed member" means a member of the General Council chosen by a university or other body designated as an appointing body by an Order in Council under section 1 above;

"appointing body" means a university or other body having, by virtue of an Order in Council under section 1 above, power to choose an appointed member or members of the General Council;

"Directive 93/16/EEC" has the meaning given by section 5(4) above;

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

"the EEA Agreement" and 'EEA State' have the meanings given by section 3(3) above;

"elected member" means a member of the General Council elected under paragraph 2 of Schedule 1 to this Act;

"exempt person" has the meaning given in section 19(2) above;

"fully registered person" means a person for the time being registered under section 3, 19, 21A, 25 or 27 above as a fully registered medical practitioner, or under section 18 above as a visiting EEA practitioner, and—

(a) so far as mentioned in subsection (3) of section 15 (including that subsection as applied by section 15A(4)) or 21 above, but not further, includes a person for the time being provisionally registered;

(b) in relation to such employment and such things as are mentioned in paragraphs (a),

(b) and (c) of subsection (7) of section 22 above, but not in relation to other matters,

includes a person for the time being registered under that section with limited registration;

and "fully registered" shall be construed accordingly;

"the General Council" means the General Medical Council;

"limited registration" has the meaning given by section 22(2) above;

"national", in relation to an EEA State has the same meaning as in the Community 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;

"the necessary knowledge of English", in relation to an applicant for registration under this Act, means the knowledge which, in the interests of himself and his patients, is necessary for the practice of medicine in the United Kingdom;

"nominated member" means a member of the General Council nominated by Her Majesty under paragraph 4 of Schedule 1 to this Act;

"the permitted period", in relation to limited registration, has the meaning given by section 22(3) above;

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

"a prescribed pattern of experience" has the meaning given by section 5(4) above;

"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;

"professional performance" includes a medical practitioner's professional competence;

"provisionally registered" means provisionally registered under section 15, 15A or 21 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;

"revalidation" has the meaning given in section 29A above;

"the register" means the register of medical practitioners, except that, in relation to a person registered with limited registration, it means the register of medical practitioners with limited registration;

"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;

"the statutory committees" means the committees specified in section 1(3) above.

(2) In relation to anything done before the adoption by the Council of Directive 93/16/EEC, references in this Act to that Directive, or to any provision of that 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.

*Consequential amendments, repeals, transitional provisions and savings*

56.—(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<sup>(a)</sup> (which relate to the effect of the repeals); and in Schedule 6 "the 1956 Act" and "the 1978 Act" mean the Medical Act 1956<sup>(b)</sup> and the Medical Act 1978<sup>(c)</sup> 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 Medical Qualifications (EEC Recognition) Order 1977<sup>(d)</sup> 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.

*Short title, commencement and extent*

57.—(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.

SCHEDULES

SCHEDULE 1

THE GENERAL MEDICAL COUNCIL AND ITS COMMITTEES, AND THE BRANCH COUNCILS  
PART I

## CONSTITUTION OF THE GENERAL MEDICAL COUNCIL

### *General*

1.—(1) The General Council shall consist of—

- (a) elected members;
- (b) appointed members; and
- a. nominated members.

(2) The numbers of elected members, appointed members and nominated members shall be such that the number of the elected members exceeds the number of the appointed and nominated members.

(3) The General Council shall consist of no more than 35 members.

### *Elected Members*

2.—(1) Elections of elected members shall be conducted in accordance with an electoral scheme under this paragraph providing for the election of members for the following four constituencies, that is to say—

- (a) England, the Channel Islands and the Isle of Man;
- (b) Wales;
- (c) Scotland; and
- (d) Northern Ireland.

(1A) The provision that may be made by an electoral scheme includes provision for any of the constituencies listed in sub-paragraph (1)(a) to (d) above to be divided into two or more separate constituencies.

(2) An electoral scheme shall be made, with the approval of the Privy Council, by the General Council after consultation with such bodies as appear to the General Council to be representative of medical practitioners.

(3) An electoral scheme under sub-paragraph (2) above may be amended by the General Council with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.

(4) The persons qualified to elect the elected members for any constituency shall be those who, on a date determined in accordance with the electoral scheme—

- (a) are resident in the constituency for which the election is held; and
- (b) are fully registered, provisionally registered or registered with limited registration.

" (5) A person shall not be qualified to be elected as an elected member unless he —

- (a) is fully registered, provisionally registered or registered with limited registration.

(5A) An electoral scheme shall make provision for the disclosure to those qualified to vote at an election of information (including information concerning fitness to practise) relating to a person seeking election.

(6) For the purposes of this paragraph, a person shall be taken to be resident at his address in the register.

