

2006 No. 1914

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

OPTICIANS

NURSES AND MIDWIVES

The Medical Act 1983
(Amendment) and
Miscellaneous Amendments
Order 2006

Made - - - - - 19th July 2006

Coming into force in accordance with article 1(2) and (3)



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At the Court at Buckingham Palace, the 19th day of July 2006

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62(4) of the Health Act 1999(a).

The Secretary of State published a draft Order and invited representations as required by paragraph 9(1) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(2) of that Schedule expired before a draft of this Order in Council was laid before Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament in accordance with section 62(9) of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006.

(2) As regards commencement—

(a) this article and articles 2, 57(3), 82, 91 and 92 shall come into force on the day after the day on which this Order is made;

(b) the following, that is to say—

(i) the provisions of this Order which confer powers enabling orders to be made by the Privy Council, and

(ii) the amendments to the Act, contained in this Order, which contain or amend powers enabling orders, regulations, rules or directions to be made by the Education Committee, the General Council or the Privy Council,

shall come into force on the making of this Order, but for the purpose only of the exercise of those powers; and

(c) otherwise, the provisions of this Order shall come into force on such days as the Secretary of State may specify.

(3) Different days may be specified under paragraph (2)(c) for different purposes, and any day so specified shall be caused to be notified in the London, Edinburgh and Belfast Gazettes published not later than one week before that day.

(4) Subject to paragraph (5), this Order shall extend to England and Wales, Scotland and Northern Ireland.

(5) The extent of any amendment of any enactment or instrument in Part 14 is the same as that of the enactment or instrument amended.

(6) In this Order, “the Act” means the Medical Act 1983(b).

Amendment of the Medical Act 1983

2. The Act shall be amended in accordance with the provisions of Parts 1 to 12.

(a) 1999 c.8. Section 62(4) applies section 126(4) and (5) of the National Health Service Act 1977 (c.49) in relation to powers to make Orders in Council conferred by the Health Act 1999. See therefore that section 126(4) and (5) (which have been amended by: the National Health Service and Community Care Act 1990 (c.19), section 65(2); the Health and Social Care Act 2001 (c.15), Schedule 5, paragraph 13(b) and (d); the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 8, paragraph 10(a); and the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 11, paragraphs 7 and 38, and Schedule 14, Part 4), which contain powers which are relevant to the powers being exercised in the making of this Order.

(b) 1983 c.54.

PART 1

Renaming of Registration Decisions Panels

Amendment of sections 1 and 29A of, and Schedule 1 to, the Act

3.—(1) In the following provisions—

- (a) subsection (3)(c) of section 1(a) (the General Medical Council); and
- (b) the heading of paragraph 19B of Schedule 1(b) (constitution of the General Medical Council),

for “Registration Decisions Panels” substitute “Registration Panels”.

(2) In the following provisions—

- (a) subsection (5)(b) of section 29A(c) (regulations as to licence to practise and revalidation); and
- (b) paragraphs 19B and 23(c) of Schedule 1(d),

for “Registration Decisions Panel” substitute “Registration Panel”.

PART 2

Abolition of limited registration etc.

Amendment of section 2 of the Act

4. In section 2(e) (registration of medical practitioners)—

- (a) in subsection (1), for “two registers” substitute “a register”;
- (b) in subsection (2)—
 - (i) for “two registers referred to are” substitute “register referred to is”, and
 - (ii) omit “, and “the register of medical practitioners with limited registration””;
- (c) in subsection (3)—
 - (i) omit “or with limited registration”, and
 - (ii) omit “or in the register of medical practitioners with limited registration”.

Repeal of sections 22 to 25 of the Act

5. Omit sections 22(f) (limited registration of persons by virtue of overseas qualifications), 23 (limited registration: supplementary provisions), 24 (limited registration: erasure) and 25(g) (full registration of persons with limited registration).

-
- (a) Section 1(3) was substituted by S.I. 2002/3135.
 - (b) Paragraph 19B was inserted by S.I. 2002/3135.
 - (c) Section 29A was inserted by S.I. 2002/3135.
 - (d) There have been the following relevant amendments to Schedule 1: paragraph 19B was inserted by S.I. 2002/3135; and paragraph 23 was substituted by the Medical (Professional Performance) Act 1995 (c.51), the Schedule, paragraph 13, and amended by S.I. 2000/1083.
 - (e) Section 2 has been amended by S.I. 1996/1591 and 2002/3135.
 - (f) Section 22 was amended by S.I. 2002/3135.
 - (g) Section 25 was amended by S.I. 2002/3135.

First article amending section 26 of the Act

6. In section 26(a) (registration of qualifications), omit subsection (2).

Amendment of section 29B of the Act

7. In subsection (1)(a) of section 29B(b) (grant, refusal and withdrawal of licence), for “either full registration or limited registration” substitute “full registration”.

First article amending section 30 of the Act

8. In section 30(c) (which contains general provisions relating to the register)—
- (a) omit subsection (2);
 - (b) in subsection (3)—
 - (i) for “Each register” substitute “The register”, and
 - (ii) in paragraph (e), for “that register” substitute “the register”;
 - (c) in subsection (4), for “the registers” substitute “the register”;
 - (d) in subsection (5), for “either register” substitute “the register”; and
 - (e) in subsection (6), for “either register” substitute “the register”.

First article amending section 31 of the Act

9. In section 31(d) (which relates to the making of regulations with respect to the register)—
- (a) in subsection (1)—
 - (i) for “the registers” substitute “the register”, and
 - (ii) for “in them” substitute “in it”;
 - (b) in subsection (2)—
 - (i) for “the registers” substitute “the register”, and
 - (ii) for “either register” substitute “the register”;
 - (c) omit subsection (3);
 - (d) in subsection (8), for “the registers or a particular list in the register of medical practitioners in which he was registered” substitute “the register”; and
 - (e) in subsection (9)(a), omit “or a particular list in it”.

First article amending section 32 of the Act

10. In section 32(e) (registration fees), omit subsection (6).

Amendment of section 34 of the Act

11.—(1) In subsection (1) of section 34(f) (which relates to publication of the register), for the words from “appear in” to the end of the subsection substitute “appear in the register”.

(2) For the heading of section 34 substitute “Publication of the register”.

(a) Amendments were made to section 26(2) by S.I. 2002/3135.
(b) Section 29B was inserted by S.I. 2002/3135.
(c) Relevant amendments were made to section 30 by S.I. 1996/1591, 2000/3041 and 2002/3135.
(d) Section 31(8) has been amended by S.I. 2002/3135.
(e) There have been no amendments to section 32(6).
(f) Section 34 was substituted by S.I. 2002/3135.

First article amending section 35A of the Act

12. In subsection (8) of section 35A(a) (General Council’s power to require disclosure of information), for “fully registered person, a provisionally registered person or a person registered with limited registration” substitute “fully registered person or a provisionally registered person”.

Amendment of section 35C of the Act

13. In subsection (1) of section 35C(b) (functions of the Investigation Committee), for paragraphs (a) to (c) substitute the following paragraphs—

- “(a) a fully registered person; or
- (b) a person who is provisionally registered.”

First article amending section 41A of the Act

14. In subsection (13) of section 41A(c) (interim orders), omit “and to a person registered with limited registration”.

First article amending section 55 of the Act

15. In subsection (1) of section 55(d) (interpretation)—

- (a) in the definition of “fully registered person”, omit paragraph (b);
- (b) omit the definition of “limited registration”;
- (c) omit the definition of “the permitted period”; and
- (d) for the definition of “the register” substitute the following definition—
““the register” means the register of medical practitioners;”.

Second article amending Schedule 1 to the Act

16. In Schedule 1(e) (constitution of the General Medical Council)—

- (a) in paragraph 2(4), for paragraph (b) substitute the following paragraph—
“(b) are fully registered or provisionally registered; and”;
- (b) in paragraph 2(5), for paragraph (a) substitute the following paragraph—
“(a) is fully registered or provisionally registered; and”;
- (c) in paragraph 3(2), for paragraph (a) substitute the following paragraph—
“(a) is fully registered or provisionally registered; and”.

First article amending Schedule 3 to the Act

17. In Schedule 3(f) (registration: supplementary provisions)—

- (a) in paragraph 5(4), omit “in question”; and
- (b) in paragraph 6—
 - (i) in sub-paragraph (2), in each of paragraphs (a) and (b) omit “in question”, and
 - (ii) in sub-paragraph (3), for “a register” substitute “the register”.

(a) Section 35A was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.
(b) Section 35C was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.
(c) Section 41A was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2000/3135.
(d) Section 55(1) was numbered as such by S.I. 1996/1591 and was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.
(e) Paragraph 2 of Schedule 1 was amended by S.I. 2002/3135 and paragraph 3 was amended by S.I. 2002/3135.
(f) Paragraph 5 of Schedule 3 was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.

First article amending Schedule 3A to the Act

18. In paragraph 2(1) of Schedule 3A(a) (registration appeals)—

- (a) omit paragraphs (i) to (k); and
- (b) in paragraph (l), omit “or (2)”.

