



17 May 2009

Ms. Lucia Slobodova
Czech Ministry of Education and Sports, Prague, Czech Republic

Dear Ms Slobodova

I am writing to confirm that the president and the Council of the ISHG, in consultation with ISHG member Professor Andrew Green, support the UEMS Genetics curriculum with the total length of 4 years as stated in the document "Description of Clinical Genetics as a medical specialty in EU: aims and objectives of specialist training" that was adopted on April 25/2009, and can confirm that clinical genetics is a primary specialty in Ireland as indicated by the Medical Council of Ireland.

The president and the Council of the ISHG fully endorse inclusion of the specialty of clinical genetics into Directive 2005/36.

Best Regards

Denis Shields PhD
President, Irish Society of Human Genetics

cc: Collette Hand, Secretary, Irish Society of Human Genetics; Prof Andrew Green, Director,
National Centre for Medical Genetics

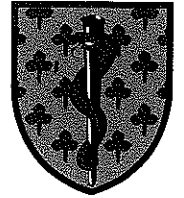
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Comhairle na nDochtúirí Leighis Medical Council



Your ref:

Our ref:

Professor Andrew Green
National Centre for Medical Genetics
Our Lady's Hospital
Crumlin
Dublin 12
Ireland

9th February 2009

Re: Recognition of Clinical Genetics

Dear Professor Green,

Further to your recent correspondence I can confirm that Clinical Genetics is recognised as a specialty by the Medical Council, in accordance with Section 38(1) of the Medical Practitioners Act, 1978.

I hope the above information is of assistance to you. If you have any queries do not hesitate to contact me.

Yours Sincerely,

Eoin Keehan
Senior Executive Officer
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4 1978

[\[GA\]](#)

No. 4/1978:

MEDICAL PRACTITIONERS ACT, 1978

AN ACT TO PROVIDE FOR THE SETTING UP OF A COUNCIL TO BE KNOWN AS COMHAIRLE NA nDOCHTUIRI LEIGHIS OR THE MEDICAL COUNCIL WHICH SHALL PROVIDE FOR THE REGISTRATION AND CONTROL OF PERSONS ENGAGED IN THE PRACTICE OF MEDICINE AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE PRACTICE OF MEDICINE AND THE PERSONS ENGAGED IN SUCH PRACTICE AND TO PROVIDE FOR THE SETTING UP OF A BOARD TO BE KNOWN AS AN BORD MIOCHAINED AGUS DEIDLIACHTA IARCHEIME OR THE POSTGRADUATE MEDICAL AND DENTAL BOARD WHICH SHALL PROMOTE AND CO-ORDINATE POSTGRADUATE EDUCATION AND TRAINING FOR PERSONS ENGAGED IN THE PRACTICE OF MEDICINE AND DENTISTRY AND TO PROVIDE FOR THE REPEAL OF THE MEDICAL PRACTITIONERS ACTS, 1927 TO 1961, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[21st March, 1978]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I PRELIMINARY AND GENERAL

[\[GA\]](#) Short title.

1. —This Act may be cited as the [Medical Practitioners Act, 1978](#).

[\[GA\]](#) Interpretation.

2. —In this Act—

[\[GA\]](#)

"the Board" means An Bord Míochaine agus Déidliachta Iarchéime or the Postgraduate Medical and Dental Board established by this Act;

- [GA] "certificate of experience" means a certificate granted to a person who has complied with the provisions of section 28 of this Act;
- [GA] "the Council" means Comhairle na nDochtúirí Leighis or the Medical Council established by this Act;
- [GA] "the Dental Board" means the Dental Board constituted under the [Dentists Act, 1928](#) ;
- [GA] "employment in a residential medical capacity" has the meaning specified in section 28 of this Act;
- [GA] "establishment day" means the day appointed to be the establishment day for the purposes of this Act under section 4 of this Act;
- [GA] "Fitness to Practise Committee" means the committee to be established by the Council under section 13 (b) of this Act;
- [GA] "formal qualification" means a primary qualification together with a certificate of experience;
- [GA] "full registration" means registration other than provisional registration or temporary registration and "fully registered" shall be construed accordingly;
- [GA] "the Medical Registration Council" means the Medical Registration Council established under the [Medical Practitioners Act, 1927](#) ;
- [GA] "Member State" means a state other than the State which is a member of the European Economic Community;
- [GA] "the Minister" means the Minister for Health;
- [GA] "practice of medicine" includes practice of surgery, midwifery and other disciplines of medicine and "medical practitioner" shall be construed accordingly;
- [GA] "prescribe" means prescribe by regulations;
- [GA] "primary qualification" means a qualification specified in the Fourth Schedule to this Act;
- [GA] "provisional registration" means registration by virtue of section 28 of this Act, and "provisionally registered" shall be construed accordingly;
- [GA] "the register" means the General Register of Medical Practitioners established under section 26 of this Act;
- [GA] "registered dentist" means a person whose name is entered in the Register of Dentists maintained under the [Dentists Act, 1928](#) ;

[GA] "registered medical practitioner" means a person whose name is entered in the register;

[GA] "Register of Medical Specialists" means the register referred to in section 30 of this Act;

[GA] "the Registrar" means the chief officer of the Council;

[GA] "retention fee" means a fee payable by a person entitled to be registered in any register maintained by the Council for the retention of his name in that register;

[GA] "temporary registration" means registration by virtue of section 29 of this Act and "temporarily registered" shall be construed accordingly.