### *Appointed Members*

3.—(1) Appointed members shall be chosen by such bodies as are designated for the time being as appointing bodies by an Order in Council under section 1 of this Act.

(2) A person shall not be qualified to be chosen as an appointed member unless he —

- (a) is fully registered, provisionally registered or registered with limited registration.

(3) An Order in Council under section 1 of this Act may give an appointing body the power to choose more than one appointed member or to choose an appointed member in combination with another appointing body or bodies.

### *Nominated Members*

4.—(1) Nominated members shall be nominated by Her Majesty on the advice on Her Privy Council.

(2) One member at least shall be nominated for England, for Wales, for Scotland and for Northern Ireland.

(3) A nominated member shall be a person who is neither fully registered nor a holder of any qualification registrable under this Act.

### *Suspension or removal from office of members*

4A. —(1) The General Council shall by rules make provision for the suspension or removal from office of a member by the General Council in such circumstances as may be specified in the rules.

(2) Rules under sub-paragraph (1) above shall provide for an elected member or an appointed member to be removed from office if he ceases—

- (a) to be registered;

(3) Standing orders of the General Council shall make provision for the procedure by which a member may be suspended or removed from office.

(4) No rules under sub-paragraph (1) above shall come into force until approved by order of the Privy Council.

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

4B.—(1) The General Council must establish and maintain a system for the declaration and registration of private interests of members of the Council.

(2) The General Council must publish entries recorded in the register of members' private interests.

#### *Supplementary*

5. An order in Council under section 1 of this Act may contain such incidental, consequential, transitional or supplementary provisions as appear to Her Majesty to be necessary or expedient.

6.—(1) Subject to sub-paragraph (2) below, a person shall not be qualified to be a member of the General Council if he has attained the age of seventy years.

(2) The General Council may by rules provide that sub-paragraph (1) above shall have effect with the substitution of such age less than seventy years as is specified in the rules.

(3) No rules under sub-paragraph (2) above shall come into force until approved by order of the Privy Council.

7.—(1) Notwithstanding paragraph 1(2) above, an Order in Council under section 1 of this Act—

(a) may make provision permitting elections to fill casual vacancies among the elected members to be held together, but

(b) may not permit a casual vacancy among the elected members to be left unfilled for a period exceeding six months, except in accordance with paragraph (c) below, and

(c) may make provision that a casual vacancy among the elected members need not be filled if the unexpired term of the elected member giving rise to the vacancy is less than twelve months.

(2) In sub-paragraph (1) above the "unexpired term" means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would have expired." .

8. No recommendation shall be made to Her Majesty to amend or revoke an Order in Council under section 1 of this Act so far as it relates to the appointing bodies except in pursuance of a representation made to the Privy Council by the General Council.

## PART II

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

#### *Incidental Powers and duties*

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.

9A. In exercising their functions, the General Council shall co-operate wherever appropriate and reasonably practicable with public authorities or other bodies or persons concerned with—

(a) the employment (whether or not under a contract of service) of registered medical practitioners;

(b) the education of medical practitioners, prospective medical practitioners or other health care professionals;

(c) the regulation of other health or social care professions; or

(d) the regulation of health services.

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 section 18) requests for information on matters which in the opinion of the Council are relevant for that purpose.

11. The General Council may provide facilities for testing the knowledge of English of applicants for registration under section 21A or 22 of this Act.

#### *Proceedings of the General Council*

12. The validity of any proceedings of the General Council shall not be affected by any vacancy among the members of the Council or by any defect in the election, appointment or nomination of a member of the Council.

13. The quorum of the General Council shall be prescribed by Her Majesty by Order in Council made under section 1 of this Act.

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 presides at the meeting shall, in addition to his vote as a member of the Council, have a casting vote.

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.

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

(3) This paragraph does not apply in relation to the statutory committees other than the Education Committee nor shall standing orders be made under it in relation to the discharge of the Council's functions under section 39 of this Act or in relation to any committee to which those functions may be delegated.

#### *Officers of the General Council*

16.—(1) The General Council shall elect from among their number a president of the General Council and may so elect a chairman and a treasurer or treasurers of the General Council.

(2) Any chairman or treasurer elected in pursuance of sub-paragraph (1) above shall be elected for a term not extending beyond the expiration of the term for which he has been elected, chosen or nominated to be a member 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, or in a direction or delegation to him under subparagraph (4) below, shall include a reference to that deputy or assistant where the reference relates to that matter.

(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).

#### *Financial Provisions*

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

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 qualified to be appointed auditor under this paragraph unless he is a member of one or more of the following bodies—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being

recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948<sup>(a)</sup>;

but a Scottish firm may be so appointed if each of its partners is qualified to be so appointed.

(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.

