

## SCHEDULE 1

Article 3

### Amendments to the Medical Act 1983

## PART 1

### Transfer of medical education functions to the General Medical Council

#### Amendment of section 1

1. In section 1(1) (the General Medical Council)—
  - (a) in subsection (3), omit paragraph (a); and
  - (b) in subsection (3A), for “paragraphs (a), (c), (d) and (e)” substitute “paragraphs (c), (d) and (e)”.

#### Amendment of section 10A

- 2.—(1) Amend section 10A(2) (programmes for provisionally registered doctors) as follows.
  - (2) In subsection (1), for “the Education Committee” substitute “the General Council”.
  - (3) In subsection (2)—
    - (a) for “the Education Committee” substitute “the General Council”; and
    - (b) in paragraph (a), omit the words “, subject to any provision made in an order under subsection (3)”.
  - (4) Omit subsection (3).
  - (5) In subsection (4), for “the Education Committee” substitute “the General Council”.
  - (6) Omit subsection (6).
  - (7) In subsection (7), for “the Education Committee” (in both places) substitute “the General Council”.
  - (8) In subsection (8), for “the Education Committee” substitute “the General Council”.

#### Amendment of section 50

- 3.—(1) Amend section 50(3) (default powers of the Privy Council) as follows.
  - (2) In subsection (1)—
    - (a) in paragraph (a), for “the Education Committee” substitute “the General Council”;
    - (b) in paragraph (b), for “the General Council or the Education Committee” substitute “the General Council”; and
    - (c) in the words following paragraph (b) omit “or that Committee as the case requires”.
  - (3) Omit subsection (3).

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(1) Section 1(3) and (3A) of the Medical Act 1983 (c.54) are as substituted by S.I. 2002/3135 and amended by paragraph 2 of Schedule 7 to the Health and Social Care Act 2008. Subsection (3) was also amended by S.I. 2006/1914.

(2) Section 10A was inserted by S.I. 2006/1914 and amended by S.I. 2007/3101.

(3) Section 50 was amended by S.I. 2002/3135 and 2006/1914.

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#### **Amendment of section 51**

4. In section 51(4) (exercise of powers to make Orders in Council and other orders), in subsection (3)(b), omit “10A(3) or”.

#### **Amendment of Schedule 1**

5.—(1) Amend Schedule 1(5) as follows.

(2) In paragraph 15(3), omit “other than the Education Committee”.

(3) Omit paragraph 19 (composition of the Education Committee) and the heading immediately before it.

(4) In paragraph 25(3), omit the words from “but the determination of the remuneration” to the end.

#### **Repeal of paragraph 14 of Schedule 6**

6. Omit paragraph 14 of Schedule 6 (transitional and saving provisions).

#### **Substitution of references to the Education Committee**

7.—(1) This paragraph applies to any provision of the 1983 Act (apart from those amended by paragraphs 1 to 6) which contains a reference to “the Education Committee”, and including the heading to any section of that Act.

(2) For each reference to “the Education Committee” substitute “the General Council”.

(3) Where the provision also contains a reference to the Education Committee as “the Committee”, for the words “the Committee” substitute “the General Council”.

## **PART 2**

### **Licence to practise and revalidation**

#### **Amendment of section 29A**

8.—(1) Amend section 29A(6) (regulations as to licence to practise and revalidation) as follows.

(2) In subsection (4), (regulations as to licence to practise and revalidation), for paragraph (d) substitute—

“(d) revalidation of a medical practitioner of a prescribed description whenever a licensing authority sees fit to do so, either as a condition of the practitioner’s continuing to hold a licence to practise or of the practitioner’s licence to practise being restored.”

(3) In subsection (5)—

(a) before the definition of “licensing authority” insert—

““General Practitioner Register” means the register maintained by the General Council pursuant to article 10(1) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(7);”;

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(4) Section 51(3) was substituted by [S.I. 2006/1914](#) and amended by [S.I. 2008/1774](#).

(5) Paragraph 15(3) was amended by [S.I. 2006/1914](#) and [2008/1774](#). Paragraph 19 is as substituted by [S.I. 2002/3135](#). Paragraph 25(3) was amended by [S.I. 2006/1914](#).