[GA] Commencement. **3.** —This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to a particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.

[GA] Establishment day. **4.** —The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

[GA] Repeals. **5.** —The enactments specified in the First Schedule to this Act are hereby repealed.

PART II THE MEDICAL COUNCIL

[GA] Establishment of the Medical Council. **6.** —(1) There shall, by virtue of this section, be established on the establishment day a body to be known as Comhairle na nDochtúiri Leighis, or in the English language as the Medical Council (in this Act referred to as the Council) to fulfil the functions assigned to it by this Act.

[GA] (2) The Council shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name, and to acquire, hold and dispose of land.

[GA] (3) The Council may, subject to the provisions of this Act, regulate its own procedure.

[GA] (4) The Second Schedule to this Act shall apply to the Council.

[GA] Dissolution of Medical Registration Council. **7.** —(1) The Medical Registration Council shall, on the establishment day, be dissolved by virtue of this section.

[GA] (2) All property, whether real or personal (including choses-in-action), which immediately before the establishment day was vested in or belonged to or was held in trust or subject to conditions for the Medical Registration Council, and all

rights, powers and privileges relating to or connected with any such property, shall on the establishment day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) the Council.

[\[GA\]](#)

(3) All property transferred by this section which immediately before the establishment day was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of the Medical Registration Council shall, upon the request of the Council made at any time on or after the establishment day, be transferred in those books by the bank, corporation or company into the name of the Council.

[\[GA\]](#)

(4) Every chose-in-action transferred by this section may, on or after the establishment day, be sued upon, recovered, or enforced by the Council in its own name and it shall not be necessary for the Council to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

[\[GA\]](#)

(5) Every debt or other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the establishment day is owing and unpaid and is undischarged by the Medical Registration Council shall, on the establishment day, become and be the debt or liability of the Council and shall be paid and discharged by and may be recovered from and enforced against the Council accordingly.

[\[GA\]](#)

(6) Every contract which was entered into and is in force immediately before the establishment day between the Medical Registration Council and any person shall continue in force on or after the establishment day but it shall be construed and have effect as if the Council were substituted therein for the Medical Registration Council and shall be enforceable by or against the Council accordingly.

[\[GA\]](#)

(7) Where immediately before the establishment day, any legal proceedings are pending to which the Medical Registration Council is a party, the name of the Council shall be substituted for that of the Medical Registration Council and the proceedings shall not abate by reason of such substitution.

[\[GA\]](#)

(8) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Council of the property or rights transferred by this section.

[GA] (9) Any contract of service (express or implied) in force immediately before the establishment day between the Medical Registration Council and any person shall continue in force on or after the establishment day but shall be construed and have effect as if the name of the Council were substituted therein for the name of the Medical Registration Council and every such contract shall be enforceable accordingly by or against the Council.

[GA] Seal of the Council. **8.** —(1) The Council shall as soon as may be after its establishment provide itself with a seal.

[GA] (2) The seal of the Council shall be authenticated by the signature of the President of the Council or such other member thereof as may be authorised by the Council to act in that behalf and the signature of an officer of the Council authorised by the Council to act in that behalf.

[GA] (3) Judicial notice shall be taken of the seal of the Council, and every document purporting to be an instrument made by the Council and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Council shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

[GA] Membership of the Council. **9.** —(1) The Council shall consist of twenty-five members appointed in the following manner, that is to say—

[GA] (a) one person appointed by each of the following bodies—

[GA] (i) University College Cork,

[GA] (ii) University College Dublin,

[GA] (iii) University College Galway,

[GA] (iv) the University of Dublin, and

[GA] (v) the Royal College of Surgeons in Ireland;

[GA] (b) two other persons appointed by the Royal College of Surgeons in Ireland, of whom one shall be appointed to represent the surgical specialties, and the other shall be appointed to represent jointly the specialties of anaesthetics and radiology;

[GA] (c) two persons appointed by the Royal

College of Physicians of Ireland, of whom one shall be appointed to represent the medical specialties, and the other shall be appointed to represent jointly the specialties of pathology, obstetrics and gynaecology;

[GA]

(*d*) one person appointed by the Minister after consultation with such body or bodies as, in his opinion, represent psychiatry;

[GA]

(*e*) one person appointed by the Minister after consultation with such body or bodies as, in his opinion, represent general medical practice;

[GA]

(*f*) ten fully registered medical practitioners engaged in the practice of medicine in the State of whom at least—

[GA]

(i) two shall be consultants in general hospitals not being consultant psychiatrists,

[GA]

(ii) one shall be a consultant psychiatrist,

[GA]

(iii) one shall be engaged in community medicine,

[GA]

(iv) one shall be engaged in hospital practice, other than as a consultant, and

[GA]

(v) two shall be general practitioners,

[GA]

appointed by election by fully registered medical practitioners; and

[GA]

(*g*) four persons appointed by the Minister, at least three of whom—

[GA]

(i) shall not be registered medical practitioners, and

[GA]

(ii) shall, in the opinion of the Minister, represent the interests of the general public.