Amendment of Schedule 6 to the Act

19. Omit paragraph 23 of Schedule 6(b) (transitional and saving provisions).

PART 3

Programmes for provisionally registered doctors, education functions and connected matters

First article amending section 3 of the Act

20. In subsection (1) of section 3(c) (registration by virtue of primary United Kingdom or primary European qualifications), for paragraph (a) substitute the following paragraph—

“(a) holds one or more primary United Kingdom qualifications and has satisfactorily completed an acceptable programme for provisionally registered doctors; or”.

Amendment of section 5 of the Act

21. In section 5(d) (general functions of the Education Committee in relation to medical education in the United Kingdom)—

- (a) for paragraph (c) in subsection (2) substitute the following paragraph—

“(c) discharge their functions under section 10A below in respect of programmes for provisionally registered doctors.”;
- (b) in subsection (2A), for “subsection (2) above,” substitute “subsection (2)(a) or (b) above or discharging their functions mentioned in subsection (2)(c) above.”;
- (c) for subsection (3) substitute the following subsections—

“(3) Determinations of the Education Committee under subsection (2)(a) or (b) above shall be published in such manner as they see fit.

(3A) Such determinations—

 - (a) are binding on universities or other bodies concerned with medical education as regards the matters to which they relate; and
 - (b) accordingly, those universities or other bodies must act in accordance with them as regards the matters to which they relate.”; and
- (d) in subsection (4)—
 - (i) in the definition of “the prescribed knowledge and skill” for “embodied in recommendations” substitute “set out in determinations published”,
 - (ii) in the definition of “the prescribed standard of proficiency”, for “embodied in recommendations” substitute “set out in determinations published”, and
 - (iii) omit the definition of “a prescribed pattern of experience”.

(a) Schedule 3A was inserted by S.I. 2002/3135.

(b) There are no relevant amendments.

(c) Section 3(1) was substituted by S.I. 1996/1591.

(d) Relevant amendments have been made to section 5 by S.I. 1996/1591, 2003/3148 and 2004/1947.

Amendment of section 8 of the Act

22. In subsection (1) of section 8 (power to add further qualifying examinations), for “any university or combination of universities” substitute “any university or other body, or any combination of bodies (including universities),”.

Repeal of sections 10 to 13 of the Act

23. Omit section 10(a) (experience required for full registration by virtue of primary United Kingdom qualifications), section 11(b) (provisions supplementary to section 10, etc.), section 12(c) (special provisions as to employment in health centres) and section 13(d) (power to appoint visitors of approved hospitals).

New section 10A of the Act

24. After section 9, insert the following section—

“Programmes for provisionally registered doctors

10A.—(1) For the purposes of this Act, “acceptable programme for provisionally registered doctors” means a programme that is for the time being recognised by the Education Committee as providing a provisionally registered person with an acceptable foundation for future practice as a fully registered medical practitioner.

(2) In connection with recognising programmes for provisionally registered doctors as mentioned in subsection (1) above, the Education Committee may determine—

- (a) the duration of a programme for provisionally registered doctors, subject to any provision made in an order under subsection (3);
- (b) the bodies that may provide, arrange for the provision of or be responsible for programmes for provisionally registered doctors and (where different) the bodies by whom a person is to be employed or engaged while he is participating in a programme for provisionally registered doctors;
- (c) the content and standard of programmes for provisionally registered doctors;
- (d) activities which a person is, or is not, to engage in as part of or while participating in a programme for provisionally registered doctors;
- (e) the arrangements for certification that a person has satisfactorily completed a programme for provisionally registered doctors, including—
 - (i) determining the bodies that may certify that a person has satisfactorily completed a programme for provisionally registered doctors,
 - (ii) determining assessment arrangements and the standards required for certification, and
 - (iii) determining the form of the certificate of experience to be awarded on satisfactory completion of a programme for provisionally registered doctors;
- (f) arrangements for a person with a disability not to be disadvantaged unfairly by the disability when participating in a programme for provisionally registered doctors.

(a) Section 10 was amended by the National Health Service (Primary Care) Act 1997 (c.46), section 35(2), and by S.I. 2002/3135.

(b) Section 11 was amended by: the National Health Service (Primary Care) Act 1997, section 35(3) to (7), and Schedule 2, paragraph 61(2); the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 11, paragraph 48, and Schedule 14, Part 4; and S.I. 2004/957 and 3038.

(c) Section 12 was amended by the Health and Social Care (Community Health and Standards) Act 2003, Schedule 11, paragraph 49, and by S.I. 2004/957 and 3038.

(d) Section 13 was amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(3).

(3) The Privy Council may by order prescribe a minimum and a maximum period for the duration of a programme for provisionally registered doctors, and may prescribe different periods for different programmes.

(4) Determinations of the Education Committee under subsection (2) above shall be published in such manner as they see fit.

(5) Such determinations—

- (a) are binding on bodies concerned with programmes for provisionally registered doctors as regards the matters to which they relate; and
- (b) accordingly, those bodies must act in accordance with them as regards the matters to which they relate.

(6) The Privy Council—

- (a) except where acting in accordance with a proposal made by the Education Committee, shall consult the Education Committee before making, varying or revoking any order under subsection (3) above; and
- (b) shall, when making, varying or revoking any order under subsection (3) above, act in a manner which is consistent with the requirements of article 23 of Directive 93/16/EEC.

(7) For the purpose of—

- (a) determining whether any programme for provisionally registered doctors should for the time being be recognised; or
- (b) making any determination in connection with a body mentioned in subsection (2),

the Education Committee may appoint persons to consider programmes for provisionally registered doctors, to visit the bodies mentioned in subsection (2) and to report to the Education Committee on those programmes and those bodies.

(8) If the Education Committee have formed the provisional opinion—

- (a) that a programme for provisionally registered doctors that has been recognised by them should no longer be recognised by them, they shall notify that opinion in writing to any body, mentioned in subsection (2), that is connected with that programme and shall allow that body a reasonable opportunity to respond before determining whether or not to end their recognition of that programme; or
- (b) that a determination under subsection (2)(b) or (e)(i) should be revoked, they shall notify that opinion in writing to the body in respect of whom the determination was made and shall allow that body a reasonable opportunity to respond before determining whether or not to revoke that determination.”.

Amendment of section 14 of the Act

25. For subsection (1) of section 14 (alternative requirements as to experience in certain cases) substitute the following subsection—

“(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 satisfactory completion of an acceptable programme for provisionally registered doctors, it shall be sufficient for the applicant to satisfy the General Council that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors.”.

Substitution of section 15 of the Act

26. For section 15(a) (provisional registration) substitute the following section—

“Provisional registration

15.—(1) This section shall have effect for enabling persons wishing to complete an acceptable programme for provisionally registered doctors to participate in such a programme.

(2) A person shall be entitled to be registered provisionally under this section if—

(a) he has not satisfactorily completed an acceptable programme for provisionally registered doctors; but

(b) apart from that he would be entitled to be registered under section 3 above.

(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 participate in an acceptable programme for provisionally registered doctors but not further.”.

First article amending section 19 of the Act

27. In section 19(b) (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.)—

(a) in subsection (1)—

(i) in paragraph (a), after “he holds” insert “, or has passed all the qualifying examinations necessary for obtaining,”; and

(ii) for paragraph (b) substitute the following paragraph—

“(b) that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors; and”;

(b) omit subsection (4).

Amendment of section 21 of the Act

28. In section 21(c) (which relates to provisional registration)—

(a) for subsection (1) substitute the following subsection—

“(1) The following provisions shall have effect for enabling persons wishing to satisfy the Registrar of the matters specified in section 19(1)(b) above to participate in an acceptable programme for provisionally registered doctors.”; and

(b) for subsection (3) substitute the following subsection—

“(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 participate in an acceptable programme for provisionally registered doctors but not further.”.

and in the heading of section 21, after “provisional registration” add “of EEA nationals etc. with certain overseas qualifications”.

(a) Section 15(3) has been amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(4).

(b) Section 19 was substituted by S.I. 2002/3135.

(c) Section 21(1) was amended by S.I. 2002/3135 and section 21(3) was amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(5).

Second article amending section 30 of the Act

29. In subsection (4) of section 30 (which contains general provisions relating to the register) after “who have died,” insert “or who have been provisionally registered for longer than the period prescribed in respect of them,”.

Second article amending section 31 of the Act

30. In section 31 (which relates to the making of regulations with respect to the register)—

(a) after subsection (4) insert the following subsection—

“(4A) Regulations under this section may provide for a maximum period for which a person may be provisionally registered, and may provide for—

(a) different maximum periods for which different classes of persons may be provisionally registered; and

(b) the maximum period not to apply to specified classes of persons.”; and

(b) in subsection (10), for “subsection (8) or (9)” substitute “subsection (4A), (8) or (9)”.

First article amending section 50 of the Act

31. In subsection (1)(b) of section 50(a) (default powers of Privy Council), for “10, 11, 12, 13 or” substitute “10A or”.

