STATUTORY INSTRUMENTS

1979 No. 844

MEDICAL PROFESSION

The General Medical Council (Registration Regulations) Order of Council 1979

Made - - - - - - - - 17th July 1979

At the Council Chamber, Whitehall the 17th day of July 1979

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

Whereas in pursuance of section 4 of the Medical Act 1969(a) the General Medical Council have made regulations entitled "The Medical Practitioners Registration (No. 2) Regulations 1979":

And whereas by subsection (8) 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 Regulations) Order of Council 1979.

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

SCHEDULE

THE MEDICAL PRACTITIONERS REGISTRATION (NO. 2) REGULATIONS 1979

The General Medical Council in exercise of their powers under section 4(4), (5) and (6) of the Medical Act 1969 hereby make the following Regulations:—

PART I

PRELIMINARY

Citation and Commencement

1. These Regulations may be cited as the Medical Practitioners Registration (No. 2) Regulations 1979, and shall come into operation on 1st August 1979.

Interpretation

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

"the Overseas List" means the list of that name established in accordance with section 3(2) of the Medical Act 1969 as amended by paragraph 18(2) of Schedule 6 to the Medical Act 1978(b);

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

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

"the Principal List" means the list of that name established in accordance with section 3(2) of the Medical Act 1969 as amended by paragraph 18(2) of Schedule 6 to the Medical Act 1978;

"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 Medical Act 1956(a), and section 1(14) of and paragraph 7 of Schedule 1 to, the Medical Act 1978.

3. 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.

PART II

THE OVERSEAS LIST

4. A person shall be treated as residing overseas for the purposes of the Medical Act 1969 and of any Regulations made thereunder if he satisfies the Registrar that at the time of making application for inclusion in or for the restoration of his name to the Overseas List:—

(*a*) he resides outside the United Kingdom, the Republic of Ireland, the Channel Islands, the Isle of Man, and any other Member State of the European Communities, and

(*b*) he intends to remain so resident for at least one year.

5. A fully or provisionally registered person shall not be entitled to be included in the Overseas List unless:—

(*a*) he is to be treated as residing overseas under the provisions of Regulation 4; and

(*b*) he makes an application in the manner prescribed in Form A in the Schedule to these Regulations, furnishes for entry in the register an address outside the countries listed in Regulation 4, and gives the undertaking prescribed in the said Form A that he will inform the Registrar if at any time he ceases to be entitled to be included in the Overseas List, as provided for in Regulation 6.

6. A person who is included in the Overseas List shall cease to be entitled to be included therein if at any time he enters the United Kingdom or the Republic of Ireland or the Channel Islands or the Isle of Man or any other Member State of the European Communities, and either—

(*a*) remains there for a period of more than three months; or

(*b*) renders while there any service as a medical practitioner for gain.

7. The Registrar shall transfer from the Overseas List to the Principal List the name of any person who applies to have his name so transferred, and who pays such fee (if any) as may be due from him, in connection with such transfer, under the provisions of Regulations made under section 5 of the Medical Act 1969.

8.—(1) The following provisions shall have effect where it appears to the Registrar that a person who is included in the Overseas List has ceased to be entitled to be included therein, and where that person has not applied for his name to be transferred to the Principal List, and paid the fee, if any, which is due from him in connection with such transfer.

(2) The Registrar shall cause to be sent to that person at his registered address and at his last known address, if this is different from his registered address, a letter setting out the ground on which it appears to the Registrar that the person has ceased

(a) 1956 c. 76.

to be so entitled and stating that, unless the person can, within a period of 28 days from the date of issue of the letter, satisfy the Registrar that he continues to be entitled to be included in the Overseas List, his name may be erased from that List. The Registrar shall also, if appropriate, invite the person concerned to apply for the transfer of his name to the Principal List.

(3) Where within the period specified in paragraph (2) the Registrar has not been satisfied that the person continues to be entitled to be included in the Overseas List, the Registrar may then erase the name of the person from the Overseas List.

(4) On erasing the name of a person from the Overseas List under the provisions of paragraph (3), the Registrar shall notify the person in writing at his registered address and at his last known address, if this is different from his registered address, of such erasure, and of the ground on which the name has been erased, and shall inform him of his right of appeal under paragraph (5).