[GA]

(2) The Minister may, by regulations made with the consent of the Council, vary the provisions of subsection (1) of this section.

- [GA] (3) Whenever the Minister proposes to make regulations pursuant to subsection (2) of this section, a draft of the proposed regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House.
- [GA] Appointment of persons to be members of Council. **10.** —The Minister shall take all steps necessary to secure the appointment of members to the first Council established after the commencement of this Act and the Council shall take all steps necessary to secure the appointment of members to any subsequent Council.
- [GA] Election of members of the Council. **11.** —(1) Before the establishment day, in the case of the first election of members to the Council pursuant to this Act, and before the commencement of their term of office in the case of every subsequent election, the members of the Council to be elected in accordance with section 9 (1) (f) of this Act, shall be elected by way of an election held in accordance with regulations made by the Minister and any such regulations may, in particular, specify, in relation to any class of persons specified in the regulations, the qualifications to be held by candidates for election to the Council.
- [GA] (2) In the case of the first election to the Council, the returning officer for that election shall be appointed by the Minister, and in the case of every subsequent election, the returning officer for such election shall be appointed by the Council.
- [GA] First meeting of Council. **12.** —(1) The first meeting of the Council shall be held on a day to be appointed by the Minister and the Minister shall notify the members of the Council of the time and place of such meeting.
- [GA] (2) The Council shall meet at the time and place appointed by the Minister under this section for its first meeting and shall there-upon enter on its duties under this Act.
- [GA] Committees of the Council. **13.** —(1) The Council may, subject to the subsequent provisions of this section, from time to time establish committees to perform such, if any, functions of the Council as, in the opinion of the Council, may be better or more conveniently performed by a committee, and are assigned to a committee by the Council.
- [GA] (2) In particular and without prejudice to the generality of subsection (1) of this section, the Council shall—
- [GA] (a) establish a committee to act in relation to its functions pursuant to Part IV of this Act,

and

[GA]

(b) establish a committee to act in relation to its functions pursuant to Part V of this Act.

[GA]

(3) A committee established under this section, other than the committee referred to in subsection (2) (b) of this section may, if the Council thinks fit. include in its membership persons who are not members of the Council.

[GA]

(4) The chairman of every committee established under this section shall be a member of the Council provided that in the case of the committee referred to in subsection (2) (b) of this section the chairman shall be a member of the Council other than the President or the Vice-President of the Council.

[GA]

(5) The committee established under subsection (2) (a) of this section shall include in its membership each person appointed to the Council pursuant to section 9 (1) (a) of this Act.

[GA]

(6) Every member of the committee referred to in subsection (2) (b) of this section shall be a member of the Council and—

[GA]

(a) a majority of the members of such committee shall be persons who have been appointed by election to the Council. and

[GA]

(b) at least one member of such committee shall be a person other than a registered medical practitioner who has been appointed to the Council by the Minister pursuant to section 9 (1) (g) of this Act.

[GA]

(7) The acts of a committee established under this section shall be subject to confirmation by the Council unless the Council at any time, dispenses with the necessity for such confirmation.

[GA]

(8) The Council may, subject to the provisions of this Act, regulate the procedure of committees established under this section, but, subject to any such regulation, committees established under this section may regulate their own procedure.

[GA]

Expenses of members of Council and committees.

14. —A member of the Council or of any committee established by the Council shall be paid, out of funds at the disposal of the Council, such allowances for travelling and subsistence expenses incurred in respect of his attendance at a meeting of the Council or otherwise in connection with the affairs of the Council as the Minister, with the consent of the

Minister for the Public Service, may determine.

[GA] Removal of Council from office.

15. —(1) If the Council fails, neglects or refuses to perform any function assigned to it under this Act, the Minister may, by order, direct the Council to discharge that function and for that purpose to do such other matters or things ancillary or incidental thereto as may be specified in the order.

[GA]

(2) If the Council fails to comply with any direction of the Minister contained in an order made by him under subsection (1) of this section, the Minister may, by order, remove from office the members of the Council.

[GA]

(3) An order made by the Minister under this section may contain such provisions as the Minister considers necessary to enable the functions of the Council to be performed notwithstanding the removal from office of its members, and any such order may, in particular, appoint a person or persons to discharge all or any of the functions of the Council.

[GA] The Registrar.

16. —(1) There shall be a chief officer who shall act and be known as the Registrar of the Council.

[GA]

(2) The Registrar shall be appointed by the Council and shall hold his office on such terms and conditions and shall perform such duties as the Council from time to time determines.