Amendment of section 51 of the Act

32. For subsection (3) of section 51(exercise of powers to make Orders in Council and other orders), substitute the following subsection—

“(3) Subsection (2) above does not apply to—

(a) an Order in Council under section 8(2) above; or

(b) an order of the Privy Council under section 10A(3) or 31(10) above.”.

Second article amending section 55 of the Act

33. In subsection (1) of section 55 (interpretation)—

(a) after the definition of “acceptable overseas qualification” insert the following definition—

““acceptable programme for provisionally registered doctors” has the meaning given by section 10A(1) above;”; and

(b) omit the definition of “a prescribed pattern of experience”.

Third article amending Schedule 1 to the Act

34. In paragraph 25(3) of Schedule 1(b) (constitution of the General Medical Council), for “or 13(1)” substitute “or 10A(6)”.

(a) Section 50(1) was amended by S.I. 2002/3135.

(b) There are no relevant amendments to paragraph 25.

PART 4

New arrangements for registration of persons qualifying outside the European mutual recognition area

New sections 21B and 21C of the Act replacing section 21A of the Act

35.—(1) Omit section 21A(a) (full registration for eligible specialists and qualified general practitioners).

(2) After section 21, insert the following sections—

“Full registration of persons with an overseas qualification

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

- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
- (b) that he possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom;
- (c) that his fitness to practise is not impaired; and
- (d) unless he is an exempt person, that he has the necessary knowledge of English,

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, an “acceptable overseas qualification” means any qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.

Provisional registration of persons with an overseas qualification

21C.—(1) The following provisions shall have effect for enabling persons wishing to participate in programmes for provisionally registered doctors in order to be able to satisfy the Registrar, in accordance with section 21B(1)(b), that they possess the knowledge, skills and experience necessary for practising as fully registered medical practitioners in the United Kingdom.

(2) A person who satisfies the Registrar—

- (a) of the matters specified in paragraphs (a), (c) and (d) of section 21B(1) above; and
- (b) that he possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,

may apply to the General Council to be provisionally registered under this section and, if the Council think fit so to direct, that person shall be so registered.

(3) A person provisionally registered under this section shall be deemed to be registered under section 21B above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.”

Second article amending section 26 of the Act

36. In section 26(b) (registration of qualifications), in subsection (1), for “21 or 21A” substitute “21, 21B or 21C”.

(a) Section 21A was inserted by S.I. 2002/3135 and amended by S.I. 2003/1250.

(b) Relevant amendments were made to section 26(1) and (2) by S.I. 2002/3135.

New sections 27A and 27B of the Act replacing section 27 of the Act

37.—(1) Omit section 27(a) (temporary full registration for visiting overseas specialists).

(2) After section 26, insert the following sections—

“Temporary registration for visiting eminent specialists

27A.—(1) A person who is an eminent specialist in a particular branch of medicine and who is or intends to be in the United Kingdom temporarily for the purpose of providing medical services within that branch of medicine may apply to the General Council to be registered temporarily as a fully registered medical practitioner.

(2) If the person referred to in subsection (1) satisfies the Registrar—

- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
- (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
- (c) that he is or will be employed or engaged within the United Kingdom to provide medical services in a particular branch of medicine;
- (d) that he is an eminent specialist in that particular branch of medicine; and
- (e) that his fitness to practise is not impaired,

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to any conditions specified in the direction, for such period (being no more than 26 weeks) as they specify in the direction.

(3) The General Council may, if they think fit so to direct, vary the conditions specified in the direction and, subject to subsection (4), may extend the period specified in the direction for which the person is registered under this section.

(4) A person may not be registered under this section for more than 26 weeks in any period of five years.

(5) A person’s registration under this section shall cease to have effect on the expiry of the period for which he is registered.

(6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—

- (a) is to be treated as not being done by a registered medical practitioner; and
- (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.

Special purpose registration

27B.—(1) A person who is or intends to be in the United Kingdom temporarily for the purposes of providing particular medical services exclusively to persons who are not nationals of the United Kingdom may apply to the General Council to be registered temporarily as a fully registered medical practitioner.

(2) If the person referred to in paragraph (1) satisfies the Registrar—

- (a) that he holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification;
- (b) that he is entitled to practise medicine in the State where he is ordinarily resident;
- (c) that he is or will be employed or engaged within the United Kingdom—

(a) Section 27(1) was amended by S.I. 2002/3135.

- (i) at an establishment that provides medical services for persons who are not nationals of the United Kingdom, and
- (ii) to provide particular medical services, but only for persons who are not nationals of the United Kingdom; and
- (d) that his fitness to practise is not impaired,

that person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner, subject to the conditions specified in the direction, for such period as they specify in the direction.

(3) The conditions that the General Council specifies in any direction under subsection (2) are to comprise or include—

- (a) a condition that the person shall, except in an emergency, provide medical services within the United Kingdom only to persons who are not nationals of the United Kingdom; and
- (b) a condition that the person shall, except in an emergency, provide only the particular medical services which are specified in the direction, whilst he is in the United Kingdom.

(4) The General Council may, if they think fit so to direct, vary the conditions in the direction (but not in such a way that the requirements of subsection (3) are no longer met) and may extend the period specified in the direction for which the person is registered under this section.

(5) A person's registration under this section shall cease to have effect on the expiry of the period for which he is registered.

(6) If a person breaches any condition to which his registration under this section is subject, anything done by him in breach of that condition—

- (a) is to be treated as not being done by a registered medical practitioner; and
- (b) may be treated as misconduct for the purposes of section 35C(2)(a) below, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) below.”.

Third article amending section 30 of the Act

38. In subsection (1) of section 30(a) (which contains general provisions relating to the register)—

- (a) in paragraph (a), for “21A or 25” substitute “21B or 21C”; and
- (b) in paragraph (c), for “section 27” substitute “section 27A or 27B”.

Third article amending section 31 of the Act

39. In subsection (4) of section 31(b) (which relates to the making of regulations with respect to the register), after “section 21” insert “or 21C”.

First article amending section 41 of the Act

40. In subsection (4) of section 41(c) (restoration of names to the register), for “15A or 21” in both places where it occurs, substitute “15A, 21 or 21C”.

(a) Relevant amendments were made to section 30 by S.I. 1996/1591, 2000/3041 and 2002/3135.
 (b) Section 31(4) was amended by S.I. 2000/3041.
 (c) Section 41 was substituted by S.I. 2002/3135.

Third article amending section 55 of the Act

- 41.** In subsection (1) of section 55(a) (interpretation)—
- (a) in the definition of “acceptable overseas qualification” for “section 22(4)” substitute “section 21B(2)”;
 - (b) in the definition of “fully registered person”—
 - (i) for “21A, 25 or 27” substitute “21B, 27A or 27B”, and
 - (ii) in paragraph (a), for “15A(4) or 21” substitute “15A(4), 21 or 21C”; and
 - (c) in the definition of “provisionally registered”, for “15A or 21” substitute “15A, 21 or 21C”.

Fourth article amending Schedule 1 to the Act

42. In paragraph 11 of Schedule 1(b) (constitution of the General Medical Council), for “21A or 22” substitute “21B or 21C”.

Second article amending Schedule 3 to the Act

43. In paragraph 5(2) of Schedule 3(c) (registration: supplementary provisions), for “21A, 22 and 25 or 27” substitute “21B, 21C, 27A or 27B”.

Second article amending Schedule 3A to the Act

- 44.** In Schedule 3A(d) (registration appeals)—
- (a) in paragraph 2(1)—
 - (i) omit paragraph (h),
 - (ii) before paragraph (l) insert the following paragraphs—
 - “(ka) a decision not to direct that a person be registered under section 21B of this Act (full registration of persons with an overseas qualification);
 - (kb) a decision not to direct that a person be registered under section 21C of this Act (provisional registration of persons with an overseas qualification);”, and
 - (iii) for paragraph (m) substitute the following paragraphs—
 - “(m)a decision under section 27A of this Act (temporary registration for visiting eminent specialists)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to any conditions specified in a direction that a person be registered under that section;
 - (ma)a decision under section 27B of this Act (special purpose registration)—
 - (i) not to direct that a person be registered under that section,
 - (ii) as to the conditions specified in a direction that a person be registered under that section;”, and
 - (b) in paragraph 3(2), for “19, 21A or 22” substitute “15, 15A, 19 or 21”.

(a) Section 55(1) was numbered as such by S.I. 1996/1591 and was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.
(b) Paragraph 11 of Schedule 1 was amended by S.I. 2002/3135.
(c) Paragraph 5 of Schedule 3 was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.
(d) Schedule 3A was inserted by S.I. 2002/3135.

PART 5

Fitness to practise matters in connection with registration

Second article amending section 3 of the Act

45. In subsection (1) of section 3(a) (registration by virtue of primary United Kingdom or primary European Qualifications), after “any person” insert “whose fitness to practise is not impaired and”.

