



Isle of Man

Ellan Vannin

AT 14 of 1985

MEDICAL ACT 1985



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**Isle of Man***Ellan Vannin*

MEDICAL ACT 1985

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| <i>Received Royal Assent:</i> | 20 June 1985 |
| <i>Passed:</i> | 9 July 1985 |
| <i>Commenced:</i> | 9 July 1985 |

AN ACT to re-enact with minor amendments the Medical Acts 1958.

GENERAL NOTE: The maximum fines in the Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

1 Recovery of fees

[P1983/54/46]

- (1) No person shall be entitled to recover any charge in any court of law for any medical advice or attendance, or for the performance of any operation, or for any medicine which he has both prescribed and supplied unless he proves that he is fully registered and holds a licence to practise.¹
- (2) Where a practitioner is a fellow of a college of physicians, fellows of which are prohibited by byelaw from recovering by law their expenses, charges or fees, then, notwithstanding that he is fully registered and holds a licence to practise, the prohibitory byelaw, so long as it is in force, may be pleaded in bar of any legal proceedings instituted by him for the recovery of expenses, charges or fees.²

2 Appointments not to be held except by fully registered practitioners

[P1983/54/47]

- (1) Subject to subsection (2) below, only a person who is fully registered and who holds a licence to practise may hold an appointment as physician, surgeon or other medical officer —
 - (a) in any hospital or other place for the reception of persons suffering from mental disorder, or in any other hospital, infirmary or dispensary not supported wholly by voluntary contributions,
 - (b) in any prison, or
 - (c) in any other public establishment, body or institution,

or to any friendly or other society for providing mutual relief in sickness, infirmity or old age.³

- (2) Nothing in this section shall prevent any person who is not a Commonwealth citizen from being and acting as the resident physician or medical officer of any hospital established exclusively for the relief of foreigners in sickness, so long as he —
 - (a) has obtained from a foreign university a degree or diploma of doctor in medicine and has passed the regular examinations entitling him to practise medicine in his own country, and
 - (b) is engaged in no medical practice except as such a resident physician or medical officer.
- (3) None of the following events shall terminate any appointment such as is mentioned in subsection (1), but the person suspended shall not perform the duties of such an appointment during the suspension —
 - (a) the suspension of registration of a person by a Fitness to Practise Panel —
 - (i) following a finding of impairment of fitness to practise by reason of deficient professional performance or adverse physical or mental health under section 35D of the U.K. Act, or
 - (ii) under rules made by virtue of paragraph 5A(3) of Schedule 4 to the U.K. Act; or
 - (b) an order for immediate suspension by a Fitness to Practise Panel under section 38(1) of the U.K. Act; or
 - (c) an interim suspension order by an Interim Orders Panel or a Fitness to Practise Panel under section 41A of the U.K. Act (or such an order as extended under that section).⁴

3 Certificates invalid if not signed by fully registered practitioner

[P1983/54/48]

A certificate required by any enactment, whenever passed, from any physician, surgeon, licentiate in medicine and surgery or other medical practitioner shall not be valid unless the person signing it is fully registered and holds a licence to practise.⁵

4 Penalty for pretending to be registered

[P1983/54/49]

Any person who wilfully and falsely pretends to be or takes or uses the name or title of physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition or description implying that he is registered under any provision of the U.K. Act or that he is recognised by law as a physician or surgeon or

licentiate in medicine and surgery or a practitioner in medicine or an apothecary shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

4A Penalty for pretending to hold a licence to practise

Any person who does not hold a licence to practise and —

- (a) holds himself out as having such a licence; or
- (b) engages in conduct calculated to suggest that he has such a licence,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.⁶

5 Proof of registration etc.

A certificate issued by the Registrar under section 34A(1) of the U.K. Act shall be evidence of the matters certified.⁷

6 Proof of certain instruments

[P1983/54/53]

- (1) A copy of any instrument mentioned in subsection (2) which —
 - (a) purports to be printed by the Queen's printers, or by any other printers in pursuance of authority given by the General Medical Council, or
 - (b) is certified to be a true copy by the Registrar or by any other person appointed by the General Medical Council, either in addition to or in place of the Registrar, to certify any such instrument,

shall be admissible in evidence.