[GA]

(3) There shall be paid by the Council to the Registrar out of funds at its disposal such remuneration and allowances as the Council, with the consent of the Minister, from time to time determines.

[GA]

(4) The Minister may, whenever and so often as he thinks fit, declare that any power conferred on the Council by this section shall be exercisable only with the consent of the Minister and whenever any such declaration is in force, the said power may be exercisable only with such consent.

[GA] Other officers and servants of the Council.

17. —(1) In addition to the Registrar, the Council shall appoint such and so many persons to be officers and servants of the Council as the Council from time to time thinks proper.

[GA]

(2) An officer or servant of the Council shall hold his office or employment on such terms and conditions and shall perform such duties as the Council from time to time determines.

[GA]

(3) There shall be paid by the Council to its officers and servants out of funds at its disposal such remuneration and allowances as the Council, with the consent of the Minister,

from time to time determines.

[GA]

(4) The Minister may, whenever and as often as he thinks fit, declare that any power conferred on the Council by this section shall be exercisable only with the consent of the Minister and whenever any such declaration is in force, the said power may, in relation to any office or employment to which the declaration applies, be exercisable only with such consent.

[GA] Age limits.

18. —(1) A person who is a permanent officer of the Council shall cease to be a permanent officer on his attaining the age of 65 years or, in a case where a higher age is fixed by order of the Minister made under this section, on his attaining that age.

[GA]

(2) The Minister may, by order, amend or revoke an order made under this section, including this subsection.

[GA] Superannuation.

19. —The [Local Government \(Superannuation\) Act, 1956](#) , shall apply to the Council and its officers and servants as if it were a local authority and they were officers and servants of a local authority but subject to any modifications (including modifications relating to service reckonable as pensionable service) which may, with the consent of the Minister for the Environment, be determined by the Minister.

[GA] Membership of either House of Oireachtas by officer or servant of the Council.

20. —(1) Where a person who is either an officer or a servant in the employment of the Council becomes a member of either House of the Oireachtas—

[GA]

(a) he shall during the period (in this section referred to as the secondment period) commencing on his becoming entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House or, if it should happen sooner, upon his resignation or retirement from such employment or upon determination of such employment by the Council, stand seconded from such employment,

[GA]

(b) he shall not be paid by, or entitled to receive from, the Council any remuneration or allowance in respect of the secondment period,

[GA]

(c) he shall not be entitled to reckon the whole or any part of the secondment period for any superannuation benefits payable under this Act.

[GA]

(2) A person who is for the time being entitled under the

Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming an officer or servant of the Council.

[\[GA\]](#) Accounts of the Council.

21. —(1) The Council shall keep all proper accounts of all income and expenditure of the Council and of the sources of such income and the subject matter of such expenditure and the Council shall keep all proper accounts of property, assets and liabilities of the Council.

[\[GA\]](#)

(2) The accounts of the Council shall be audited at least once in every year by an auditor appointed for that purpose by the Minister and the fees of such auditor and the expenses generally of such audit shall be paid by the Council as soon as may be after each such audit.

[\[GA\]](#)

(3) As soon as may be after each audit under this section, a copy of the accounts of the Council and the auditor's certificate and report thereon shall be given to the Minister.

[\[GA\]](#)

(4) As soon as may be after each audit under this section, the Council shall cause such accounts and the auditor's certificate and report thereon to be printed, published and put on sale, and immediately after each such publication, a copy of such accounts and such certificate and report thereon as so printed and published shall be laid before each House of the Oireachtas.

[\[GA\]](#) Power of Council to borrow.

22. —(1) The Council may, subject to any conditions which may be imposed by the Minister, or in accordance with any directions given by him, borrow money for capital or current purposes.

[\[GA\]](#)

(2) Any moneys borrowed by the Council pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Council.

[\[GA\]](#) Acceptance of gifts by Council.

23. —(1) The Council may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.

[\[GA\]](#)

(2) The Council shall not accept a gift if the conditions attached to the acceptance by the donor are inconsistent with the functions of the Council.

[\[GA\]](#) Expenses of Council and Minister.

24. —(1) All expenses incurred by the Council shall be defrayed by the Council out of funds at the disposal of the Council.

[\[GA\]](#)

(2) Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

[GA] Fees.

25. —The Council may charge such fees as may, from time to time, be determined by the Council, with the consent of the Minister, for—

[GA]

(a) the registration of a person in any register maintained by the Council,

[GA]

(b) the retention of the name of a person in any register maintained by the Council,

[GA]

(c) the restoration in any register maintained by the Council of the name of any person whose name has been erased or removed pursuant to the provisions of this Act from such register,

[GA]

(d) the entry of additional qualifications of any person in any register maintained by the Council,

[GA]

(e) the giving to any person of a certificate of registration, and

[GA]

(f) any other service which the Council may, from time to time, provide.

PART III REGISTRATION

[GA] Establishment of the register.

26. —(1) As soon as may be after the establishment of the Council the Council shall prepare and establish a register of medical practitioners (in this Act referred to as the register) to be known as the General Register of Medical Practitioners.