### PART III

#### COMMITTEES OF THE GENERAL MEDICAL COUNCIL

##### *The Education Committee*

19. Subject to the power of the Committee under paragraph 25 below to co-opt members, the composition of the Education Committee shall be such as the General Council think fit.

##### *The Interim Orders Committee*

19A. Subject to the power of the Committee under paragraph 25 to co-opt members, the Interim Orders Committee shall be constituted as provided by the General Council by rules under this paragraph.

##### *The Preliminary Proceedings Committee*

20. Subject to the power of the Committee under paragraph 25 to co-opt members, the Preliminary Proceedings Committee shall be constituted as provided by the General Council by rules under this paragraph.

##### *The Professional Conduct Committee*

21. Subject to the power of the Committee under paragraph 25 to co-opt members, the Professional Conduct Committee shall be constituted as provided by the General Council by rules under this paragraph.

##### *The Assessment Referral Committee*

21A. Subject to the power of the Committee under paragraph 25 to co-opt members, the Assessment Referral Committee shall be constituted as provided by the General Council by rules under this paragraph.

##### *The Committee on Professional Performance*

21B. Subject to the power of the Committee under paragraph 25 to co-opt members, the Committee on Professional Performance shall be constituted as provided by the General Council by rules under this paragraph.

##### *The Health Committee*

22. Subject to the power of the Committee under paragraph 25 to co-opt members, the Health Committee shall be constituted as provided by the General Council by rules under this paragraph.

##### *Supplementary*

23. Rules under paragraphs 21, 21B and 22 above shall secure that a person who sits as a member of the Interim Orders Committee, the Preliminary Proceedings Committee or the Assessment Referral Committee in preliminary proceedings on any case shall not sit as a member of the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee in any subsequent proceedings on that case.

23A. Rules under paragraph 19A above shall secure that a person who sits as a member of the Preliminary Proceedings Committee, the Assessment Referral Committee, the Professional Conduct Committee, the Committee on Professional Performance or the Health Committee shall not sit as a member of the Interim Orders Committee in any subsequent proceedings on that case.

24. Rules under paragraph 19A, 20, 21, 21A or 21B or 22 above shall not come into force until approved by order of the Privy Council.

25.—(1) Without prejudice to the preceding provisions on this Part of this Schedule the General Council may constitute one or more committees.

(1A) Any committee of the General Council may consist of or include persons who are not members of the Council.

(2) 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 such of the Council's functions as they think fit but the determination of the remuneration payable to visitors appointed by the Education Committee under section 7(1) or 13(1) of this Act or to inspectors appointed by that Committee under section 6(2) of this Act shall be subject to the approval of the General Council.

(4) The quorum of a committee of the General Council shall be such as the General Council determine from time to time.

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

## 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.

(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 (other than those conferred by section 39 of this Act) as the General Council think fit.

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

29. There shall be paid to the members of the branch councils such remuneration and such travelling, subsistence or other allowances as the General Council may allow.

### SCHEDULE 2

#### PRIMARY EUROPEAN QUALIFICATIONS

##### *Austria*

'Doktor der gesamten Heilkunde' (diploma of doctor of medicine) awarded by a university faculty of medicine and 'Diplom über die spezifische Ausbildung in der Allgemeinmedizin' (diploma of specialist training in general medicine), or 'Facharzt Diplom' (diploma as a specialist doctor) issued by the competent authority.

##### *Belgium*

"Diplôme légal de docteur en médecine, chirurgie et accouche-ments/Wettelijk diploma van doctor in de genees-, heel-en verloskunde" (diploma of doctor of medicine, surgery and obstetrics required by law) awarded by the university faculties of medicine, the Central Examining Board or the State University Education Examining Board.

##### *Denmark*

"Bevis for bestaet lægevidenskabelig embedseksamen" (diploma of doctor of medicine required by law) awarded by a university faculty of medicine and "dokumentation for gennemført praktisk uddannelse" (certificate of practical training issued by the competent authorities of the health service).

##### *Finland*

'Todistus lääketieteen lisensiaatin tutkinnosta/bevis om medicine licentiat examen' (certificate of the degree of licentiate in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.

##### *France*

1. "Diplôme d'Etat de docteur en médecine" (State diploma of doctor of medicine) awarded by the university faculties of medicine, the university joint faculties of medicine and pharmacy, or by the universities.

2. "Diplôme d'université de docteur en médecine" (university diploma of doctor of medicine) where that diploma certifies completion of the same training course as that laid down for the State diploma of doctor of medicine.

##### *Germany*

1. "Zeugnis über die ärztliche Staatsprüfung" (the State examination certificate in medicine) awarded by the competent authorities and the "Zeugnis über die Vorbereitungszeit als Medizinalassistent" (certificate stating that the preparatory period as medical assistant has been completed) in so far as German law still requires such a period to complete medical training.