(6) Part 3A of the Medical Act 1983 (c.54) is comprised of sections 29A to 29J. Part 3A was inserted by [S.I. 2002/3135](#). Section 29A(4) was amended by [S.I. 2006/1914](#).

(7) [S.I. 2003/1250](#).

- (b) omit “and” at the end of the definition of “prescribed”;
- (c) after the definition of “prescribed” insert—
  - ““restore”, in relation to an entry in the General Practitioner Register or the Specialist Register that has been amended, means reinstate the entry without the amendment;”;
  - and
- (d) after the definition of “revalidation” insert—
  - “; and
  - “Specialist Register” means the register maintained by the General Council pursuant to article 13(1) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003.”.

### **Amendment of section 29B**

9.—(1) Amend section 29B (grant, refusal and withdrawal of licence) as follows.

(2) After subsection (2) insert—

“(2A) Regulations under section 29A above may provide that—

- (a) where there is an entry in the General Practitioner Register or the Specialist Register in respect of a medical practitioner (whether of the practitioner’s name, any specialist area or other information), the entry may be removed or amended in prescribed circumstances; and
- (b) where such an entry has been removed or amended, it may be restored to the General Practitioner Register or the Specialist Register in prescribed circumstances.

(2B) Regulations under section 29A above may include provision for a licensing authority to take account of any report or recommendation concerning a medical practitioner which is provided to the licensing authority by a prescribed person or body in the circumstances specified in subsection (2C) below.

(2C) Those circumstances are that—

- (a) regulations under section 29A above—
  - (i) make provision by virtue of section 29J(2B) below specifying requirements to be satisfied by medical practitioners (or medical practitioners of a prescribed description), and
  - (ii) make provision by virtue of section 29J(2C)(a) below for a prescribed person or body to carry out revalidation of such practitioners; and
- (b) the medical practitioner is a person to whom those requirements apply.”.

(3) After subsection (3) insert—

“(3A) Regulations under section 29A above may make provision as to the procedure to be followed in connection with—

- (a) the removal or amendment under regulations by virtue of subsection (2A) above of an entry appearing in the General Practitioner Register or the Specialist Register in respect of a medical practitioner; or
- (b) in any case where, under such regulations, an entry in respect of a medical practitioner has been removed from the General Practitioner Register or the Specialist Register or has been amended—
  - (i) the restoration of the entry, or
  - (ii) the refusal to restore the entry.”.

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(4) For subsection (4) substitute—

“(4) If a licensing authority decides—

- (a) to refuse to grant a licence to practise to a medical practitioner;
- (b) to withdraw a licence to practise from a medical practitioner;
- (c) to remove an entry in respect of a medical practitioner from the General Practitioner Register or the Specialist Register or to amend an entry in respect of a medical practitioner in either of those Registers; or
- (d) to refuse to restore an entry in respect of a medical practitioner to the General Practitioner Register or the Specialist Register,

the Registrar shall give the practitioner notice in accordance with subsection (5) below.”.

#### **Amendment of section 29C**

10. For section 29C substitute—

##### **“Dealing with questions as to impairment of fitness to practise**

**29C.**—(1) Paragraph (2) applies if—

- (a) in the course of revalidation, it comes to the attention of a licensing authority that a medical practitioner’s fitness to practise is called into question by one or more of the matters mentioned in section 35C(2) below; but
- (b) no allegation to that effect has been made to the General Council against the practitioner.

(2) The Registrar shall notify the practitioner and section 35C below shall apply as if an allegation that the practitioner’s fitness to practise is impaired had been made to the General Council under that section.”.

#### **Amendment of section 29D**

11. After section 29D(1) (restoration of licence) insert—

“(1A) Regulations by virtue of subsection (1) above may not include provision as to licences to practise that are withdrawn by virtue of section 41C below.”.

#### **Amendment of section 29E**

12.—(1) Amend section 29E (evidence) as follows.

(2) In subsection (1)—

- (a) omit “or” at the end of paragraph (b); and
- (b) after paragraph (c) insert—

“(d) to remove an entry in respect of a medical practitioner from the General Practitioner Register or the Specialist Register or to amend an entry in respect of a medical practitioner in either of those Registers; or

- (e) to refuse to restore an entry in respect of a medical practitioner to the General Practitioner Register or the Specialist Register.”.