Amendment of section 15A of the Act

46. At the end of subsection (2) of section 15A(b) (provisional registration for EEA nationals), add “if his fitness to practise is not impaired”.

Second article amending section 19 of the Act

47. In section 19(c) (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.), in subsection (1), for paragraph (c) substitute the following paragraph—

“(c) that his fitness to practise is not impaired.”.

Fourth article amending section 31 of the Act

48. In subsection (9)(a) of section 31(d) (which relates to the making of regulations with respect to the register), for “good character” substitute “fitness to practise”.

First article amending section 40 of the Act

49. In section 40(e) (appeals)—

(a) after subsection (1) insert the following subsection—

“(1A) A decision under regulations made—

- (a) under section 31 above by virtue of subsection (8) of that section; or
- (b) under section 31A(1)(c) above,

not to restore a person’s name to the register for a reason that relates to his fitness to practise is also an appealable decision for the purposes of this section.”;

(b) after subsection (4) insert the following subsection—

“(4A) A person in respect of whom an appealable decision falling within subsection (1A) 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, appeal against the decision to the relevant court.”; and

(c) in subsection (5), for “subsection (4)” substitute “subsections (4) and (4A)”.

Second article amending section 41 of the Act

50. In subsection (1) of section 41(f) (restoration of names to the register), after “section 35D above,” insert “or section 44B(4)(b) below,”.

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- (a) Section 3(1) was substituted by S.I. 1996/1591.
 - (b) Section 15A was inserted by S.I. 2000/3041.
 - (c) Section 19 was substituted by S.I. 2002/3135.
 - (d) Section 31(9) was amended by S.I. 2002/3135.
 - (e) Section 40 was substituted by S.I. 2002/3135.
 - (f) Section 41 was substituted by S.I. 2002/3135.

New section 44B of the Act replacing section 44A of the Act

51.—(1) Omit section 44A(a) (effect of disqualification or conviction on registration).

(2) After section 44, insert the following section—

“Provision of information in respect of fitness to practise matters

44B.—(1) If a person has been registered by virtue of any provision of this Act and it is subsequently shown to the satisfaction of the Registrar that—

- (a) his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health; and
- (b) he had not informed the Registrar of that matter or problem before his registration,

the Registrar may erase that person’s name from the register.

(2) The General Council may by regulations make provision for the information to be provided to the Registrar—

- (a) by or in respect of a person seeking registration by virtue of any provision of this Act, other than section 18 above, for the purpose of determining whether his fitness to practise is impaired;
- (b) by or in respect of a person who is fully registered or provisionally registered, for the purpose of determining whether his fitness to practise was impaired at the time of his registration because of his involvement in a serious matter or a problem with his physical or mental health.

(3) In subsections (1) and (2) above, “serious matter” has the same meaning as in article 12(2) of Directive 93/16/EEC(b).

(4) The Registrar may—

- (a) refuse to register (even if he is directed by the General Council to do so) any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(a) above;
- (b) erase from the register the name of any person who fails to comply with, or in respect of whom there is a failure to comply with, regulations made under subsection (2)(b) above.

(5) For the purpose of determining whether an exempt person (“E”) should be registered under this Act, the General Council or the Registrar, as the case may be, shall accept as sufficient evidence that his fitness to practise is not impaired a document—

- (a) to which subsection (6) below applies, as regards his physical or mental health; or
- (b) to which subsection (8) below applies, as regards any other relevant matter,

if it is presented to the Registrar within the period of three months beginning with its date of issue.

(6) This subsection applies to a document that attests to E’s good physical and mental health, and—

- (a) which would be required in E’s EEA State of origin or the EEA State from which he comes (“E’s attesting State”), if he wished to start practising medicine there; or
- (b) if no such document is required there, which is issued by a competent authority in E’s attesting State (and which, if relevant, is in the form mentioned in subsection (7) below).

(a) Section 44A was inserted by S.I. 2002/3135.

(b) OJ No. L 165, 7.7.1993, p.1. There are no relevant amending instruments.

(7) If regulations made under subsection (2) above require a certificate which attests to an applicant's good physical and mental health to be in a particular form, a document referred to in subsection (6)(b) above must be in that form or in a form which corresponds to it.

(8) Except as mentioned in subsection (9) below, this subsection applies to a document—

(a) containing an extract from the judicial record issued by a competent authority in E's attesting State; or

(b) which is a certificate issued by a competent authority in E's attesting State,

in either case attesting to E's good character and good repute.

(9) Subsection (8) above does not apply to a document which may be, or has been, revised or rescinded as a consequence of an approach made by the General Council to the competent authority which issued it, in accordance with article 11(3) of Directive 93/16/EEC.

(9) Regulations under subsection (2) above shall not have effect until approved by order of the Privy Council.”.

Amendment of section 45 of the Act

52. In subsection (5) of section 45(a) (disciplinary provisions affecting practitioners who render services while visiting the United Kingdom), for “one or more of his good character, professional competence and health” substitute “his fitness to practise”.

Third article amending Schedule 3 to the Act

53. In paragraph 3 of Schedule 3(b) (registration: supplementary provisions), omit subparagraph (3).

Third article amending Schedule 3A to the Act

54. In paragraph 2(1) of Schedule 3A(c) (registration appeals), for paragraph (o) substitute the following paragraph—

“(o) a decision under section 44B of this Act (fitness to practise matters prior to registration) to refuse to register a person or to erase a person's name from the register;”.

PART 6

Changes in relation to fitness to practise procedures

Second article amending section 35A of the Act

55. After subsection (6) of section 35A(d) (General Council's power to require disclosure of information) insert the following subsections—

“(6A) If a person fails to supply any information or produce any document within 14 days of his being required to do so under subsection (1) above, the General Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(a) Section 45 was substituted by S.I. 2002/3135.

(b) Paragraph 3 has been amended by S.I. 1996/1519 and 2000/3041.

(c) Schedule 3A was inserted by S.I. 2002/3135.

(d) Section 35A was originally inserted S.I. 2000/1083 and was substituted by S.I. 2002/3135.

(6B) For the purposes of subsection (6A), “the relevant court” means the county court or, in Scotland, the sheriff in whose sheriffdom is situated the address—

- (a) which is shown in the register as the address of the person concerned; or
- (b) which would have been so shown if the person concerned were registered.”.

Amendment of section 35B of the Act

56. In section 35B(a) (notification and disclosure by the General Council), for subsection (2) substitute the following subsections—

“(2) The General Council may, if they consider it to be in the public interest to do so, publish, or disclose to any person, information—

- (a) which relates to a particular practitioner’s fitness to practise, whether the matter to which the information relates arose before or after his registration, or arose in the United Kingdom or elsewhere; or
- (b) of a particular description related to fitness to practise in relation to every practitioner, or to every practitioner of a particular description.

(3) For the purposes of subsection (2)(b) above, the General Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each individual practitioner to whom it relates.

(4) Subject to subsection (5), the General Council shall publish in such manner as they see fit—

- (a) decisions of a Fitness to Practise Panel that relate to a finding that a person’s fitness to practise is impaired (including decisions in respect of a direction relating to such a finding that follow a review of an earlier direction relating to such a finding);
- (b) decisions of a Fitness to Practise Panel to make an order under section 38(1) or (2) below;
- (c) decisions of a Fitness to Practise Panel to refuse an application for restoration to the register or to give a direction under section 41(9) below;
- (d) decisions of an Interim Orders Panel or a Fitness to Practise Panel to make an order under section 41A below (including decisions in respect of orders varying earlier orders under that section);
- (e) warnings of a Fitness to Practise Panel regarding a person’s future conduct or performance;
- (d) warnings of the Investigation Committee regarding a person’s future conduct or performance; and
- (g) undertakings that have been agreed in accordance with rules made under paragraph 1(2A) of Schedule 4.

(5) The General Council may withhold from publication under subsection (4) above information concerning the physical or mental health of a person which the General Council consider to be confidential.”.

First article amending Schedule 4 to the Act

57.—(1) In paragraph 1 of Schedule 4(b) (proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels)—

- (a) after sub-paragraph (2), insert the following sub-paragraph—

(a) Section 35B was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.
(b) Schedule 4 was substituted by S.I. 2002/3135.

“(2A) Rules made under this paragraph in connection with the consideration by the Investigation Committee of an allegation may include provision—

- (a) for enabling the Committee, in such circumstances as may be specified in the rules, to agree with the person concerned that he will comply with such undertakings as the Committee considers appropriate; and
 - (b) with respect to the procedure to be followed where any such undertakings are breached.”;
 - (b) in sub-paragraph (4)(d), omit “in relation to conduct, conviction or determination proceedings,”;
 - (c) omit sub-paragraph (4)(e) and the word “and” preceding it; and
 - (d) omit sub-paragraph (10).
- (2) Omit paragraph 6 of Schedule 4.
- (3) In paragraph 7 of Schedule 4—
- (a) in sub-paragraph (3), for “The Lord Chancellor or, in relation to proceedings in Scotland, the Secretary of State” substitute “The General Council”;
 - (b) in sub-paragraph (4), for “the Lord Chancellor or the Secretary of State”, in both places, substitute “the General Council”; and
 - (c) for sub-paragraph (6) substitute the following sub-paragraph—
“(6) Rules under this paragraph shall not come into force until approved by order of the Privy Council.”.