[GA]

(2) The register shall be in such form as the Council shall specify and shall indicate whether each person whose name is registered therein is fully registered, provisionally registered or temporarily registered.

[GA]

(3) Every person whose name is entered in the register shall, as soon as may be after his registration has been completed, be sent by the Council a certificate stating that his name has been entered in the register.

[GA]

(4) Every person whose name is entered in the register shall, as soon as may be after he has received the certificate specified in subsection (3) of this section, cause the said certificate to be displayed at the place where he conducts the practice of medicine at all times during which his registration continues and at no other time.

[GA] (5) Notwithstanding the repeal of the [Medical Practitioners Act, 1927](#) , effected by this Act, the Register of Medical Practitioners prepared and established by the Medical Registration Council under that Act shall be maintained and kept by the Council until such time as the Council prepares and establishes the register pursuant to sub-section (1) of this section and the Register of Medical Practitioners shall until that time be deemed, for the purposes of this Act, to be the register.

[GA] Persons entitled to be registered in the register.

27. —(1) Subject to the provisions of this Act, every person whose name, at the date of the establishment of the register, is entered in the Register of Medical Practitioners maintained by the Medical Registration Council pursuant to the Medical Practitioners Acts, 1927 to 1961, shall be registered in the register.

[GA] (2) Any person who—

[GA] (a) immediately before the establishment of the register was entitled to be registered in accordance with the Medical Practitioners Acts, 1927 to 1961, and was not so registered, or

[GA] (b) following the establishment of the register, is awarded any of the primary qualifications specified in the Fourth Schedule to this Act, or

[GA] (c) is a national of a Member State and has been awarded a qualification in medicine by a competent body or authority designated for that purpose by a Member State, pursuant to any Directive adopted by the Council of the European Communities, or

[GA] (d) satisfies the Council that he has undergone such courses of training and passed such examinations as are specified for the purposes of this section in rules made by the Council, or

[GA] (e) any person entitled to be registered pursuant to an order made under [section 26](#) of the [Medical Practitioners Act, 1927](#) ,

[GA] shall, on making application in the form and manner determined by the Council and on payment of the appropriate fee, be registered in the register.

[GA] (3) Nothing in this section shall operate to prevent the Council from refusing to register the name of any person, who is otherwise entitled to be registered, on the grounds of

the unfitness of that person to engage in the practice of medicine.

[GA]

(4) On making a decision under subsection (3) of this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

[GA]

(5) A person to whom a decision under subsection (3) of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies, the High Court, on the hearing of the application may either—

[GA]

(a) declare that it was proper for the Council to make the decision, or

[GA]

(b) cancel the decision and direct the Council to register the name of the person making the application.

[GA] Provisional registration.

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

[GA]

(2) A certificate of experience shall not be granted to any person for the purposes of subsection (1) of this section unless, after he had been awarded a primary qualification, that person had been engaged in employment in a residential medical capacity in one or more hospitals approved by the Council for this purpose and had been so engaged for such period or periods as may be determined by the Council.

[GA]

(3) In this section "employment in a residential medical capacity" means employment in the practice of medicine where the person in question is resident in a hospital where he is employed or conveniently near thereto, and he is, by the terms of his employment, required to be so resident.

[GA] Temporary registration.

29. —(1) Where the Council is satisfied—

[GA]

(a) that a person, who is not otherwise entitled to registration, is or intends to be in the State temporarily for the purpose of employment in the practice of medicine in a hospital approved of by the Council for the purposes of this section, and

[GA]

(b) that such person holds a degree, diploma

or other qualification which in the opinion of the Council, affords sufficient guarantee that he has the requisite knowledge and skill for the efficient practice of medicine, has passed an examination appropriate for obtaining such degree, diploma or other qualification and possesses a certificate of experience considered by the Council to be equivalent to that required for formal qualification,

[\[GA\]](#)

the Council may, subject to subsection (2) of this section, and upon such person's making application in the form and manner determined by the Council and on payment of the appropriate fee, temporarily register such person in the register for such period as the Council may determine.

[\[GA\]](#)

(2) The Council may extend a period determined under subsection (1) of this section for such further period or periods as the Council may determine, provided that the aggregate of such periods shall not exceed five years.

[\[GA\]](#)

The Register of Medical Specialists.

30. —The Council may, with the consent of the Minister, prepare and establish a register to be known as the Register of Medical Specialists containing therein a division in respect of each specialty from time to time recognised by the Council pursuant to section 38 of this Act.

[\[GA\]](#)

Persons entitled to be registered in the Register of Medical Specialists.

