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*Number 17 of 2002*

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**MEDICAL PRACTITIONERS (AMENDMENT) ACT, 2002**

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ARRANGEMENT OF SECTIONS

Section

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[No. 17.] *Medical Practitioners (Amendment)* [2002.]  
*Act, 2002.*

ACTS REFERRED TO

Medical Practitioners Act, 1978

1978, No. 4

Medical Practitioners Acts, 1978 to 2000



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*Number 17 of 2002*

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**MEDICAL PRACTITIONERS (AMENDMENT) ACT, 2002**

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AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE GENERAL REGISTER OF MEDICAL PRACTITIONERS AND FOR THAT PURPOSE TO AMEND THE MEDICAL PRACTITIONERS ACT, 1978. [10th April, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—In this Act, “Principal Act” means the Medical Practitioners Act, 1978. Definition.

**2.**—Section 2 of the Principal Act is amended as follows:

Amendment of  
section 2 of  
Principal Act.

- (a) in the definition of “Member State”, by substituting “European Union” for “European Economic Community”;
- (b) in the definition of “full registration”, by substituting “internship registration” for “provisional registration”;
- (c) by substituting the following for the definition of “prescribed”:

“‘prescribed’ means prescribed by rule of the Council;”;

- (d) by substituting the following for the definitions of “provisional registration” and “provisionally registered”:

“‘internship registration’ means registration by virtue of section 28 of this Act and ‘registered as an intern’ shall be construed accordingly;”.

**3.**—The Principal Act is amended by inserting the following in Part II after section 25: Amendment of Part II of Principal Act.

“Council’s power to make rules.

25A.—(1) With the prior approval of the Minister, the Council may make rules with respect to any matter that in Part III or Part IV of this Act is referred to as prescribed or that may be prescribed under either Part.

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(2) The Minister shall ensure that every rule made under this section is laid before each House of the Oireachtas as soon as practicable after the rule is made.

(3) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which the rule is laid before it, annul the rule.

(4) The annulment of a rule under subsection (3) takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the rule before the passing of the resolution.”.

Amendment of section 26 of Principal Act.

4.—Section 26(2) of the Principal Act is amended by substituting “registered as an intern” for “provisionally registered”.

Amendment of section 27 of Principal Act.

5.—Section 27(2) of the Principal Act is amended as follows:

(a) in subsection (2), by substituting the following for paragraph (d):

“(d) has been temporarily registered for a total of not less than 24 months during the prescribed period and who satisfies the Council—

(i) that he has undergone the prescribed courses of training or obtained the prescribed experience, and

(ii) that, unless subsection (2A) of this section or a prescribed exemption applies, he has passed the prescribed examinations.”;

(b) in subsection (2), by repealing paragraph (e);

(c) by inserting the following after subsection (2):

“(2A) A person whose initial period of temporary registration began before 1 January 1998 and who is otherwise entitled to be registered under subsection (2)(d) or (2B) of this section need not satisfy the Council that he has passed the prescribed examinations.

(2B) A person whose temporary registration expired at any time during the period of 12 months preceding the commencement of this subsection is entitled to be registered under this section if—

(a) within the period of 12 months after the commencement of this subsection, he makes application in the form and manner determined by the Council and pays the appropriate fee, and

(b) he satisfies the Council as to the applicable matters specified in subparagraphs (i) and (ii) of subsection (2)(d).”.

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6.—The following is substituted for section 28 of the Principal Act: Amendment of section 28 of Principal Act.

“Internship registration.

28.—(1) A person who has been awarded a primary qualification shall not become registered in the register otherwise than by way of internship registration, unless he has been granted a certificate of experience—

- (a) by the body in the State which awarded him the primary qualification, if that body is one specified in any of paragraphs 1 to 3 of the Fourth Schedule to this Act, or
- (b) by a prescribed body, if the body which awarded him the primary qualification is in a Member State.

(2) A certificate of experience shall not be granted to any person for the purposes of subsection (1) of this section unless, after being awarded a primary qualification, the person has for the prescribed period or periods been employed in the practice of medicine—

- (a) in a hospital, health institution, clinic or general medical practice, or
- (b) in a prescribed health service setting.”.

7.—Section 29 of the Principal Act is amended as follows:

Amendment of section 29 of Principal Act.

(a) in subsection (1), by substituting the following for paragraph (a):

“(a) that a person, who is not otherwise entitled to registration, is or intends to be in the State temporarily for the purposes of employment and further training in the practice of medicine in a hospital, institution, clinic or general medical practice or in a prescribed health service setting, and”;

(b) by substituting the following for subsection (2):

“(2) The Council may extend a period determined under subsection (1) of this section for a prescribed period or periods but, subject to subsection (3) of this section, the total of all periods of temporary registration must not exceed seven years.”;

(c) by inserting the following after subsection (2):

“(3) Where a person makes an application for full registration before his temporary registration expires, his period of temporary registration is, subject to section 46 of this Act, extended until a final decision is made in relation to that application.

(4) For the purposes of subsection (3) of this section, a decision is final where no appeal lies against the decision or where an appeal lies within a period that has expired without an appeal having been brought.

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(5) In accordance with the prescribed procedures, the Council may temporarily register a person who comes within a prescribed category if the Council is satisfied that the person—

(a) holds a degree, diploma or other qualification that, in the opinion of the Council, affords sufficient guarantee that the person has the requisite knowledge and skill for the efficient practice of medicine,

(b) has passed an examination appropriate for obtaining such a degree, diploma or other qualification, and

(c) possesses a certificate considered by the Council to be equivalent to a certificate of experience.

(6) Applications for temporary registration under subsection (5) of this section must be made in accordance with the prescribed procedures.

(7) For the purpose of ensuring that a person referred to in subsection (5) of this section is temporarily registered under this Act before practising medicine in the State, the Council may prescribe duties to be performed and conditions to be met by persons proposing to retain the services of a person referred to in that subsection.”.

Amendment of section 37 of Principal Act.

**8.**—Section 37(1) of the Principal Act is amended by deleting “granted in the State”.

Amendment of Fourth Schedule to Principal Act.

**9.**—The Fourth Schedule to the Principal Act is amended by inserting the following after paragraph 3:

“4. A degree, diploma or other qualification awarded in a Member State and recognised by the Council to be at least the equivalent of a qualification specified in any of paragraphs 1 to 3 of this Schedule.”.

Continuation of rules made under section 27 of Principal Act.

**10.**—A rule made under section 27 of the Principal Act before the amendment of that section by this Act continues in force until such time as it may be revoked by a rule made by the Council under section 25A of the Principal Act.

Commencement.

**11.**—(1) This Act comes into operation on the day that the Minister may, by order, appoint.

(2) Different days may be appointed under *subsection (1)* for different purposes and different provisions.

Short title, collective citation and construction.

**12.**—(1) This Act may be cited as the Medical Practitioners (Amendment) Act, 2002.

(2) The Medical Practitioners Acts, 1978 to 2000, and this Act may be cited together as the Medical Practitioners Acts, 1978 to 2002, and shall be read together as one.