(3) In subsection (2)—

- (a) omit “and” at the end of paragraph (c); and
- (b) after paragraph (d) insert—

- “(e) determining under regulations by virtue of section 29B(2A) above whether to remove or amend an entry appearing in the General Practitioner Register or the Specialist Register in respect of the practitioner; or
- (f) in any case where such an entry has been removed from the General Practitioner Register or the Specialist Register or has been amended, determining under such regulations whether to restore the entry.”.

### **New section 29EA**

#### **13. After section 29E insert—**

#### **“Disclosure by a licensing authority of information relating to revalidation**

#### **29EA.—(1) This section applies where—**

- (a) a medical practitioner participates in a revalidation pilot scheme and the medical practitioner’s revalidation under the scheme ceases before evaluation of the practitioner’s fitness to practise is complete; or
- (b) a medical practitioner’s revalidation under this Part ceases before any decision is made as to—
  - (i) the practitioner holding, or continuing to hold, a licence to practise; or
  - (ii) the making of any change to the General Practitioner Register or the Specialist Register in respect of the practitioner.

#### **(2) If the licensing authority considers it to be in the public interest to do so, the licensing authority may disclose any relevant information about the medical practitioner to—**

- (a) the Secretary of State, the Scottish Ministers, the Department of Health, Social Services and Public Safety in Northern Ireland or the Welsh Ministers; and
- (b) any person of whom the licensing authority is aware—
  - (i) by whom the practitioner is employed to provide services in, or in relation to, any area of medicine, or
  - (ii) with whom the practitioner has an arrangement to provide such services.

#### **(3) In this section—**

“relevant information”, in relation to a medical practitioner, means information arising in the course of or otherwise in connection with such revalidation of the practitioner as is mentioned in subsection (1)(a) or (b); and

“revalidation pilot scheme” means any voluntary pilot scheme for the purpose of determining when and how revalidation under this Part will operate (whether in relation to all medical practitioners or medical practitioners of any description).”.

### **Amendment of section 29F**

#### **14.—(1) Amend section 29F (appeals) as follows.**

#### **(2) Omit “or” at the end of subsection (1)(b).**

#### **(3) After subsection (1)(c) insert—**

- “(d) to remove an entry in respect of a medical practitioner from the General Practitioner Register or the Specialist Register or to amend an entry in respect of a medical practitioner in either of those Registers; or

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(e) to refuse to restore an entry in respect of a medical practitioner to the General Practitioner Register or the Specialist Register.”.

(4) In subsection (3) for “to withdraw a licence to practise from a medical practitioner” substitute “to take in relation to a medical practitioner any of the steps mentioned in subsection (1)(b) or (d) above”.

#### **Amendment of section 29G**

**15.**—(1) Amend section 29G (guidance) as follows.

(2) In subsection (1), before paragraph (a) insert—

“(za) for securing the grant of a licence to practise;”.

(3) After subsection (1) insert—

“(1A) The information and documents to be provided, and other requirements to be satisfied, may relate to—

(a) standards set by a prescribed person or body; or

(b) documents issued by a prescribed person or body.”.

(4) In subsection (2), for “In preparing any such guidance” substitute “In preparing any guidance under subsection (1)(a)”.

#### **Amendment of section 29J**

**16.**—(1) Amend section 29J (miscellaneous) as follows.

(2) For subsection (2) substitute—

“(2) Any sum payable by a medical practitioner under subsection (1) above—

(a) may be recovered by the General Council; or

(b) where regulations by virtue of subsection (2B) below are in force, may instead be recovered by a prescribed person or body in such cases or circumstances, and to such extent, as may be prescribed.

(2A) In England and Wales or Northern Ireland, any such sum shall be recoverable summarily as a civil debt.

(2B) Regulations under section 29A above may specify requirements to be satisfied by medical practitioners (or medical practitioners of a prescribed description) by reference to standards which are—

(a) set by a prescribed person or body (“C”); and

(b) endorsed by the General Council.