##### *Greece*

' (degree in medicine) awarded by—

(a) the faculty of medicine of a university; or

(b) the faculty of health sciences, department of medicine, of a university.

##### *Iceland*

'Próf í læknisfræði fra læknadeild Háskóla Íslands' (diploma from the medical faculty of the University of Iceland) and a certificate of practical training in a hospital of at least 12 months issued by the chief medical doctor.

*Republic of Ireland*

A primary qualification granted in the Republic of Ireland after passing a qualifying examination held by a competent examining body and a certificate of experience granted by that body which give entitlement to registration as a fully registered medical practitioner.

*Italy*

'Diploma di laurea in medicina e chirurgia' (diploma of graduate in medicine and surgery) awarded by a university, accompanied by a 'diploma di abilitazione all' esercizio della medicina e chirurgia' (diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission.

*Liechtenstein*

"The diplomas, certificates and other titles awarded in another State to which Directive 93/16/EEC applies and listed in article 3 of that directive, accompanied by a certificate on the completed practical training issued by the competent authorities."

*Luxembourg*

"Diplôme d'Etat de docteur en médecine, chirurgie et accouchements" (State diploma of doctor of medicine, surgery and obstetrics) awarded by the State Examining Board, and endorsed by the Minister of Education, and "certificate de stage" (certificate of practical training) endorsed by the Minister for Public Health.

*The Netherlands*

"Universitair getuigschrift van arts" (university certificate of doctor).

*Norway*

'Bevis for bestått medisinsk embetseksamen' (diploma of the degree cand.med.) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.

*Portugal*

"Carta de curso de licenciatura em medicina" (diploma confirming the completion of medical studies) awarded by a University and the "Diploma comprovativo da conclusão do internato geral" (diploma confirming the completion of general internship) awarded by the competent authorities of the Ministry of Health.

*Spain*

"Titulo de licenciado en Medicina y Cirugia" (University degree in medicine and surgery) awarded by the Ministry of Education and Science or the rector of a university.

*Sweden*

'Läkarexamen' (university diploma in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Health and Welfare.

SCHEDULE 3

REGISTRATION: SUPPLEMENTARY PROVISIONS

*Preliminary*

1.—(1) Subject to the following provisions of this Schedule, any right to registration of persons under section 3, 15 or 15A 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.

(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.

*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 section 3(1)(a), 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 application was registered under 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 section 3(1)(b) 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;

- (b) Deleted 2003; and
- (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.

*Proof of Qualifications*

3.—(1) Subject to sub-paragraph (2) below, a person making an application for registration under section 3, 15 or 15A of this Act or an application under section 16 of this Act for the registration of the primary United Kingdom or primary European qualifications he holds when he is registered under those sections 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.

(2) Any university in the United Kingdom or any other body specified in section 4(3) 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 purpose 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 section 3, 15 or 15A of this Act or an application under section 16 of this Act for 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.

(3) Where an application is made for registration under section 3(1)(b) of this Act (whether by a national of an EEA State or a person treated as such a national), the appropriate registrar shall take no account of any document issued in accordance with article 11 or 12 of Directive 93/16/EEC which is received by him more than three months after the date of its issue.

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.

*Issue of certificates of registration*

5.—(1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under section 3, 15 or 15A 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) in the case of an application under section 3 made by virtue of subsection (1)(b) of that section (whether by a national of an EEA State or a person treated as such a national), shall do so before the end of the requisite period.

(1A) In sub-paragraph (1) above 'the requisite period' means—

(a) the period of three months beginning with the date on which the appropriate registrar received all the documents enabling him to be satisfied of the applicant's entitlement to be registered in accordance with the application, or

(b) such longer period as is permitted by article 15 of Directive 93/16/EEC.

(2) On registering a person under section 19, 21, 21A, 22 and 25 or 27 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 this 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 in question and shall state the name of the applicant and such other particulars as may be prescribed by the regulations.

*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 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 in question; or

(b) if he is the Registrar, forthwith cause an appropriate entry or alteration to be made in the register in question.

(3) An entry or alteration made in a register in pursuance of this paragraph shall bear the same date as the certificate of registration by virtue of which it is made.

#### *Visiting EEA practitioners*

7.—(1) No application shall be required for registration under section 18 of this Act.

(2) The Registrar may issue certificates of registration to visiting EEA practitioners.