- (2) The instruments referred to in subsection (1) are —
 - (a) regulations made by the General Medical Council under section 31 or 32 of the U.K. Act;
 - (b) an order of a Fitness to Practise Panel under section 38 of the U.K. Act; and⁸
 - (c) a direction of the General Medical Council under section 39 of the U.K. Act.

7 Saving for certain occupations, etc

[P1983/54/54]

Nothing in this Act shall prejudice or in any way affect the lawful occupation, trade or business of chemists and druggists and dentists, so far as the

occupation, trade or business extends to selling, compounding or dispensing medicines.

8 Construction of references to registration in other Acts

[P1983/54/6/11]

- (1) In any enactment (whenever passed) the expression “**qualified medical practitioner**” or “**legally qualified medical practitioner**” or “**duly qualified medical practitioner**”, or any expression importing a person recognised by law as a medical practitioner or member of the medical profession, shall, unless the contrary intention appears, be construed to mean a fully registered person.
- (2) In any enactment other than this Act (whenever passed), references (however expressed) to a person registered under the Medical Acts or as a medical practitioner shall, unless the contrary intention appears, be construed as references to a fully registered person who holds a licence to practise.⁹

9 Interpretation

In this Act —

“**fully registered person**” means a person for the time being registered under section 3, 19, 21A, 25 or 27 of the U.K. Act as a fully registered medical practitioner, or under section 18 of the U.K. Act as a visiting EEC practitioner, and —

- (a) so far as is mentioned in section 15(3) or 21(3) of the U.K. Act, but not further, includes a person for the time being provisionally registered;
- (b) in relation to such employment and such things as are mentioned in subsection (7)(a), (b) and (c) of section 22 of the U.K. Act, but not in relation to other matters, includes a person for the time being registered under that section with limited registration;

and “**fully registered**” shall be construed accordingly;¹⁰

“**the Health Committee**”, “**the Preliminary Proceedings Committee**” and “**the Professional Conduct Committee**” [Repealed]¹¹

“**licence to practise**” has the meaning given in section 29A of the U.K. Act;¹²

“**limited registration**” means registration under section 22 of the U.K. Act limited in accordance with subsection (5) of that section in respect of the period for which and the employment for the purposes of which it has effect;

“**the Medical Register**” and “**the Overseas Medical Register**” [Repealed]¹³

“**provisionally registered**” means provisionally registered under section 15 or 21 of the U.K. Act;

“**the Registrar**” means the registrar of the General Medical Council and includes a deputy or assistant registrar of the General Medical Council;

“**the U.K. Act**” means the Medical Act 1983 (an Act of Parliament).

10 Short title and amendments

- (1) This Act may be cited as the Medical Act 1985.
- (2) The enactments specified in Schedule 1 are amended in accordance with that Schedule.
- (3) [Repealed]¹⁴

SCHEDULE 1**AMENDMENTS OF ENACTMENTS**

Section 10(2)

[Sch 1 amended by Public Health Act 1990 Sch 6, by Mental Health Act 1998 Sch 6 and by Medicines Act 2003 Sch 4, and amends the following Acts —

Factories and Workshops Act 1909 q.v.

Local Government Act 1949 q.v.

Control of Employment Act 1975 q.v.

Misuse of Drugs Act 1976 q.v.

Poisons Act 1979 q.v.

Road Traffic Act 1985 q.v.]

SCHEDULE 2¹⁵

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|-------------|-------------|--------------|
| | | |
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| | | |

Table of Renumbered Provisions

| Original | Current |
|----------|---------|
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Table of Endnote References

¹ Subs (1) amended by SD768/03.

² Subs (2) amended by SD768/03.

³ Subs (1) amended by SD768/03.

⁴ Subs (3) substituted by SD768/03.

⁵ S 3 amended by SD768/03.

⁶ S 4A inserted by SD768/03.

⁷ S 5 substituted by SD768/03.

⁸ Para (b) substituted by SD768/03.

⁹ Subs (2) amended by SD768/03.

¹⁰ Definition of ‘fully registered person’ amended by SD768/03.

¹¹ Definitions of ‘the Health Committee’, ‘the Preliminary Proceedings Committee’ and ‘the Professional Conduct Committee’ repealed by SD768/03.

¹² Definition of ‘license to practise’ inserted by SD768/03.

¹³ Definitions of ‘the Medical Register’ and ‘the Overseas Medical Register’ repealed by SD768/03.

¹⁴ Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.

¹⁵ Sch 2 repealed by Statute Law Revision Act 1992 Sch 2.