STATUTORY INSTRUMENTS

1978 No. 1772

MEDICAL PROFESSION

The General Medical Council (Registration (Fees) Regulations) Order of Council 1978

Made - - - - 6th December 1978

At the Council Chamber, Whitehall, the 6th day of December 1978

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of section 5 of the Medical Act 1969(a) the General Medical Council have made regulations entitled "The Medical Practitioners Registration (Fees) Regulations 1978":

And whereas by subsection (5) of the said section such regulations shall not have effect until approved by Order of the Privy Council;

Now, therefore, Their Lordships, having taken the said regulations into consideration, are hereby pleased to approve the same as set out in the Schedule to this Order.

This Order may be cited as the General Medical Council (Registration (Fees) Regulations) Order of Council 1978.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

THE MEDICAL PRACTITIONERS REGISTRATION (FEES) REGULATIONS 1978

The General Medical Council in exercise of their powers under section 5 of the Medical Act 1969(a) hereby make the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Medical Practitioners Registration (Fees) Regulations 1978, and shall come into operation on 15th February 1979.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires:

"the Act of 1956" means the Medical Act 1956(b);

"the Act of 1969" means the Medical Act 1969;

"the Act of 1978" means the Medical Act 1978(c);

"annual retention fee" means a fee payable by a registered person under Regulation 6(1) or (2);

"the current year" means, in relation to a registered person, the period of twelve months commencing on the most recent anniversary of that person's date of full registration or, if the person is provisionally registered, on the anniversary of his date of provisional registration;

"due date", in relation to the payment of an annual retention fee by a registered person, is the date on which that fee becomes payable by that person under Regulation 6(3);

(a) 1969 c. 40. (b) 1956 c. 76. (c) 1978 c. 12.

"the Overseas List" means the list of that name established in accordance with section 3(2) of the Act of 1969;

"the Principal List" means the list of that name established in accordance with section 3(2) of the Act of 1969;

"the register" means the register of medical practitioners;

"the Registrar" means the Registrar of the General Medical Council;

"the Registration Committee" means the Committee of that name of the General Medical Council constituted by virtue of section 1(3) of, and paragraph 6(1) of Schedule 1 to, the Act of 1956.

(2) Any reference in these Regulations to a numbered Regulation shall be construed as a reference to the Regulation bearing that number in these Regulations, and any reference to a numbered paragraph shall be construed as a reference to the paragraph bearing that number in the Regulation in which it occurs.

3. The Interpretation Act 1889( ) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Fees for registration

4. The Registrar shall not make any entry in the register until the appropriate fee, if any, prescribed by Regulation 5 has been paid.

5.—(1) Subject to the provisions of paragraph (2), the appropriate fees for the making of entries in the register shall be:—

(*a*) On provisional registration under section 17 of the Act of 1956, except in the case of a person who is or has at any time been registered by virtue of any provision of the law of the Republic of Ireland made for purposes similar to the said section 17 .. .. .. £20

(*b*) On provisional registration under section 23 of the Act of 1956 or under section 21 of the Act of 1978 .. .. £30

(*c*) On full registration under section 7 of the Act of 1956:

(i) in the case of a person who is or has at any time been provisionally registered under section 17 of the Act of 1956 or by virtue ofany provision of the law of the Republic of Ireland made for purposes similar to the said section 17 £30

(ii) in the case of any other person .. .. £50 except in the case of a person who is already fully registered under section 18 of the Act of 1956 or under section 18 of the Act of 1978, when no fee shall be payable

(*d*) On full registration under section 18 of the Act of 1956 or under section 18 of the Act of 1978, including in either case persons registered by virtue of section 25 of or of paragraph 3 of Schedule 5 to the Act of 1978:

(i) in the case of a person who is or has at any time been provisionally registered under section 23 of the Act of 1956 or under section 21 of the Act of 1978.. .. .. £40

(ii) in the case of any other person £70

(*e*) On registration under section 26 of the Act of 1978 .. .. £50

(a) 1889 c. 63.

(2) If, in consequence of an Order in Council made under section 4 of the Act of 1978, section 6(1) of the Act of 1969 is repealed the following words in paragraph (1) of this regulation shall be revoked:—

(*a*) in sub-paragraph (*a*) the words from "except in the case" to the end of the sub-paragraph; and

(*b*) in sub-paragraph (c)(i) the words from "or by virtue" to the end of the sub-paragraph.