#### SCHEDULE 4

#### PROCEEDINGS BEFORE PROFESSIONAL CONDUCT, HEALTH, ASSESSMENT REFERRAL AND PRELIMINARY PROCEEDINGS COMMITTEES AND THE COMMITTEE ON PROFESSIONAL PERFORMANCE

#### *Procedure of and evidence before the Professional Conduct Committee, the Health Committee, the Preliminary Proceedings Committee, the Assessment Referral Committee and the Committee on Professional Performance*

1.—(1) Subject to the provisions of this paragraph, the General Council shall make rules for the Interim Orders Committee, the Professional Conduct Committee, for the Assessment Referral Committee, for the Committee on Professional Performance and for the Health Committee with respect to the times and places of the meetings of the Committee and the mode of summoning the members, the reference of cases to the Committee (whether by the Preliminary Proceedings Committee or otherwise) and the procedure to be followed and rules of evidence to be observed in proceedings before the Committee.

(1A) Rules made under this paragraph for the Interim Orders Committee shall include provision—

(a) securing that notice that the proceedings are to be brought or that a review is to take place 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 interim order has been made ("the person concerned") shall, if he so requires, be entitled to be heard by the Committee on each occasion on which they review the order; and enabling him 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;

(c) for service on the person concerned of notice of any decision taken in relation to him by the Committee;

(d) determining when proceedings before the Committee are to be held in public and when in private (including provision securing that they are to be held in public if the person concerned so requests).

(2) Rules made under this paragraph for the Professional Conduct Committee 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 the Committee;

(c) enabling any party to the proceedings to be represented 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) requiring proceedings before the Committee to be held in public except in so far as may be provided by the rules;

(e) requiring that where, in a case in which it is alleged that a person has been guilty of serious professional misconduct, the Committee judge that the allegation has not been proved they shall record a finding that the person is not guilty of such misconduct in respect of the matters to which the allegation relates.

(2A) Rules made under this paragraph for the Assessment Referral Committee shall include provision—

- (a) conferring on the Committee such functions as may be specified in the rules in relation to the handling of complaints about standards of professional performance;
- (b) securing that before any case is considered by the Committee it shall have been considered by a member of the General Council appointed for the purpose by the Council and referred by that person to the Committee;
- (c) 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;
- (d) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
- (e) enabling any party to the proceedings to be represented 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;
- (f) requiring proceedings before the Committee to be held in private;
- (g) for service on the person concerned of notice of any decision taken in relation to him by the Committee.

(2B) Rules made under this paragraph for the Committee on Professional Performance shall include provision—

- (a) securing that where—
  - (i) proceedings relating to a person's registration have been held before the Assessment Referral Committee, and
  - (ii) an assessment has been carried out in accordance with a direction of that committee,

the standard of that person's professional performance shall, if he so requests, be considered by the Committee on Professional Performance;

- (b) securing that notice that 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;
- (c) securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee;
- (d) enabling any party to the proceedings to be represented 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;
- (e) determining when proceedings before the Committee are to be held in public and when in private (including provision securing that proceedings are held in public if the person to whose registration they relate so requests).

(3) Rules made under this paragraph for the Health Committee 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 the Committee;
- (c) enabling any party to the proceedings to be represented 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.

(4) Before making rules under this paragraph the General Council shall consult with such bodies of persons representing medical practitioners, or medical practitioners of any description, as appear to the Council requisite to be consulted.

(5) Rules under this paragraph shall not come into force until approved by order of the Privy Council, and the Privy Council may approve such rules either as submitted to them or subject to such modifications as appear to them to be requisite; but where the Privy Council propose to approve any rules subject to modifications they shall notify to the General Council the modifications they propose to make and consider any observations of the General Council on them.

2.—(1) For the purpose of proceedings before the Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance or the Health Committee in England or Wales or in Northern Ireland the committee may administer oaths, and any party to the proceedings may issue a writ of sub poena 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 Supreme Court Act 1981<sup>(a)</sup> or section 67 of the Judicature (Northern Ireland) Act 1978<sup>(b)</sup> (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 Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance or the Health Committee in England and Wales or, as the case may be, in Northern Ireland as those provisions apply in relation to causes or matters in High Court or actions or suits pending in the High Court of Justice in Northern Ireland.

(3) For the purpose of proceedings before the Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance, or the Health Committee in Scotland, the Committee 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, 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.

3. Where—

- (a) several sittings of the Interim Orders Committee, the Professional Conduct Committee, of the Assessment Referral Committee, of the Committee on Professional Performance of the Health Committee or of the General Council are required to enable the Committee or the Council to dispose of a case; or
- (b) On an appeal under Section 40 of this Act, the case is remitted to the Committee or to the General Council for the Committee or the Council to dispose of the case in accordance with directions given by the court (or the sheriff);

the validity of the proceedings on the case before the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance, the Health Committee or the General Council, as the case may be, shall not be called into question by reason only that members of the Committee or Council who were present at a former meeting were not present at a later meeting of the committee or Council or that members present at a later meeting were not present at a former meeting of the Committee or Council, as the case may be.

