Draft Order in Council laid before Parliament under section 62(9) of the Health Act 1999, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No.

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

OPTICIANS

NURSES AND MIDWIVES

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

Made - - - - 2006
Coming into force in accordance with article 1(2) and (3)

At the Court at Buckingham Palace, the day of 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(**1**).

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.

(**1**) 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.

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(**2**).

Amendment of the Medical Act 1983

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

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(**3**) (the General Medical Council); and

(**2**) 1983 c.54.
(**3**) Section 1(3) was substituted by S.I. 2002/3135.

(b) the heading of paragraph 19B of Schedule 1(**4**) (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(**5**) (regulations as to licence to practise and revalidation); and

(b) paragraphs 19B and 23(c) of Schedule 1(**6**),

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(**7**) (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(**8**) (limited registration of persons by virtue of overseas qualifications), 23 (limited registration: supplementary provisions), 24 (limited registration: erasure) and 25(**9**) (full registration of persons with limited registration).

First article amending section 26 of the Act

6. In section 26(**10**) (registration of qualifications), omit subsection (2).

Amendment of section 29B of the Act

7. In subsection (1)(a) of section 29B(**11**) (grant, refusal and withdrawal of licence), for "either full registration or limited registration" substitute "full registration".

(**4**) Paragraph 19B was inserted by S.I. 2002/3135.
(**5**) Section 29A was inserted by S.I. 2002/3135.
(**6**) 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.
(**7**) Section 2 has been amended by S.I. 1996/1591 and 2002/3135.
(**8**) Section 22 was amended by S.I. 2002/3135.
(**9**) Section 25 was amended by S.I. 2002/3135.
(**10**) Amendments were made to section 26(2) by S.I. 2002/3135.
(**11**) Section 29B was inserted by S.I. 2002/3135.

First article amending section 30 of the Act

8. In section 30(**12**) (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(**13**) (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(**14**) (registration fees), omit subsection (6).

Amendment of section 34 of the Act

11.—(1) In subsection (1) of section 34(**15**) (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".

First article amending section 35A of the Act

12. In subsection (8) of section 35A(**16**) (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".

(**12**) Relevant amendments were made to section 30 by S.I. 1996/1591, 2000/3041 and 2002/3135.
(**13**) Section 31(8) has been amended by S.I. 2002/3135.
(**14**) There have been no amendments to section 32(6).
(**15**) Section 34 was substituted by S.I. 2002/3135.
(**16**) Section 35A was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.

Amendment of section 35C of the Act

13. In subsection (1) of section 35C(**17**) (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(**18**) (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(**19**) (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(**20**) (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"; 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(**21**) (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".

First article amending Schedule 3A to the Act

18. In paragraph 2(1) of Schedule 3A(**22**) (registration appeals)—

(**17**) Section 35C was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2002/3135.
(**18**) Section 41A was originally inserted by S.I. 2000/1083 and was substituted by S.I. 2000/3135.
(**19**) 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.
(**20**) Paragraph 2 of Schedule 1 was amended by S.I. 2002/3135 and paragraph 3 was amended by S.I. 2002/3135.
(**21**) Paragraph 5 of Schedule 3 was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.
(**22**) Schedule 3A was inserted by S.I. 2002/3135.