31. —(1) Subject to the provisions of this Act, the following persons, who comply with the conditions specified in subsection (2) of this section, shall be entitled to be registered in the Register of Medical Specialists, that is to say—

[\[GA\]](#)

(a) every registered medical practitioner who, prior to the establishment of that register, has, in the opinion of the Council, completed his specialist training in a specialty recognised by the Council pursuant to section 38 (1) of this Act,

[\[GA\]](#)

(b) every registered medical practitioner who following the establishment of that register, is granted evidence of satisfactory completion of specialist training by a body recognised by the Council pursuant to section 38 (3) of this Act,

[\[GA\]](#)

(c) every national of a Member State who possesses a diploma, certificate or other evidence of formal qualification in specialised medicine recognised by the Council and awarded by a competent body or authority

designated for that purpose by a Member State, pursuant to any Directive adopted by the Council of the European Communities, and

[GA]

(*d*) any person who satisfies the Council that he has completed a programme of training in specialised medicine of a standard considered by the Council to be adequate.

[GA]

(2) Before any person is registered in the Register of Medical Specialists, he shall—

[GA]

(*a*) be fully registered in the register,

[GA]

(*b*) apply for registration in the Register of Medical Specialists in the form and manner determined by the Council, and

[GA]

(*c*) pay such fee as may be determined by the Council including, if he applies for registration in more than one division of the Register of Medical Specialists, a separate fee in respect of each such registration.

[GA]

(3) Nothing in this section shall operate to prevent the Council from refusing to register the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of medicine.

[GA]

(4) On making a decision under subsection (3) of this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

[GA]

(5) A person to whom a decision under subsection (3) of this section relates, may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies, the High Court, on the hearing of the application may either—

[GA]

(*a*) declare that it was proper for the Council to make the decision, or

[GA]

(*b*) cancel the decision and direct the Council to register the name of the person making the application.

[GA]

Registration of additional degrees and diplomas.

32. —(1) Subject to subsection (2) of this section, any person, who is registered in the register, may at any time

after his first registration, apply in the manner and form determined by the Council to have a further qualification entered in the register in addition to his qualifications already entered therein.

[GA]

(2) The Council shall determine the qualifications not being qualifications required for the purpose of registration, which, on application by any person registered in the register and on payment of the appropriate fee, may be entered in the register as additional qualifications.

[GA]

(3) Whenever, on an application by any registered medical practitioner, the Council decides to enter in the register, pursuant to this section, any additional qualification in respect of that medical practitioner, the Council shall, as soon as may be after the registration has been completed, send to that medical practitioner a certificate stating that such additional qualification has been entered in the register.

[GA] Application by registered medical practitioner to have his name removed from register.

33. —(1) Any registered medical practitioner may apply to the Council to have his name removed from any register maintained by the Council in which his name is registered and, on receipt of such application and on payment of the appropriate fee, the Council may remove the name of the registered medical practitioner from any such register.

[GA]

(2) Any person, whose name has been removed pursuant to subsection (1) of this section from any register maintained by the Council, may, at any time, apply to the Council to have his name restored to such register, and, subject to the provisions of this Act and on payment of the appropriate fee, the Council may restore the name of that person to any register from which it has been so removed.

[GA]

(3) In any case where a registered medical practitioner applies to the Council pursuant to this section to have his name removed from any register maintained by the Council and—

[GA]

(a) an application has been made pursuant to section 45 of this Act for an inquiry into the conduct of that registered medical practitioner, or

[GA]

(b) that registered medical practitioner has been convicted in the State of an offence triable on indictment or has been convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

[GA] the Council shall not consider the application by that registered medical practitioner to have his name so removed until such time as the Council has decided whether or not the name of such registered medical practitioner should be erased from any such register pursuant to the provisions of this Act.

[GA] (4) Nothing in this section shall operate to prevent the Council from refusing to restore the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of medicine.

[GA] (5) On making a decision under subsection (4) of this section, the Council shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

[GA] (6) A person to whom a decision under subsection (4) of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies, the High Court, on the hearing of the application may either—

[GA] (a) declare that it was proper for the Council to make the decision, or

[GA] (b) cancel the decision and direct the Council to restore the name of the person making the application.

[GA] Correction of any register. **34.** —(1) For the purpose of keeping any register correct the Council shall from time to time as occasion requires correct all verbal or clerical errors in such register, remove therefrom all entries therein procured by fraud or misrepresentation, enter in any register every change which comes to their knowledge in the addresses of the persons registered therein, and remove from any register the names of all persons whose death has either been notified to, or come to the knowledge of, the Council.

[GA] (2) Whenever the Council takes any action pursuant to subsection (1) of this section for the purposes of keeping any register correct, the Council shall forthwith notify the person concerned, or his next of kin, as the case may be, of the action taken and of the reasons therefor.

PART IV EDUCATION AND TRAINING

CHAPTER 1 *Functions of the Council*

[GA] Duties of Council in relation to education and training. **35.** —It shall be the duty of the Council from time to time to satisfy itself—

[GA] (a) as to the suitability of the medical education and training provided by any body in the State recognised by the Council for such purpose,

[GA] (b) as to the standards of theoretical and practical knowledge required for primary qualifications,

[GA] (c) as to the clinical training and experience required for the granting of a certificate of experience, and

[GA] (d) as to the adequacy and suitability of postgraduate education and training provided by bodies recognised by the Council for the purposes of medical specialist training.