#### *Reference and transfer of cases to the Health Committee*

4.—(1) Where, in the course of inquiring into the case of a practitioner, it appears to the Professional Conduct Committee, the Assessment Referral Committee or the Committee on Professional Performance that his fitness to practise may be seriously impaired by reason of his physical or mental condition, the Committee may refer that question to the Health Committee for determination.

(2) If, on a reference made under this paragraph, the Health Committee determine that the fitness of the practitioner to practise is not seriously impaired by reason of his condition the Health Committee shall certify their opinion to the Professional Conduct Committee, the Assessment Referral Committee or, as the case may be, the Committee on Professional Performance.

(3) If, on a reference made under this paragraph, the Health Committee determine that the fitness of the practitioner to practise is seriously impaired by reason of his condition the Health Committee shall certify their opinion to the Professional Conduct Committee, the Assessment Referral Committee or, as the case may be, the Committee on Professional Performance and shall proceed to dispose of the case and the Professional Conduct Committee, the Assessment Referral Committee or, as the case may be, the Committee for Professional Performance shall cease to exercise their functions in relation to the case.

#### *Preliminary proceedings*

5.—(1) The General Council shall make rules for the Preliminary Proceedings Committee with respect to the times and places of the meetings of the Committee and the mode of summoning the members, and the manner in which the Committee are to discharge their functions.

(2) Rules made under this paragraph for the Preliminary Proceedings Committee shall include provision requiring that before any case is considered by the Committee it shall have been considered by a member of the General Council appointed for the purpose by the Council and referred by that person to the Committee.

(3) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.

#### *Professional Performance: assessments*

- 5A.—(1) The General Council may make rules—
- (a) authorising the giving of directions by any of —
    - (i) the Assessment Referral Committee,
    - (ii) the Committee on Professional Performance,
    - (iii) such other persons as may be specified in the rules,
 requiring an assessment of the standard of a registered person's professional performance to be carried out;
  - (b) specifying circumstances in which such an assessment may be carried out otherwise than in accordance with a direction.
- (2) An assessment carried out by virtue of this paragraph shall be carried out by an Assessment Panel in accordance with rules under this paragraph; and the rules shall, in particular, provide—
- (a) for the constitution and proceedings of Assessment Panels;
  - (b) for the procedures to be followed by such panels in carrying out assessments;
  - (c) for the procedures to be followed following the making of a report by an Assessment Panel.
- (3) Rules under this paragraph may authorise the Committee on Professional Performance to make directions of a kind which may be made under section 36A of this Act, for the suspension of or the attachment of conditions to a person's registration, where the person fails to comply with the reasonable requirements imposed by an Assessment Panel for the purposes of carrying out an assessment of the standard of his professional performance in accordance with a direction of the Committee.
- (4) An appeal shall lie to the court (within the meaning of section 38 of this Act) from any direction of the Committee on Professional Performance given by virtue of sub-paragraph (3) above, and on an appeal under this sub-paragraph the court may—
- (a) quash the direction,
  - (b) substitute for the direction any other direction which the Committee could have made,
  - or
  - (c) remit a case to the Committee to be disposed of in accordance with the court's directions;
- and the decision of the court on any appeal under this sub-paragraph shall be final.
- (5) An Assessment Panel, 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;
  - (b) where such records are kept otherwise than in legible form, may require a copy of them to be given to the panel in legible form.
- (6) A person who, without reasonable excuse, obstructs an Assessment Panel in the execution of their powers under sub-paragraph (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) 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 Panel may, in exercising their powers under sub-paragraph (5) above, require that the information be put into a form in which it is not capable of identifying an individual.
- (8) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to the rules made under this paragraph as they apply in relation to rules under that paragraph.
- 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 Panel that there are reasonable grounds for suspecting that the panel 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 Panel (who must, if so required, produce documents identifying themselves) 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(5) 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.

(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.

*Proceedings for erasure of entries fraudulently procured or incorrectly made*

6.—(1) The General Council shall make rules with respect to the discharge by the Council of their functions under section 39 of this Act and, if the Council delegate their functions under that section to a committee, with respect to the times and places of the meetings of the committee and the mode of summoning members and the discharge of those functions by the committee.

(2) Sub-paragraphs (4) and (5) of paragraph 1 above shall apply in relation to rules made under this paragraph as they apply in relation to rules under that paragraph.

*Legal Assessors*

7.—(1) For the purpose of advising the Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance, the Health Committee and the Preliminary Proceedings Committee on questions of law arising in proceedings before them there shall in all such proceedings be an assessor to the Committee who shall be appointed by the General Council and shall be a barrister, advocate or solicitor of not less than ten years' standing.