PART 7

Provisions that continue to apply during suspension of registration

Amendment of section 35E of the Act

58. In subsection (3) of section 35E(a) (provisions supplementary to section 35D), for paragraph (b) substitute the following paragraph—

“(b) sections 31A, 35C, 35CC and 35D above, this section and section 39 below shall continue to apply to him.”.

Second article amending section 41A of the Act

59. In subsection (12) of section 41A(b) (interim orders), for “35C to 35E” substitute “31A, 35C to 35E and 39”.

PART 8

Fraud or error in relation to registration etc.

Substitution of section 39 of the Act

60. For section 39(c) (fraud or error in relation to registration) substitute the following section—

(a) Section 35E was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.
(b) Section 41A was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2000/3135.
(c) Section 39 was substituted by S.I. 2002/3135.

“Fraud or error in relation to registration

39.—(1) If the Registrar is satisfied that any entry in the register has been fraudulently procured or incorrectly made, he may erase the entry from the register.

(2) Where the Registrar decides to erase a person’s name under this section, the Registrar shall forthwith serve on that person notification of the decision and of his right to appeal against the decision under Schedule 3A to this Act.”.

Second article amending section 40 of the Act

61. In section 40(a) (appeals), omit subsections (2) and (6).

Fifth article amending Schedule 1 to the Act

62. In Schedule 1(b) (constitution of the General Medical Council)—

- (a) in Part 2 (incidental powers and duties and proceedings of the General Medical Council), in sub-paragraph (3) of paragraph 15, omit from “nor shall standing” to the end of that sub-paragraph; and
- (b) in Part 4 (the branch councils), in paragraph 26(3), omit “(other than those conferred by section 39 of this Act)”.

Fourth article amending Schedule 3A to the Act

63. In Schedule 3A(c) (registration appeals)—

- (a) in paragraph (b) of the definition of “person making the decision” in paragraph 1, for “section 18, 44 or 44A” substitute “section 18, 39, 44, 44B or 44C”; and
- (b) in sub-paragraph (1) of paragraph 2, after paragraph (ma), inserted by article 44(a), insert the following paragraph—

“(mb) a decision under section 39 of this Act (fraud or error in relation to registration) to erase an entry from the register;”.

Second article amending Schedule 4 to the Act

64. In paragraph 10(1) of Schedule 4 (proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels)—

- (a) for “this Act, a” substitute “this Act or a”; and
- (b) omit “or a direction for erasure given by the General Council under section 39 of this Act”.

PART 9

Miscellaneous amendments in connection with revalidation

Second article amending section 29A of the Act

65. In section 29A(d) (regulations as to licence to practise and revalidation), in subsection (4)(d), after “licence to practise” add “whenever a licensing authority sees fit to do so”.

(a) Section 40 was substituted by S.I. 2002/3135.
(b) Paragraph 26 of Schedule 1 was amended by S.I. 2002/3135.
(c) Schedule 3A was inserted by S.I. 2002/3135.
(d) Section 29A was inserted by S.I. 2002/3135.

Amendment of section 29E of the Act

66. In section 29E(a), after subsection (2) insert the following subsection—

“(2A) Regulations under section 29A above may include provision for or in connection with requiring a medical practitioner to supply information to a licensing authority (including information about his prospective, current or past employment as a medical practitioner) which, in the opinion of the licensing authority, will assist it in determining when and how to revalidate him.”.

Amendment of Schedule 3B to the Act

67. In paragraph 3(2)(d) of Schedule 3B(b) (licence to practise and revalidation: appeals), omit “if the medical practitioner to whom the proceedings relate so requests”.

PART 10

Indemnity arrangements

Amendment of section 29F of the Act

68. In section 29F(c) (appeals)—

(a) after subsection (1) insert the following subsection—

“(1A) If a licensing authority decides under—

(a) section 44C(7) to refuse to grant a licence to practise to a medical practitioner; or

(b) section 44C(8)(a) to withdraw a licence to practise from a medical practitioner, the practitioner may appeal to a Registration Appeals Panel.”; and

(b) in subsection (2), after “subsection (1)” insert “or (1A)”.

New section 44C of the Act

69. After section 44B, inserted by article 51, insert the following section—

“Indemnity arrangements

44C.—(1) A person who holds a licence to practise shall have in force in relation to him an adequate and appropriate indemnity arrangement which provides cover in respect of liabilities which may be incurred in carrying out work as a medical practitioner.

(2) For the purposes of this section, an “indemnity arrangement” may comprise—

(a) a policy of insurance;

(b) an arrangement made for the purposes of indemnifying a person; or

(c) a combination of a policy of insurance and an arrangement made for the purposes of indemnifying a person.

(3) The General Council may make regulations about what is an “adequate and appropriate indemnity arrangement” for the purposes of this section, and the regulations may make different provision for different cases.

(4) The General Council may make regulations about the information to be provided to the Registrar—

(a) Section 29E was inserted by S.I. 2002/3135.

(b) Schedule 3B was inserted by S.I. 2002/3135.

(c) Section 29F was inserted by S.I. 2002/3135.

- (a) by or in respect of a person seeking a licence to practise for the purpose of determining whether, if he is granted a licence to practise, there will be in force in relation to him an adequate and appropriate indemnity arrangement which commences, at the latest, on the date on which he is granted a licence to practise; and
 - (b) by or in respect of a person who holds a licence to practise for the purpose of determining whether there is in force in relation to him an adequate and appropriate indemnity arrangement.
- (5) Regulations made under subsection (4)(b) above may require the information mentioned there to be provided—
- (a) at the request of the Registrar; or
 - (b) on such dates or at such intervals as the Registrar may determine, either generally or in relation to individual practitioners or practitioners of a particular description.
- (6) The General Council may also make regulations requiring a person who holds a licence to practise to inform the Registrar if there ceases to be in force in relation to him an adequate and appropriate indemnity arrangement.
- (7) A licensing authority may refuse to grant a licence to practise to any person who fails to comply, or in respect of whom there is a failure to comply, with regulations made under subsection (4)(a) above.
- (8) If a person who holds a licence to practise is in breach of subsection (1) above or fails to comply with regulations made under subsection (4)(b) or (6) above, or there is a failure to comply with regulations made under subsection (4)(b) in respect of him—
- (a) a licensing authority may withdraw that person’s licence to practise; or
 - (b) the breach or failure may be treated as misconduct for the purposes of section 35C(2)(a) above, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) above.
- (9) Regulations under subsection (3), (4) or (6) above shall not have effect until approved by order of the Privy Council.”.

PART 11

Approved practice settings

New section 44D of the Act

70. After section 44C, inserted by article 69, insert the following section—

“Approved practice settings

44D.—(1) Unless the Registrar otherwise directs in relation to a particular person, a person who is registered under section 3(1)(a) or 21B above after the coming into force of this section shall, before his first revalidation in accordance with Part 3A above after he is registered, practise medicine in the United Kingdom only in a practice setting—

- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
- (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly fully registered.

(2) Unless the Registrar otherwise directs in relation to a particular person, a person whose name is restored to the register after the coming into force of this section shall,

before his first revalidation in accordance with Part 3A above after his name is restored to the register, practise medicine in the United Kingdom only in a practice setting—

- (a) where he is subject to a governance system that includes, but is not limited to, provision for appropriate supervision and appraisal arrangements or assessments; and
- (b) which is, or which is of a type which is, for the time being recognised by the General Council, either generally or in relation to him or to practitioners of his class, as being acceptable for a practitioner who is newly restored to the register.

(3) The General Council may limit their recognition of—

- (a) a particular practice setting so that it is recognised in relation only to one or more particular practitioners or particular classes of practitioner;
- (b) a particular type of practice setting so that it is recognised in relation only to one or more particular classes of practitioner.

(4) The General Council may exclude a particular practice setting from their recognition of a particular type of practice setting—

- (a) in relation to all practitioners; or
- (b) in relation to one or more particular classes of practitioner.

(5) The General Council may at any time vary or withdraw their recognition from a particular practice setting or a particular type of practice setting.

(6) An example of a valid reason for withdrawing recognition from a particular practice setting, or excluding a particular practice setting from recognition of a particular type of practice setting, is that the relevant governance system operated there is not quality assured by a body that is acceptable to the General Council as a provider of quality assurance.

(7) If—

- (a) a person starts practising medicine in a practice setting that is, or is of a type that is, recognised under whichever is appropriate of subsection (1)(b) or (2)(b) above, either generally or in relation to practitioners of his class; and
- (b) while he is practising medicine there, it ceases to be so recognised,

it is to be treated as continuing to be recognised in relation to the particular practitioner while he continues to practise medicine there.