[GA] Functions of the Council in relation to Directives adopted by the Council of the European Communities as to education and training. **36.** —(1) The Council shall ensure that the requirements relating to education and training for a formal qualification shall satisfy the minimum standards specified in any Directive adopted by the Council of the European Communities relating to that qualification.

[GA] (2) The Council shall ensure that the requirements relating to education and training in specialised medicine in the State shall satisfy the minimum standards specified in any Directive adopted by the Council of the European Communities relating to such education and training.

[GA] Primary qualifications. **37.** —(1) The primary qualifications granted in the State which shall entitle a person to be registered in the register shall be the qualifications specified in the Fourth Schedule to this Act.

[GA] (2) The Minister may, if he thinks fit, on the recommendation of the Council, by regulations made under this section amend the provisions of the Fourth Schedule to this Act.

[GA] Training bodies and qualifications for the purposes of the Register of Medical Specialists. **38.** —(1) The Council may, from time to time with the consent of the Minister, determine the specialties which it shall recognise for the purpose of its functions under this Act.

[GA] (2) The Council may, from time to time specify, in relation to each specialty recognised by it, the titles and designations of qualifications in specialised medicine granted in the State which may be required to enable a person to secure registration in the Register of Medical Specialists.

[GA] (3) The Council shall from time to time determine, in relation to each specialty recognised by it, the body or bodies which the Council shall recognise in the State for the purpose of granting evidence of satisfactory completion of specialist training.

[GA] (4) The Council may, with the consent of the Minister, withdraw recognition from any body recognised by it pursuant to subsection (3) of this section.

[GA] (5) The specialities recognised by the Council pursuant to subsection (1) of this section shall include such specialities as may be designated as applying to the State in any Directive adopted by the Council of the European Communities relating to specialised medicine.

CHAPTER 2 *The Postgraduate Medical and Dental Board*

[GA] Establishment of the Postgraduate Medical and Dental Board.

39. —(1) There shall by virtue of this section be established a body to be known as an Bord Míochaine agus Déidliachta Iarchéime, or in the English language as the Postgraduate Medical and Dental Board (in this Act referred to as the Board) to fulfil the functions assigned to it by this Act.

[GA] (2) The following provisions shall have effect in relation to the Board—

[GA] (a) the Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land;

[GA] (b) the Board shall not dispose of land or property save with the consent of the Minister;

[GA] (c) the Board shall as soon as may be after its establishment provide itself with a seal;

[GA] (d) the Minister may, out of moneys provided by the Oireachtas, make grants towards the expenses of the Board;

[GA] (e) (i) the Board may appoint such committees as it thinks fit and may define the functions and procedure of any such committee and may delegate specific functions to any such committee;

[GA] (ii) the Board may appoint as members of a committee established under this paragraph

persons who are not members of the Board;

[GA] (f) the Board may, subject to the provisions of this Act, regulate its own procedure;

[GA] (g) the Third Schedule to this Act shall apply to the Board.

[GA] Functions of the Board. **40.**—The functions of the Board shall be:—

[GA] (a) to promote the development of postgraduate medical and dental education and training and to co-ordinate such developments;

[GA] (b) to advise the Minister, after consultation with the bodies specified in sections 9 (1) (a), 9 (1) (b), 9 (1) (c), 9 (1) (d) and 9 (1) (e) of this Act, and with such other bodies as the Board may consider appropriate, on all matters, including financial matters, relating to the development and co-ordination of postgraduate medical and dental education and training;

[GA] (c) to provide career guidance for registered medical practitioners and registered dentists.

[GA] Assignment to the Board of additional functions. **41.**—The Board shall carry out such functions, other than functions assigned to it by this Act, as may be assigned to it from time to time by the Minister following consultation with the Board in relation to postgraduate medical and dental education and training.

[GA] Membership of the Board. **42.**—(1) The Board shall consist of twenty-five members, appointed by the Minister, of whom—

[GA] (a) each shall be a person having practical experience or special knowledge of the matters relating to the functions of the Board,

[GA] and

[GA] (b) not less than twenty shall either be registered medical practitioners or registered dentists.

[GA] (2) Before making appointments to the Board, the Minister shall consult with—

[GA] (a) the Council,

- [GA] (b) the Dental Board,
- [GA] (c) the appropriate bodies, and
- [GA] (d) any organisation which, in the opinion of the Minister, represents, in the State, registered medical practitioners or registered dentists.

[GA] (3) In this section "the appropriate bodies" means any body or organisation specified in sections 9 (1) (a), 9 (1) (b), 9 (1) (c), 9 (1) (d) or 9 (1) (e) of this Act or any body or organisation recognised by the Council pursuant to section 38 (3) of this Act.

[GA] Officers and servants of the Board. **43.**—(1) The Board shall appoint such and so many persons to be officers and servants of the Board as the Board from time to time thinks proper.

[GA] (2) An officer or servant of the Board shall hold his office or employment on such terms and conditions and shall perform such duties as the Board from time to time determines.