Annual retention fee

6.—(1) Any fully registered person who is not exempted under the provisions of Regulations 7, 8, or 9, shall be liable to pay a fee in respect of the retention of his name in the register in any year subsequent to the year beginning with the date on which he first obtained full registration.

(2) Any provisionally registered person who is not exempted under the provisions of Regulations 7, 8 or 9 shall be liable to pay a fee in respect of the retention of his name in the register in any year subsequent to a period of two years beginning with the date on which he first obtained provisional registration.

(3) An annual retention fee shall become payable:—

(*a*) by a fully registered person on the anniversary of the date on which he was first fully registered; and

(*b*) by a provisionally registered person on the anniversary of the date on which he was first provisionally registered:

Provided that the Regulation shall apply to a person first registered on 29th February as if he had been first registered on 1st March.

(4) Except in the case of a person who is exempted under the provisions of Regulations 8 or 9 any person whose name is transferred from the Overseas List to the Principal List shall be liable on transfer to pay an annual retention fee in respect of the current year unless the aggregate of the periods (i) between the due date on which he last paid such a fee immediately preceding transfer to the Overseas List and the date of such transfer and (ii) between the date of his transfer to the Principal List and the due date immediately following such transfer does not exceed 12 months in which case no fee shall be payable on transfer.

(5) The annual retention fee shall be (i) until 30th April 1979, £8 and (ii) thereafter £10.

7. Any fully or provisionally registered person who is included in the Overseas List shall be exempt from payment of annual retention fees.

8. Any fully or provisionally registered person who satisfies the Registrar that he has reached the age of 65 years shall be exempt from payment of annual retention fees.

9. Any fully or provisionally registered person who not having reached the age of 65 years satisfies the Registration Committee that he is prevented by lasting physical or mental incapacity from rendering services as a medical practitioner for gain shall be exempt from the payment of annual retention fees:

Provided that any person who is exempted under the provisions of this Regulation and who is shown to the satisfaction of the Registration Committee to have rendered services as a medical practitioner for gain subsequently to the granting of exemption shall cease to be so exempt.

10.—(1) Except as provided by paragraph (2) of this Regulation, the Registra shall cause a notice to be sent not less than 7 days before the due date to eac fully or provisionally registered person who is liable to pay an annual retentio fee.

(2) The persons to whom a notice is required to be sent under paragraph (1 of this Regulation shall not include any person who has completed and returnec to the Registrar either an order to his bankers to pay to the Registrar money du in respect of his annual retention fee or a mandate authorising his bank to charg to his account any amount which the Council may debit thereto by direct debi in respect of the annual retention fee and who in either case has not informed the Registrar that he has cancelled such order or mandate.

(3) Where a person is liable under the provisions of Regulations 6 to 9 tc pay an annual retention fee and such fee has not, after a period of 28 days from the due date, been received by the Council, the Registrar shall cause a notice, or in the case of a person to whom paragraph (2) of this Regulation does not apply, a further notice, to be sent to that person. In either case the notice shall contain a warning that unless the annual retention fee is received by the Council within a period of 28 days from the date on which the notice was issued, his name may be erased from the register.

(4) Notices sent to a person under paragraphs (1) and (3) of this Regulation shall be sent by post to his registered address.

11. On receipt of an annual retention fee from any registered person the Registrar shall issue to that person a certificate confirming the continuation of his registration.

Erasure after failure to pay annual retention fees

12. Where a fully or provisionally registered person is liable under the provisions of these Regulations to pay an annual retention fee and:

(*a*) a notice or notices have been sent to him as required by the provisions of Regulation 10, and

(*b*) a period of 28 days has elapsed from the date of issue of the notice or further notice referred to in Regulation 10(3), and

(*c*) the requisite fee has not been received by the Council,

the Registrar may erase his name from the register.

Voluntary erasure of the name of a person who does not wish to pay annual retention fees

13.—(1) A fully or provisionally registered person may make application for the erasure of his name from the register on the ground that he does not wish to pay, or to continue to pay, annual retention fees.

(2) Such an application shall be in the form prescribed in the Schedule to these Regulations.