(8) The General Council may by regulations make provision for the information to be provided to the Registrar by or in respect of a fully registered person for the purposes of determining whether or not he is in breach of subsection (1) or (2) above.

(9) If a fully registered person—

- (a) is in breach of subsection (1) or (2) above; or
- (b) fails to comply with regulations made under subsection (8) above, or there is a failure to comply with those regulations in respect of him,

the breach or failure may be treated as misconduct for the purposes of section 35C(2)(a) above, and the Registrar may refer the matter to the Investigation Committee for investigation by them under section 35C(4) above.

(10) Regulations under subsection (8) above shall not have effect until approved by order of the Privy Council.

(11) The General Council may publish guidance for practitioners who—

- (a) are newly fully registered or whose names are newly restored to the register; but
- (b) are not subject to the requirements imposed by subsection (1) and (2),

on what are suitable practice settings for them before their first revalidation in accordance with Part 3A above after being registered or before their names are restored to the register.”

Fifth article amending Schedule 3A to the Act

71. In paragraph 2(1) of Schedule 3A(a) (registration appeals), after paragraph (o), insert the following paragraph—

“(p) a decision not to give a direction under section 44D(1) or (2) of this Act (approved practice settings) disapplying the requirements set out in those subsections.”.

PART 12

Miscellaneous amendments in connection with fees

Second article amending section 32 of the Act

72. In section 32(b) (registration fees)—

- (a) in subsection (1)—
 - (i) in paragraph (b), omit “in any year subsequent to the year beginning with the date on which he was first registered”, and
 - (ii) in paragraph (c), omit “or any particular list in it”; and
- (b) omit subsection (8).

Amendment of section 46 of the Act

73. In section 46(c) (recovery of fees)—

- (a) in subsection (1)—
 - (i) after “subsection (2)” insert “or (2A)”, and
 - (ii) omit “or for any medicine which he has both prescribed and supplied”; and
- (b) after subsection (2) insert the following subsection—

“(2A) Subsection (1) above shall not apply to fees in respect of medical services lawfully provided—

 - (a) under arrangements to provide services as part of the health service, the Northern Ireland health service or the Scottish health service (those terms having the same meaning here as in section 29G(3) above);
 - (b) by any person who is not a medical practitioner but who is entitled to provide those medical services by virtue of an enforceable Community right;
 - (c) by a person who is a member of a profession regulated by a body, apart from the General Council, mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(d).”.

Second article amending section 50 of the Act

74. In subsection (1)(b) of section 50(e) (default powers of the Privy Council), for “32(1) to (3) or (7) to (9)” substitute “32(1) to (3), (7) or (9)”.

(a) Schedule 3A was inserted by S.I. 2002/3135.
(b) No relevant amendments have been made to this section.
(c) Section 46 was amended by S.I. 1996/1591 and 2002/3135.
(d) 2002 c.17.
(e) Section 50(1) was amended by S.I. 2002/3135.

PART 13

Consequential amendments to other primary legislation

Amendment of the Value Added Tax Act 1994

75.—(1) In Part 2 of Schedule 8 to the Value Added Tax Act 1994(a) (zero-rating – the groups), in Group 12 (drugs, medicines, aids for the handicapped)—

- (a) in item 1(b), omit “, the register of medical practitioners with limited registration”; and
- (b) in item 1A(c), omit “or the register of medical practitioners with limited registration”.

(2) In Part 2 of Schedule 9 to the Value Added Tax Act 1994 (exemptions – the groups), in Group 7 (health and welfare)—

- (a) in item 1(a)(d), omit “or the register of medical practitioners with limited registration”; and
- (b) in item 5, omit “or the register of medical practitioners with limited registration”.

PART 14

Consequential amendments to secondary legislation

Amendment of the Road Vehicles Lighting Regulations 1989

76. In the Road Vehicles Lighting Regulations 1989(e)—

- (a) in paragraph (2)(m) of regulation 11 (colour of light shown by lamps and reflectors), for “full, provisional or limited” substitute “full or provisional”; and
- (b) in item 8 in the Table in regulation 27 (restrictions on the use of lamps other than those to which regulation 24 refers), for “full, provisional or limited” substitute “full or provisional”.

Amendment of the National Health Service (Performers Lists) Regulations 2004

77. In paragraph (1) of regulation 23 of the National Health Service (Performers Lists) Regulations 2004(f) (application for inclusion in a medical performers list)—

- (a) in sub-paragraph (b), omit “subject to sub-paragraph (e),”; and
- (b) in sub-paragraph (e), omit the words from “and, if he is” to the end of that sub-paragraph.

Amendment of the National Health Service (Performers Lists) (Wales) Regulations 2004

78. In paragraph (1) of regulation 23 of the National Health Service (Performers Lists) (Wales) Regulations 2004(g) (application for inclusion in a medical performers list)—

- (a) in sub-paragraph (b), omit “subject to sub-paragraph (e),”; and
- (b) in sub-paragraph (e), omit the words from “and, if the general” to the end of that sub-paragraph.

(a) 1994 c.23.

(b) Item 1 has previously been amended by S.I. 1997/2744.

(c) Item 1A was inserted by S.I. 1995/652 and has previously been amended by S.I. 1997/2744.

(d) Item 1 has previously been amended by: the Nurses, Midwives and Health Visitors Act 1997 (c.24), Schedule 4, paragraph 6; and S.I. 1998/1294, 1999/1575 and 2002/253 and 254.

(e) S.I. 1989/1796; the relevant amending instruments are S.I. 1994/2280 and 2001/560.

(f) S.I. 2004/585; there are no relevant amending instruments.

(g) S.I. 2004/1020; there are no relevant amending instruments.

Amendment of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

79. In the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**a**)—

- (a) in the definition of “medical practitioner” in regulation 2 (interpretation)—
 - (i) for “or section 21 (provisional registration)” substitute “, section 21 (provisional registration of EEA nationals etc. with certain overseas qualifications) or section 21C (provisional registration of persons with an overseas qualification)”, and
 - (ii) omit from “or a person” to “with limited registration”; and
- (b) in Schedule 1 (information, declarations and undertakings to be included in an application for inclusion in a primary medical services performers’ list), omit paragraph 2(b).

Revocation of spent provisions

80. The following provisions are hereby revoked—

- (a) in the European Primary Medical Qualifications Regulations 1996(**b**)—
 - (i) paragraph (5) of regulation 6 (registration of persons who do not have primary United Kingdom or primary European qualifications); and
 - (ii) paragraphs 2 to 4 of Schedule 2 (minor and consequential amendments);
- (b) in the Medical Act 1983 (Amendment) Order 2002(**c**)—
 - (i) paragraphs (6) to (8), (9)(b) and (10) of article 6 (registration), and
 - (ii) paragraph (5)(c) of article 9 (further and supplementary);
- (c) paragraph 4 of the Schedule to the Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004(**d**) (modification of public general acts); and
- (d) in the Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004(**e**)—
 - (i) article 3 (saving of certain provisions of the Medical Act 1983), and
 - (ii) paragraph 1 of the Schedule (amendment of enactments – the Medical Act 1983).

PART 15

Amendment of the Opticians Act 1989

Amendment of the Opticians Act 1989

81. In section 1 of the Opticians Act 1989(**f**) (constitution and functions of the Council), after subsection (2) insert the following subsection—

“(2A) The main objective of the Council in exercising such of the Council’s functions as affect the health and safety of members of the public is to protect, promote and maintain their health and safety.”.

(a) S.S.I. 2004/114; the relevant amending instrument is S.S.I. 2004/216.
(b) S.I. 1996/1591.
(c) S.I. 2002/3135.
(d) S.I. 2004/957.
(e) S.I. 2004/3038.
(f) 1989 c.44; section 1 has been amended by S.I. 2005/848.

PART 16

Amendment of the Nursing and Midwifery Order 2001 etc.

Amendment of the Nursing and Midwifery Order 2001 and consequential amendments to the Nursing and Midwifery Council (Election Scheme) Rules 2005

- 82.**—(1) In the Nursing and Midwifery Order 2001(a)—
- (a) in paragraph 2(2)(d)(iii) of Schedule 1 (the Nursing and Midwifery Council and committees), omit “or to which he has been assigned in accordance with prescribed criteria”;
 - (b) in paragraph 8(1) of Schedule 1, before “Each member’s term” insert “Subject to paragraph 6 of Schedule 2,”; and
 - (c) in paragraph 6 of Schedule 2 (transitional provisions)—
 - (i) omit “, which may not exceed four years,”
 - (ii) in sub-paragraph (a), after “of registrant” insert “, alternate” and for “and three” substitute “, three and four”,
 - (iii) omit sub-paragraph (b), and
 - (iv) in sub-paragraph (c), after “the registrant” insert “and alternate”.
- (2) In the Rules in the Schedule to the Nursing and Midwifery Council (Election Scheme) Rules Order of Council 2005(b)—
- (a) in rule 13 (basis of election)—
 - (i) in paragraph (3), omit “Subject to paragraph (4),” and
 - (ii) omit paragraph (4); and
 - (b) in paragraph (1)(c) of rule 15 (entitlement to vote)—
 - (i) add “or” at the end of paragraph (i), and
 - (ii) omit paragraph (iii) and the “or” at the end of paragraph (ii).