(2) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings.

(3) The Lord Chancellor or, in relation to proceedings in Scotland, the Lord Advocate may make rules as to the functions of assessors appointed under this paragraph.

(4) Rules made under this paragraph in relation to proceedings before the Interim Orders Committee, the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance and the Health Committee may in particular contain such provisions as appear to the Lord Chancellor or the Lord Advocate expedient for securing—

(a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other matter specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears at the proceedings or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person shall be informed what advice the assessor has tendered,

(b) that every such party or person shall be informed if in any case the Committee do not accept the advice of the assessor on any such question,

and such incidental and supplementary provisions as appear to the Lord Chancellor or the Lord Advocate expedient.

(5) The General Council may pay to persons appointed to act as assessors such remuneration as the Council may determine.

(6) The power to make rules under this paragraph shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

*Service of notification of decisions*

8.—(1) Any notification required by section 36(6), 36A(7), 37(6), 38(3), 39(2), 41(7), 41A(5), 42(3) or 45(7) or by virtue of section 41B(5) of this Act to be served on a person by the Registrar may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by registered post or by the recorded delivery service.

(2) For the purpose of this paragraph and of section 7 of the Interpretation Act 1978<sup>(a)</sup> in its application to this paragraph, a person's proper address shall be his address in the register or, if his last known address differs from his address in the register and it appears to the Registrar that a letter sent to him there is more likely to reach him, his last known address.

(3) For the purposes of this paragraph service of a notification 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 so much of the said section 7 as relates to the time when service is deemed to have been effected shall not apply to a notification sent by post.

*Extension of Time for Appealing*

9. Where any notification required by section 36(6), 36A(7), 37(6) or 39(2) of this Act to be served on a person by the Registrar is served on him by sending it by post then, on an application made at any time by that person, the member of the General Council appointed to act for the purposes of this paragraph, if satisfied that the notification was not received by that person within fourteen days of the giving of the decision to which the notification relates, may if he thinks fit by authorisation in writing extend the time within which an appeal under section 40 of this Act may be brought against the decision.

*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 the Professional Conduct Committee under section 36 of this Act, a direction for suspension or for conditional registration given by the Committee on Professional Performance under section 36A of this Act, a direction for suspension or for conditional registration given by the Health Committee under section 37 of this Act, a variation by any of those Committees of the conditions imposed by a direction for conditional registration under section 36, 36A or 37 of this Act and a direction for erasure given by the General Council under section 39 of this Act 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 not withdrawn or dismissed for want of prosecution, if and when the appeal is dismissed.

(2) Deleted 2003

(3) Where the time for appealing against a direction or variation such as is mentioned in sub-paragraph (1) above is extended by an authorisation under paragraph 9 above, sub-paragraph (1) above shall apply to the direction or variation as if the reference in (a) to the time specified in section 40 of this Act were a reference to that time as so extended; and if the authorisation is given after the expiration of the time specified in section 40 of this Act, the direction or the 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 the paragraph shall be construed accordingly.

(4) 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.

11.—(1) If, while a person's registration is suspended under section 36, 36A or 37 of this Act, a direction is given under subsection (3) of that section, 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 the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.

(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 persons' registration is subject to conditions imposed under section 36, 36A or 37 of this Act, a direction is given under subsection (2) or (4) of section 36 or 37 or subsection (2) or (6) of section 36A, 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 the direction takes effect in accordance with paragraph 10 above or an appeal against it under section 40 of this Act is (otherwise than by the dismissal of the appeal) determined.

(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.

*Recording of directions for suspension or conditional registration*

12. Where a direction under section 36, 36A or 37 of this Act for suspension or for conditional registration takes effect in relation to any person the Registrar shall make a note in the register of the fact that that person's registration is suspended or subject to conditions.

*Meaning of "party"*

13. In this Schedule "party", in relation to proceedings before the Professional Conduct Committee, the Assessment Referral Committee, the Committee on Professional Performance or the Health Committee, means any person to whose registration the proceedings relate, or any person on whose complaint the proceedings are brought, or the Solicitor to the General Council.

14. In this Schedule "party", in relation to proceedings before the Interim Orders Committee, means any person to whose registration the proceedings relate, or the Solicitor to the General Council.

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

*Dentists Act 1957<sup>(a)</sup>*

1. In section 2 of the Dentists Act 1957—

- (a) in subsection (2) for the words "the Medical Act 1956" there shall be substituted the words "the Medical Act 1983";
- (b) in subsection (4) the words "subject to the next following subsection" and subsection (5) shall cease to have effect.