(3) On receipt of such an application the Registrar may erase the name of the applicant from the register.

Fees for restoration to the Principal List and the Overseas List

14. Unless the Registration Committee or the President shall otherwise direct the Registrar shall refuse to restore to the Principal List or to the Overseas List the name of any person whose name has been erased therefrom by virtue of section 3(5) of the Act of 1969 or section 41(7) of the Act of 1956, or the

corresponding enactment repealed by that Act, or by virtue of Regulation 12 or of Regulation 13, or by virtue of Regulation 8(2) of the Medical Practitioners Registration (No. 2) Regulations 1969(**a**), until that person pays:—

(*a*) the appropriate restoration fee (if any) prescribed in Regulation 15, and

(*b*) the retention fee (if any) which if his name had not been so erased would be due from him in respect of the current year.

15.—(1) The restoration fee referred to in paragraph (*a*) of Regulation 14 shall be £20.

(2) In the case of a person whose name has been erased at his own request under Regulation 13, no restoration fee shall be payable under this Regulation.

Fees paid by dishonoured cheques

16.—(1) Where there is tendered in payment of any fee chargeable under these Regulations a cheque or other instrument which on being in due course and without unreasonable delay presented for payment is dishonoured, the Registrar may erase any entry made, varied, restored or retained in the register in reliance on that instrument, notwithstanding any certificate issued in respect of such entry on the assumption that the fee had been paid.

(2) If, when an entry has been erased under this Regulation, the person to whom it relates subsequently pays the fee, the following provisions shall have effect:—

(*a*) If the fee was an annual retention fee, the provisions of Regulation 14 shall apply;

(*b*) In the case of any other fee the entry shall be made, varied or restored with effect from the date on which the fee was received.

Regulations revoked

17.—(1) Subject to paragraph (2) hereof with effect from 15th February 1979 the Medical Practitioners Registration (Fees) Regulations 1972 (scheduled to the General Medical Council (Registration (Fees) Regulations) Order of Council 1972)(**b**) as amended by the Medical Practitioners Registration (Fees) (Amendment) Regulations 1975 (scheduled to the General Medical Council (Registration (Fees) (Amendment) Regulations) Order of Council 1976)(**c**) and by the Medical Practitioners Registration (Fees) (Amendment) Regulations 1977 (scheduled to the General Medical Council (Registration (Fees) (Amendment) Regulations) Order of Council 1977)(**d**) (hereinafter together called "the earlier Regulations") are hereby revoked.

(2) Notwithstanding anything contained in paragraph (1) hereof any fees due to the Council under or by virtue of the earlier Regulations shall remain due to the Council as though they were payable under these Regulations, and the powers contained in these Regulations in case of non-payment shall apply in the case of such fees.

Given under the official seal of the General Medical Council, this ninth day of November nineteen hundred and seventy-eight.

L.S.

John Richardson,
President.

(**a**) S.I. 1970/47; (**b**) S.I. 1972/429; (**c**) S.I. 1976/403 (**d**) S.I. 1977/1950

Regulation 13 SCHEDULE TO THE REGULATIONS

APPLICATION FOR REMOVAL OF NAME FROM THE REGISTER UNDER REGULATION 13 OF THE MEDICAL PRACTITIONERS REGISTRATION (FEES) REGULATIONS

I am the person now registered as a medical practitioner under the Medical Acts of the United Kingdom as follows:—

.....

(Full Name)

.....

(Registration Number)

I am not aware of any proceedings, or of any reason for the institution of any proceedings, which might render me liable to have my name erased from the Register by the Disciplinary Committee.

I request that my name be removed from the Register of Medical Practitioners, on the ground that I do not wish to pay, or to continue to pay, annual retention fees.

Signature of practitioner: .....

Present address: .....

.....

Date: .....

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

The Regulations approved by this Order prescribe the fees payable to the General Medical Council under the Medical Acts 1956 to 1978 in respect of the making of entries in the register of medical practitioners, with effect from 15th February 1979, and increase the annual retention fee from £8 to £10 with effect from 1st May 1979.

The regulations also make changes in the administrative arrangements for the collection of annual retention and other fees from registered persons.

SI 1978/1772
ISBN 0-11-084772-5