(5) A person whose name has been erased from the Overseas List under the provisions of paragraph (3) may appeal against such erasure, by letter addressed to the Registrar, within three months of the date of issue of the notification of such erasure referred to in paragraph (4). The statement of appeal shall contain a concise statement of the facts and contentions on which the appellant bases his appeal.

(6) The Registration Committee shall consider and determine such appeals. Before reaching such a determination the Committee may cause such investigations (if any) of the appellant's conduct to be made as they think fit, and may invite the appellant or any other person to furnish them with information either in writing or orally and in person before the Committee. If the appellant shall request an oral hearing, the Committee shall accede to that request. The appellant may be legally represented at such a hearing.

(7) The Registrar shall notify the appellant in writing at his registered address and at his last known address, if this is different from his registered address, of the decision of the Committee.

(8) If the Registration Committee so direct, the Registrar shall restore the name of the appellant to the Overseas List.

PART III

RESTORATION OF NAMES TO THE PRINCIPAL LIST OR THE OVERSEAS LIST OF THE REGISTER

9.—(1) Any person whose name has been erased—

(*a*) from the register by virtue of section 3(5) of the Medical Act 1969, or

(*b*) from the register by virtue of Regulations made under section 5(2) of the Medical Act 1969, or

(*c*) from the Overseas List by virtue of Regulation 8(3) may make application for his name to be restored to the Principal List.

(2) Such an application

(*a*) must be made in the manner set out in Form B in the Schedule to these Regulations, unless the information required by that Form has already been furnished to the satisfaction of the Registrar; and

(*b*) must be accompanied by such fee or fees, if any, as or is are required by the Regulations made under section 5(1)(*a*) of the Medical Act 1969 for such restoration.

(3) Where an application has been made in accordance with paragraph (2), and where the provisions of Regulation 11 do not apply, the Registrar shall restore the name of the applicant to the Principal List.

10.—(1) Any person whose name has been erased—

(*a*) from the register by virtue of section 3(5) of the Medical Act 1969, or

(*b*) from the register by virtue of Regulations made under section 5(2) of the Medical Act 1969, or

(*c*) from the Overseas List by virtue of Regulation 8(3),

and who is to be treated as residing overseas under the provisions of Regulation 4 may make application for his name to be restored to the Overseas List:

Provided that a person whose name has been erased under Regulation 8(3) and who has appealed against such erasure under Regulation 8(5) may not make application for restoration under this Regulation until his appeal has been determined under Regulation 8.

(2) Unless the President shall otherwise direct, such an application—

(*a*) must be made in the manner set out in Form C in the Schedule to these Regulations, and

(*b*) must be accompanied by such fee, if any, as is prescribed in Regulations made under section 5(1)(*a*) of the Medical Act 1969 for such restoration.

(3) Where an application has been made in accordance with paragraph (2), and where the provisions of Regulation 11 do not apply, the Registrar shall restore the name of the applicant to the Overseas List.

11.—(1) The Registrar shall submit to the President any application made under Regulation 9 or 10 which, whether as the result of receipt of information as to the conduct of the applicant or for some other reason, appears to be of a questionable nature.

(2) If it appears to the President that a question arises whether the name of the applicant shall not be restored to the Principal List or to the Overseas List as the case may be or shall not be restored forthwith, he may direct the Registrar to write to the applicant

(*a*) informing him of the ground on which it appears that such question arises and, if the ground relates to the alleged conduct of the applicant, giving particulars of the conduct in question; and

(*b*) informing the applicant of the date of the next meeting of the Registration Committee, and inviting him to forward in writing any statement or evidence in support of his application.

(3) Subject to the foregoing provisions of this Regulation the President may refer the application to the Registration Committee, and the application shall then be considered and determined by that Committee. Before coming to a determination the Committee may adjourn the consideration to a future date, and cause such investigations of the conduct of the applicant to be made as they consider fit and for this purpose the Committee may invite the applicant or any other person to furnish them with information, either in writing or orally and in person before the Committee. If the applicant requests to be heard on his application the Committee shall accede to such request. The applicant may be legally represented if he so desires.

(4) The Registration Committee may if they think fit direct the name of the applicant to be restored to the Principal List or the Overseas List as the case may be and if they so direct, the Registrar shall so restore it.