*Mental Health Act 1959<sup>(b)</sup>*

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 1960<sup>(c)</sup>*

3. In the definition of "medical practitioner" in section 111(1) of the Mental Health (Scotland) Act 1960 for the words "Medical Act 1956" there shall be substituted the words "Schedule 1 to the Interpretation Act 1978".

*Mental Health Act (Northern Ireland) 1961<sup>(a)</sup>*

4. In the definition of "medical practitioner" in section 113(1) of the Mental Health Act (Northern Ireland) 1961 for the words "the Medical Act 1956" there shall be substituted the words "Schedule 1 to the Interpretation Act 1978".

*Medicines Act 1968<sup>(b)</sup>*

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<sup>(c)</sup>*

6. In section 158(1) of the 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".

*Nurses and Midwives Act (Northern Ireland) 1970<sup>(d)</sup>*

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) 1971<sup>(e)</sup>*

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 1971<sup>(f)</sup>*

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 1972<sup>(a)</sup>*

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 1972<sup>(b)</sup>*

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
- (b) Note (2)(b) to the said Group 14 and Note (4) to the said Group 7 shall cease to have effect.

*Poisons Act 1972<sup>(c)</sup>*

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 1976<sup>(d)</sup>*

13. In Article 2(2) of the Births and Death 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<sup>(e)</sup>*

14. In Article 23 of the 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".

*Poisons (Northern Ireland) Order 1976<sup>(f)</sup>*

15. In Article 2(2) of the Poison (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".

*National Health Service Act 1977<sup>(a)</sup>*

16. In the National Health Service Act 1977—

(a) in section 29(8) 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 128(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".

*National Health Service (Scotland) Act 1978<sup>(b)</sup>*

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 1978<sup>(c)</sup>*

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".

*Dentists Act 1983<sup>(d)</sup>*

19. In section 29(4) of the Dentists Act 1983 for the words from "section 4" onwards there shall be substituted the words "or paragraph 4 of Schedule 6 to the Medical Act 1983".

## SCHEDULE 6

### 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 Articles 2(d) and 3 of the Irish Republic (Termination of 1927 Agreement) Order 1979<sup>(a)</sup> but after the commencement of this Act, except where the context otherwise requires, the references in those Articles to provisions of the 1956 Act shall have effect as references to the corresponding provisions of this Act.

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 1970 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 Medical Act 1969, or section 41(7) of the 1956 Act or the corresponding enactment repealed by that Act.

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 fully registered person.

(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 fully registered person.

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 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.

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 Professional Conduct Committee or to the provision of this Act which corresponds to that repealed provision.

14. Nothing in the transfer of functions which was effected by section 15(7) of the 1978 Act shall be taken to affect the validity of the Period of Employment as House Officers Regulations 1951<sup>(a)</sup> and any order approving those regulations may be varied or revoked as if the regulations had been made by the Education Committee.

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 section 40(4) of this Act or 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.

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

(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.

23.—(1) Nothing in this Act shall affect the registration of any person under section 22 of the 1978 Act by virtue of paragraph 4 of Schedule 5 to that Act and any such registration shall have effect as if made under section 22 of this Act, but in the case of a person so registered—

(a) subsection (3) of section 22 shall not apply, and

(b) subsection (5) to (8) of that section shall apply with the omission in subsection (5) of the reference to the permitted period and of the reference to section 24(1) of this Act.

(2) Where a person who is or has been registered with limited registration for a period by virtue of paragraph 4 of Schedule 5 to the 1978 Act applies under section 22 of this Act to be so registered for a further period, the following provisions of that section shall not apply, namely, subsection (3) and, in subsection (5), the reference to the permitted period and to section 24(1) of this Act.

(3) In relation to persons to whom Part I of Schedule 5 to the 1978 Act applied who are registered with limited registration, this Act shall have effect as if in paragraphs 2(4) and (5) and 3(2) of Schedule 1 for the words "so registered" there were substituted the words "temporarily registered or registered with limited registration".

(4) Where immediately before the commencement of this Act any person was treated by virtue of paragraph 7 of Schedule 5 to the 1978 Act (pending applications under section 26 of the 1956 Act) as having applied to be registered under section 22 of the 1978 Act he shall after the commencement of this Act be treated as having applied to be registered under section 22 of this Act and as having satisfied the Registrar of the matters specified in paragraphs (a) and (b) of subsection (1) of that section.

(5) Section 29 of this Act shall have effect as if a refusal to direct that a person be registered with limited registration under section 22 of the 1978 Act or section 22 of this Act by virtue of paragraph 4 of Schedule 5 to the 1978 Act were a decision falling within subsection (2) of that section.

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.

## SCHEDULE 7

### PART I

#### ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
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.	The 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 Supreme Court 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

## PART II

### REVOCATION

Reference	Title	Extent of Revocation
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).