PART 17

Transitional, transitory and saving provisions

Interpretation of this Part

83. In this Part—

“register of medical practitioners”, except in the phrase “the register of medical practitioners with limited registration” shall be construed in accordance with section 2(2) of the Act;

“register of medical practitioners with limited registration” shall be construed in accordance with section 2(2) of the Act, as it had effect immediately before article 4 of this Order came into force,

and other expressions used in this Part and in the Act have the meanings they bear in the Act.

(a) S.I. 2002/253; there are no relevant amending instruments.
(b) S.I. 2005/2250.

Transfer of names from the register of medical practitioners with limited registration to the register of medical practitioners

84.—(1) Subject to paragraph (2), if immediately before article 4 comes into force a person's name is included in the register of medical practitioners with limited registration, he shall be registered in the principal list of the register of medical practitioners with effect from the day on which article 4 comes into force—

- (a) as a fully registered person; or
- (b) as a provisionally registered person, if the direction by virtue of which he was registered with limited registration had the effect of limiting his registration to registration for the purposes of—
 - (i) employment as a pre-registration house officer, or
 - (ii) participating in a programme for provisionally registered doctors.

(2) If, immediately before article 4 comes into force, a person's name is included in the register of medical practitioners with limited registration but his registration is suspended (whether temporarily or indefinitely) or he is the subject of proceedings which, but for the closure of the register of medical practitioners with limited registration, could have led to the erasure of his name from or his suspension from that register, the Registrar—

- (a) may determine that his name is not to be entered into the register of medical practitioners; and
- (b) shall, in any event, dispose of the matter in such manner as he considers just (which may include delaying entering his name in the register of medical practitioners until a suspension is terminated).

(3) Where a person's name has been erased from the register of medical practitioners with limited registration (or is due to be erased, pending the outcome of an appeal)—

- (a) if he appeals successfully against erasure and that appeal is determined after this article comes into force, his name shall be entered in the register of medical practitioners; and
- (b) if he applies to have his name entered in the register after this article comes into force, the Registrar may, in appropriate cases, determine that the application is to be treated as an application for restoration to the register under—
 - (i) section 41 of the Act, or
 - (ii) regulations made under section 31 or 31A of the Act.

(4) Where a person is registered in the register of medical practitioners by virtue of this article—

- (a) if his previous registration in the register of medical practitioners with limited registration was subject to any condition, other than a limitation imposed by virtue of section 22 of the Act which does not relate to a fitness to practise matter, the Registrar may determine that his registration in the register of medical practitioners is to be subject to the same condition; and
- (b) for the purposes of section 44D(1) of the Act, if he is fully registered, he shall be treated as newly fully registered under section 21B of the Act on the date he is registered by virtue of this article.

(5) Where a condition that relates to a fitness to practice matter is imposed by virtue of paragraph (4)(a), that condition is to be considered a condition imposed by virtue of a direction for conditional registration given by a Fitness to Practise Panel under section 35D of the Act, except that—

- (a) section 35E(1) shall not apply to the determination of the Registrar under paragraph (4)(a); and
- (b) the direction (if still in force) shall be reviewed by a Fitness to Practice Panel (once, pursuant to this paragraph)—
 - (i) if the person on whom the condition is imposed requests them to do so, or

- (ii) not more than three years after the condition was originally imposed or last reviewed (before the person was registered in the principal list), whichever is the later.

Outstanding applications for entry into the register of medical practitioners with limited registration

85. If on the day article 4 comes into force there is an outstanding application for a person's name to be entered in the register of medical practitioners with limited registration, that application shall be treated as if it were an application under section 21B or, where appropriate, 21C of the Act.

Arrangements for registration of persons with overseas qualifications pending the introduction of programmes for provisionally registered doctors

86. If on the day article 35 comes into force article 24 is not yet in force, pending the coming into force of article 24, section 21C of the Act shall apply as if—

- (a) in subsection (2)(b), for “for embarking upon an acceptable programme for provisionally registered doctors,” there were substituted “to be engaged in employment as mentioned in section 10(2) above,”; and
- (b) in subsection (3), for “to participate in an acceptable programme for provisionally registered doctors” there were substituted “to be engaged in employment as mentioned in section 10(2) above”.

Visiting eminent specialists

87.—(1) If, immediately before article 37 comes into force, a person is registered under section 27 of the Act, then on and after the coming into force of article 37, that person shall be treated as registered under either section 27A or 27B of the Act, whichever the Registrar shall determine, until the expiration of the period that was specified in the direction in respect of him under section 27(1) of the Act.

(2) For the purposes of section 27A(4) of the Act, any period of registration under section 27 of the Act that began before article 37 came into force shall be discounted.

Indemnity arrangements

88.—(1) If on the day article 69 comes into force article 65 is not yet in force, pending the coming into force of article 65, in section 44C of the Act—

- (a) subsection (1) shall apply as if for “holds a licence to practise” there were substituted “is registered by virtue of any provision of this Act”;
- (b) subsection (4)(a) shall apply as if—
 - (i) for “seeking a licence to practise” there were substituted “seeking registration by virtue of any provision of this Act”, and
 - (ii) for “granted a licence to practise” there were substituted “registered”;
- (c) subsection (4)(b) shall apply as if for “holds a licence to practise” there were substituted “is registered by virtue of any provision of this Act”;
- (d) subsection (6) shall apply as if for “holds a licence to practise” there were substituted “is registered by virtue of any provision of this Act”;
- (e) subsection (7) shall apply as if for “A licensing authority may refuse to grant a licence to practise to”, there were substituted “The Registrar may refuse to register (whether or not directed to do so by the Council)”; and
- (f) subsection (8) shall apply as if—
 - (i) for “holds a licence to practise” there were substituted “is registered by virtue of any provision of this Act”, and

(ii) for paragraph (a) there were substituted the following paragraph—

“(a) the Registrar may erase that person’s name from the register; or”.

(2) Where a decision is taken under—

(a) section 44C(7) of the Act, as modified by paragraph (1)(e), to refuse to register a person;
or

(b) under section 44C(8) of the Act, as modified by paragraph (1)(f), to erase a person’s name from the register,

that decision is an appealable registration decision for the purposes of Schedule 3A to the Act, and “appealable registration decision” in that Schedule shall be construed accordingly.

(3) For the purposes of making provision with respect to the restoration to the register of medical practitioners whose names have been erased from it by virtue of section 44C(8) of the Act, as modified by paragraph (1)(f), section 31(8) of the Act shall apply as if after “section 30(5) above” there were inserted “or section 44C(8) below, as modified by article 88(1)(f) of the Medical Act 1983 (Amendment) and Miscellaneous Amendments Order 2006,”.

Recognition of approved practice settings pending the introduction of revalidation

89.—(1) If on the day article 70 comes into force article 65 is not yet in force, pending the coming into force of article 65, in section 44D of the Act—

(a) subsection (1) shall apply as if for “before his first revalidation in accordance with Part 3A above after he is registered” there were substituted “for such period as the General Council shall specify”; and

(b) subsection (2) shall apply as if for “before his first revalidation in accordance with Part 3A above after his name is restored to the register” there were substituted “for such period as the General Council shall specify”.

(2) Where—

(a) by virtue of this article, a specified period becomes a requirement in respect of a person’s registration under the Act; and

(b) article 65 thereafter comes into force,

as regards that person, section 44D of the Act shall continue to apply as modified by paragraph (1).

Obtaining information to facilitate revalidation in anticipation of the introduction of revalidation

90.—(1) For the purposes of assisting the General Council, any licensing authority or any future licensing authority in preparing for the introduction of revalidation under Part 3A of the Act, a person authorised by the General Council may require any person who, in his opinion, is able to supply information or produce any document which appears relevant to assisting a licensing authority or future licensing authority in determining when and how to revalidate a medical practitioner to supply such information or produce such a document (whether the information or document relates to that person or to a third party).

(2) Nothing in paragraph (1) shall require or permit any disclosure of information which is prohibited by or under any other enactment, but where that prohibition arises because the information is in a form which allows for the identification of an individual, the person authorised by the General Council may require that information to be put in a form which does not allow for the identification of that individual.

(3) In determining for the purposes of paragraph (2) whether a disclosure of personal data is prohibited, it shall be assumed, for the purposes of section 35(1) of the Data Protection Act

1998(a) (disclosures required by law or made in connection with legal proceedings etc.), that disclosure of the personal data is required by paragraph (1).

(4) If a person fails to supply any information or produce any document within 14 days beginning with the date of his being required to do so under paragraph (1), the General Council may seek an order of the relevant court requiring the information to be supplied or the document to be produced.

(5) For the purposes of this article, the “relevant court” means—

- (a) the county court; or
- (b) if the person against whom the order is sought is domiciled in Scotland, the sheriff in whose sheriffdom that person is domiciled.