(5) The Registrar shall notify the applicant in writing at his last known address of the determination of the Committee in such terms as the Committee may direct.

Regulations revoked

12. The Medical Practitioners Registration (No. 2) Regulations 1969 (scheduled to the General Medical Council (Registration Regulations) Order of Council 1970(**a**)) and the Medical Practitioners Registration (No. 2) (Amendment) Regulations 1977 (scheduled to the General Medical Council (Registration Regulations) (Amendment) Order of Council 1977(**b**)) are hereby revoked.

(a) S.I. 1970/47. **(b)** S.I. 1977/1266.

SCHEDULE

FORM A

Regulation 5

APPLICATION FOR INCLUSION IN THE OVERSEAS LIST

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

.....

(full name)

.....

(registered qualifications)

I am at present resident in.....

.....

(country where resident overseas)

I hereby declare that it is my intention to remain resident outside the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man, and any other Member State of the European Economic Community, for at least one year from the date of this application.

I hereby apply for inclusion in the Overseas List of the Register of medical practitioners. I understand that entitlement to be included in the Overseas List ceases if at any time I enter the United Kingdom, the Republic of Ireland, the Channel Islands or the Isle of Man, or any other Member State of the European Economic Community, and

(*a*) remain there for a period of more than three months, or

(*b*) render while there any service as a medical practitioner for gain.

I hereby undertake to inform the Registrar of the Council if any time I cease to be entitled to be included in the Overseas List.

I desire the following address, being an address outside the United Kingdom, the Republic of Ireland, the Channel Islands, the Isle of Man, or any other Member State of the European Economic Community, to be entered as my address in the Overseas List of the Register:.....

.....

(full address)

Signature of practitioner:.....

Date:.....

FORM B

Regulation 9

APPLICATION FOR RESTORATION TO THE PRINCIPAL LIST OF THE REGISTER

I, the undersigned.....

now holding the qualification(s) of.....

.....

hereby declare as follows:—

1. I am the person formerly registered as a medical practitioner with the name

.....

and the qualification(s) of.....

.....

2. I desire that my name be restored to the Principal List of the Register of medical practitioners and that the following address be entered in the Register.....

.....

Signature of practitioner: .....

Date:.....

Regulation 10 FORM C

APPLICATION FOR RESTORATION TO THE OVERSEAS LIST OF THE REGISTER

I, the undersigned .....

now holding the qualification(s) of.....

.....

hereby declare as follows:—

1. I am the person formerly included in the register of medical practitioners with the name .....

and with the qualification(s) of.....

.....

2. I am at present resident in.....
(country where resident overseas)

3. It is my intention to remain resident outside the United Kingdom, the Republic of Ireland, the Channel Islands, the Isle of Man and any other State which is a member of the European Economic Community for at least one year from the date of this application.

4. I desire my name to be restored to the Overseas List of the register of medical practitioners. I understand that entitlement to be included in the Overseas List ceases if at any time I enter the United Kingdom, the Republic of Ireland, the Channel Islands or the Isle of Man, or any other State which is a member of the European Economic Community, and:

(*a*) remain there for a period of more than three months, or

(*b*) render while there any service as a medical practioner for gain.

5. I hereby undertake to inform the Registrar of the Council if at any time I cease to be entitled to be included in the Overseas List.

6. I desire the following address, being an address outside the United Kingdom, the Republic of Ireland, the Channel Islands, the Isle of Man, or any other Member State of the European Economic Community to be entered as my address in the Overseas List of the Register:.....

.....
(full address)

Signature of practitioner:.....

Date:.....

L.S

RICHARDSON,
President.

Given under the official seal of the General Medical Council this twenty-fourth day of May, nineteen hundred and seventy-nine.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The regulations approved by this Order replace with amendments regulations made in 1969 and amended in 1977 (1) prescribing the conditions under which persons may be included in the Overseas List of the register of medical practitioners maintained by the General Medical Council (2) authorising the erasure from the Overseas List of the names of persons ceasing to fulfil such conditions and providing for appeal against erasure and (3) providing for the restoration to the appropriate List of the register of medical practitioners of names removed on various non-disciplinary grounds. The principal change substitutes the Council's Registration Committee for its Executive Committee as the body charged with considering certain applications for such restoration.

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