(2C) If regulations under section 29A above make provision by virtue of subsection (2B), they may also—

(a) provide for C to carry out revalidation of any medical practitioner to whom the regulations apply;

(b) require a medical practitioner or any other person (including another medical practitioner) to provide any evidence, information or document which C may reasonably request for or in connection with revalidation of a medical practitioner;

(c) provide for the powers of a licensing authority in section 29E(1)(a) to (e) above to be exercisable in relation to a medical practitioner in connection with any refusal or failure by the practitioner to provide C with such information;

- (d) make provision equivalent to section 29E(5) to (9) above as to the disclosure of such information to C (with appropriate modifications);
  - (e) provide for C to make reports and recommendations to the licensing authority about a medical practitioner in connection with revalidation by C; and
  - (f) make other provision as to the procedure to be followed for or in connection with revalidation by C.
- (2D) Nothing in subsection (2C) permits regulations to be made giving C power to make any decision as to—
- (a) a medical practitioner holding, or continuing to hold, a licence to practise; or
  - (b) the making of any change to the General Practitioner Register or the Specialist Register in respect of a medical practitioner.”.
- (3) At the end of subsection (3) insert “or different areas”.

#### **Amendment of section 35C**

- 17.**—(1) Amend section 35C (functions of the Investigation Committee) as follows.
- (2) For subsection (3) substitute—
- “(3) This section is not prevented from applying because—
- (a) the allegation is based on a matter that is alleged to have occurred—
    - (i) outside the United Kingdom, or
    - (ii) at a time when the person was not registered; or
  - (b) in relation to a person who is a participant in a revalidation pilot scheme, the allegation is based on information obtained in the course of or otherwise in connection with the person’s revalidation under that scheme.”.
- (3) In subsection (9)—
- (a) omit “and” at the end of the definition of “enactment”; and
  - (b) after the definition of “regulatory body” insert—  
“; and  
“revalidation pilot scheme” has the meaning given by section 29EA(3) above.”.

#### **Amendment of section 35CC**

**18.** In section 35CC(3) (provisions supplementary to section 35C), after the words “in a case where” insert “, in circumstances other than those specified in section 29C(1)(a) and (b)”.

#### **Amendment of Schedule 3B**

- 19.**—(1) Amend Schedule 3B (licence to practise and revalidation: appeals) as follows.
- (2) In paragraph 5 (powers of Registration Appeal Panels disposing of an appeal)—
- (a) omit “or” at the end of paragraph (b); and
  - (b) after paragraph (c) insert—
    - “(d) if the appeal is against a decision to—
      - (i) remove an entry in respect of a medical practitioner from the General Practitioner Register or the Specialist Register, or
      - (ii) amend an entry in respect of a medical practitioner in either of those Registers,

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- that the entry should, or (as the case may be) should not, be removed or amended;  
or
- (e) if the appeal is against a decision to refuse to restore an entry in respect of a medical practitioner to the General Practitioner Register or the Specialist Register, that the entry should, or (as the case may be) should not, be restored.”
- (3) In paragraph 6 (successful appeals)—
- (a) in sub-paragraph (1)—
- (i) omit “or” at the end of paragraph (b), and
- (ii) after paragraph (c) insert—
- “(d) that an entry in respect of the medical practitioner should not be removed from the General Practitioner Register or the Specialist Register or should not be amended; or
- (e) that an entry in respect of the medical practitioner should be restored to the General Practitioner Register or the Specialist Register.”; and
- (b) in sub-paragraph (2)—
- (i) omit “or” at the end of paragraph (b); and
- (ii) after paragraph (c) insert—
- “(d) not to remove the entry from the General Practitioner Register or the Specialist Register or not to amend the entry; or
- (e) to restore the entry to the General Practitioner Register or the Specialist Register.”.
- (4) In paragraph 7 (unsuccessful appeals)—
- (a) in sub-paragraph (1)—
- (i) omit “or” at the end of paragraph (b), and
- (ii) after paragraph (c) insert—
- “(d) that an entry in respect of the medical practitioner should be removed from the General Practitioner Register or the Specialist Register or should be amended; or
- (e) that an entry in respect of the medical practitioner should not be restored to the General Practitioner Register or the Specialist Register.”;
- (b) in sub-paragraph (2)—
- (i) omit “and” at the end of paragraph (a), and
- (ii) after paragraph (b) insert—
- “; and
- (c) if the determination is that an entry in respect of the medical practitioner should be removed from the General Practitioner Register or the Specialist Register or should be amended, directing him to remove or amend the entry.”; and
- (c) in sub-paragraph (4), after “direction under sub-paragraph (2)(b)” insert “or (c)”.