Legal assessors rules

91. Any rules made under paragraph 7 of Schedule 4 to the Act, as in force before the coming into force of article 57(3), which came into force before the coming into force of article 57(3)—

- (a) shall remain in force after the coming into force of article 57(3), notwithstanding the changes to that paragraph made by article 57(3); and
- (b) may be amended or revoked after the coming into force of article 57(3) by rules made under that paragraph, as amended by article 57(3).

Other transitional provisions etc.

92.—(1) The Privy Council may by order make such further transitional, transitory or saving provisions as it considers appropriate.

(2) The power to make an order under paragraph (1) above is exercisable by statutory instrument, and—

- (a) a statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
- (b) for the purposes of section 1 of the Statutory Instruments Act 1946(b) (definition of “Statutory Instrument”), this article shall have effect as if contained in an Act of Parliament.

(3) The power vested in the Privy Council to make an order under paragraph (1) above may be exercised by any two or more members of the Council.

A.K.Galloway
Clerk of the Privy Council

(a) 1998 c.29.

(b) 1946 c.36; section 1 has been amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes miscellaneous amendments to the Medical Act 1983 (“the Act”) and consequential changes to other legislation. It also includes unconnected amendments to the Opticians Act 1989 and the Nursing and Midwifery Order 2001.

Registration Decisions Panels of the General Medical Council (“GMC”) are renamed “Registration Panels” (Part 1).

The register of medical practitioners with limited registration, kept by the GMC, is abolished, and as a consequence the GMC will now only keep one register (“the GMC register”). Medical practitioners will no longer be able to apply for limited registration, but those on the register of medical practitioners with limited registration prior to the abolition of that register will transfer to the GMC register, with certain exceptions, but will initially have to work in an approved practice setting. Outstanding applications for limited registration will be dealt with as applications for provisional or full registration (Part 2 and articles 75 to 78, 79(b) and 83 to 85).

The training requirements for newly qualified medical practitioners with provisional registration have been revised. Under the new arrangements, medical practitioners with provisional registration who are in training in the United Kingdom are required to complete a programme for provisionally registered doctors (“PPRD”), recognised by the Education Committee of the GMC, before they can become fully registered medical practitioners. The requirements of PPRDs will be determined by the Education Committee (although the Privy Council may set limits on the duration of PPRDs), and the Education Committee will also be responsible for determining which bodies may be involved in PPRDs – and for the arrangements for monitoring those bodies. PPRDs will be open to all provisionally registered doctors, including those who have qualified overseas. In addition, the GMC is given powers to limit, by regulations, the length of time for which medical practitioners may be provisionally registered. Also, it will become possible for bodies other than universities to hold qualifying examinations, where the Education Committee recommends this and the Privy Council makes the necessary Order (Part 3).

The arrangements for the registration of medical practitioners who have qualified outside the European Economic Area or Switzerland have been revised. Previously, except in the case of certain specialists and qualified general practitioners, and in the case of practitioners who were registering under the arrangements for temporary registration, such practitioners were given limited registration, but now they are to be given full registration, provided that they have an acceptable overseas qualification and have demonstrated that they have the requisite knowledge, skills and experience. If the Registrar determines that the medical practitioner does not yet have the requisite knowledge, skills and experience, but has sufficient knowledge and skills to embark upon a PPRD (or, transitionally, to be employed as a house doctor), the Registrar may provisionally register the medical practitioner to enable him to participate in a PPRD (or, transitionally, to be employed as a house doctor). There are separate arrangements for those only needing temporary registration, which again have been fully revised. A new category of temporary registration is also created for overseas practitioners who will be employed or engaged within the United Kingdom to provide particular medical services for persons who are not nationals of the United Kingdom. The registration of these practitioners is conditional upon them only providing particular medical services at particular establishments, and only providing those services to patients who are not nationals of the United Kingdom, except in an emergency. Visiting eminent specialists will also have their own separate registration arrangements (Part 4 and articles 79(a), 86 and 87).

Entitlement to registration under any provision of the Act is now conditional upon the applicant’s fitness to practise not being impaired. The Registrar is given new, extended powers to obtain information about whether a medical practitioner’s fitness to practise is, or was, impaired at the time of registration – and he may remove medical practitioners from the GMC register (subject to rights of appeal) either if new information comes to light showing that their fitness to practise was

impaired at the time of registration but this was not disclosed at the time or if a practitioner refuses to co-operate with the new information gathering arrangements. Decisions to refuse to restore a person to the register for a fitness to practise reason, if they left it voluntarily or for non-payment of fees, are now appealable through the courts (Part 5).

There are also changes to the fitness to practise procedures for medical practitioners post registration. The GMC are given powers to apply to a court to require production of documents from third parties relating to fitness to practise investigations, where these have not been supplied within fourteen days. It is also made clear that the GMC have the power to disclose information relating to a medical practitioner's fitness to practise, whenever or wherever the matter to which it relates arose, where they see it as being in the public interest to do so, and to take decisions to disclose particular classes of information. A list is also provided of the decisions of panels and committees that have to be published, although the GMC is given powers to withhold, in the course of publication of these decisions, information concerning a person's physical or mental health, where they consider the information to be confidential. Allowance is made for the possibility that a medical practitioner will concede, during an investigation into his fitness to practise, that his fitness to practise is impaired – and in these circumstances, the GMC may make rules in respect of the agreement of undertakings to be observed by the practitioner, and in respect of the procedure to be followed where such undertakings are breached. Fitness to practise hearings are to be in public, except to the extent that rules made by the GMC provide otherwise. There is also a change to the arrangements for the making of legal assessors rules (Part 6 and article 91).

If a person's registration has been suspended, the provisions of the Act relating to voluntary erasure from the GMC Register, and those relating to fraudulent or incorrect entry, will now apply to him (Part 7). Furthermore, the provisions of the Act relating to fraudulent or incorrect entry are amended so that cases covered by these provisions are dealt with by the Registrar rather than the GMC, with rights of appeal to Registration Appeals Panels (Part 8).

There are also changes to ensure that revalidation of a medical practitioner's licence to practise can take place at any time, and to allow the GMC to make regulations about requiring medical practitioners to supply information to assist licensing authorities in determining when and how to revalidate them. There are also transitory arrangements enabling the GMC, a licensing authority or a future licensing authority to obtain information to assist them in preparing for the introduction of revalidation. Additionally, licence to practise appeals will have to be held in public, except to the extent that rules provide otherwise (Part 9 and article 90).

There is a new requirement on all medical practitioners who hold a licence to practise that they are covered by an adequate and appropriate indemnity arrangement, such as a policy of insurance. There are new information gathering powers relating to this requirement, and applicants for licences to practise who cannot demonstrate that they will have adequate cover may be refused a licence to practise. Medical practitioners may face disciplinary proceedings or withdrawal of their licence to practise if they breach either the notification requirements relating to the new requirement or the requirement itself. Provision is made for appeals and in respect of restoration of those who are subject to erasure. There are transitional arrangements if the new requirement is brought into force before the introduction of licences to practise, so that the requirement will instead temporarily apply to all registered doctors (Part 10 and article 88).

All medical practitioners who are newly fully registered, newly restored to the register or transferred from the register of medical practitioners with limited registration (except those with rights of establishment under European Community Law or where the GMC directs otherwise) will have to work in an approved practice setting until the first revalidation of their fitness to practise by the GMC. There are transitional arrangements to cover what will happen if the revalidation arrangements are brought into force after the provisions relating to approved practice settings come into force. Medical practitioners who are newly fully registered or newly restored and who are exempt from this requirement may be given guidance by the GMC on suitable practice settings for them (Part 11 and article 89).

There are miscellaneous amendments in connection with fees. If medical practitioners wish to remain registered, they are required to pay a retention fee, and the regulation-making power in

respect of setting the fee is amended so that it need not necessarily fall due on the anniversary of first registration. In addition, the Privy Council is no longer required to approve fees regulations. Also, the limitations under the Act on persons other than registered medical practitioners being entitled to recover charges through the courts for certain medical services are amended so as not to prohibit recovery of charges by other specified providers of such services (Part 12).

There is also a change to the Opticians Act 1989, which provides that the main objective of the General Optical Council, in exercising their functions that affect the health and safety of members of the public, is to protect, promote and maintain the public's health and safety (Part 15). The Nursing and Midwifery Order 2001, and the related election scheme rules, are amended: firstly, so that the Nursing and Midwifery Council no longer needs to prescribe criteria for assigning overseas electors to a particular national constituency (electors must instead make the selection themselves); and secondly, so that the terms of office of alternate members of the Council expire at the same time as those of their registrant counterparts (Part 16).

A number of spent provisions have been revoked (article 80), and the Privy Council is empowered to make such further transitional, transitory or saving provisions as it considers appropriate (article 92).

A regulatory impact assessment of the effect that this instrument will have on the costs of business is available from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE. Copies of the assessment have been placed in the libraries of both Houses of Parliament.

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