[GA] (3) There shall be paid by the Board to its officers and servants out of funds at its disposal such remuneration and allowances as the Board, with the consent of the Minister, from time to time determines.

[GA] (4) The Minister may, whenever and as often as he thinks fit, declare that any power conferred on, the Board by this section shall be exercisable only with the consent of the Minister and whenever any such declaration is in force, the said power may, in relation to any office or employment to which the declaration applies, be exercisable only with such consent.

[GA] Application of Act to Board. **44.**—Sections 8 (2), 8 (3), 12, 14, 18, 19, 20, 21, 22, 23 and 24 of, and Rules 8, 10, 11, 12, 13, 14, 15, 16, 18 and 19 of the Second Schedule to, this Act shall apply to the Board and for this purpose any reference in these sections and Rules to the Council shall be construed as a reference to the Board and any reference therein to the President or Vice-President of the Council shall be construed as a reference to the Chairman or Vice-Chairman of the Board, as the case may be.

PART V FITNESS TO PRACTISE

[GA] Inquiry by the Fitness to Practise Committee into the conduct of a registered medical practitioner. **45.**—(1) The Council or any person may apply to the Fitness to Practise Committee for an inquiry into the conduct of a registered medical practitioner on the grounds of—

[GA] (a) his alleged professional misconduct, or,

[GA] (b) his fitness to engage in the practice of medicine by reason of physical or mental disability,

[GA] and the application shall, subject to the provisions of this Act, be considered by the Fitness to Practise Committee.

[GA] (2) Where an application is made under this section and the Fitness to Practise Committee, after consideration of the application, is of opinion that there is not sufficient cause to warrant the holding of an inquiry, it shall so inform the Council and the Council, having considered the matter, may decide that no further action shall be taken in relation to the matter and shall so inform the Committee and the applicant, or it may direct the Committee to hold an inquiry into the matter in accordance with the provisions of this section.

[GA] (3) Where an application for an inquiry is made under this section and the Fitness to Practise Committee, after consideration of the application is either of opinion that there is a *prima facie* case for holding the inquiry or has been given a direction by the Council pursuant to subsection (2) of this section to hold the inquiry, the following shall have effect

[GA] (a) the Committee shall proceed to hold the inquiry,

[GA] (b) the Registrar, or any other person with the leave of the Fitness to Practise Committee, shall present to the Committee the evidence of alleged professional misconduct or unfitness to practise by reason of physical or mental disability, as the case may be,

[GA] (c) on completion of the inquiry, the Committee shall embody its findings in a report to the Council specifying therein the nature of the application and the evidence laid before it and any other matters in relation to the registered medical practitioner which it may think fit to report including its opinion, having regard to the contents of the report, as to—

[GA] (i) the alleged professional misconduct of the registered medical practitioner or

[GA] (ii) the fitness or otherwise of that

practitioner to engage in the practice of medicine by reason of his alleged physical or mental disability

[GA]

as the case may be.

[GA]

(4) When it is proposed to hold an inquiry under subsection (3) of this section the person who is the subject of the inquiry shall be given notice in writing by the Registrar sent by pre-paid post to the address of that person as stated in the register of the nature of the evidence proposed to be considered at the inquiry and that person and any person representing him shall be given the opportunity of being present at the hearing.

[GA]

(5) The findings of the Fitness to Practise Committee on any matter referred to it and the decision of the Council on any report made to it by the Fitness to Practise Committee shall not be made public without the consent of the person who has been the subject of the inquiry before the Fitness to Practise Committee unless such person has been found, as a result of such inquiry, to be—

[GA]

(a) guilty of professional misconduct, or

[GA]

(b) unfit to engage in the practice of medicine because of physical or mental disability,

[GA]

as the case may be.

[GA]

(6) The Fitness to Practise Committee shall for the purpose of an inquiry held under subsection (3) of this section have the powers, rights and privileges vested in the High Court or a judge thereof on the hearing of an action in respect of—

[GA]

(a) the enforcement of the attendance of witnesses and their examination on oath or otherwise, and

[GA]

(b) the compelling of the production of documents,

[GA]

and a summons signed by the Chairman of the Committee or by such other member of the Committee as may be authorised by the Committee for that purpose may be substituted for and shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

[GA]

(7) Where—

[\[GA\]](#)

(a) a person on being duly summoned to attend before the Fitness to Practise Committee makes default in attending, or

[\[GA\]](#)

(b) a person, being in attendance as a witness before the Fitness to Practise Committee, refuses to take an oath lawfully required by the Fitness to Practise Committee to be taken, or to produce any document in his power or control lawfully required by the Fitness to Practise Committee to be produced by him or to answer any question to which the Fitness to Practise Committee may lawfully require an answer, or

[\[GA\]](#)

(c) a person, being in attendance before the Fitness to Practise Committee, does anything which, if the Fitness to Practise Committee were a court of law having power to commit for contempt, would be contempt of court,

[\[GA\]](#)

such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.