



Comhairle na
nDochtúirí Leighis
Medical Council

Unregistered Practice Policy

June 2025

About the Medical Council

The Medical Council is the regulator of doctors in Ireland and maintains the Register of Medical Practitioners - the register of all doctors who can practise medicine in Ireland.

The Medical Council also sets the standards for medical education and training in Ireland. It oversees lifelong learning and skills development throughout doctors' professional careers through its professional competence requirements. It is charged with promoting good medical practice. The Medical Council is also where the public may make a complaint against a doctor.

You can find out more about the Medical Council's work by visiting www.medicalcouncil.ie.

Our key responsibilities include:

- Maintaining the Register of doctors (the Register)
- Regulating and Setting Standards
- Protecting the public by investigating concerns
- Promoting the quality of medical education

Our purpose is public protection, ensuring safe and professional doctors.

Introduction

One of our key regulatory functions is maintaining the Register of doctors, which lists all doctors legally permitted to practise in Ireland. The Register enables the public to verify their doctor's legal status and qualifications. Under Section 37 of the Medical Practitioners Act 2007, it is an offence for anyone who is not a Doctor to practise medicine or advertise their services. Unregistered medical practice poses an unacceptable risk to public safety.¹

This policy outlines the steps we will take to manage doctors practising unregistered and aims to mitigate these risks. The policy aligns with the principles of right-touch regulation and prioritises patient safety. This policy should be read in conjunction with the Medical Practitioners Act 2007 (the Act). In the case of any conflict between this policy and the Act, the Act shall take precedence.

¹ This does not apply to those practising telemedicine in line with Medical Council guidance.

Policy Summary

Policy purpose

The Medical Council maintains the Register of doctors. Practising medicine unregistered is illegal. It undermines public trust, compromises the integrity of the Register, and poses risks to patient safety. This policy provides guidelines for identifying, investigating, and managing unregistered practice, ensuring appropriate actions are taken when required, including referrals to An Garda Síochána and the Minister for Health, or injunctions to protect public safety.

Additionally, this policy specifies circumstances under which doctors may be removed from the Register for non-payment of retention fees or failure to provide proof of indemnity, as well as the procedures for restoration to the Register.

The principles underpinning the development of this policy include:

- Protecting the public by addressing unregistered practice and ensuring only registered doctors are permitted to practise in Ireland.
- Maintaining a transparent and consistent approach to managing the registration of doctors in line with right-touch regulation principles.

This policy contains information relevant to:

- Doctors in Ireland registered with the Medical Council.
- Individuals practising medicine in Ireland with lapsed registration due to missed renewal deadline, non-payment of fees or failure to produce a declaration or proof of indemnity within timeframes specific by the Act.
- Unregistered individuals, without a basic medical qualification.
- First time applicants to the Register awaiting confirmation of Registration.
- Employers of doctors, regulatory bodies, and stakeholders responsible for overseeing medical practice and reporting any breach of the Act.

Policy Statement

To mitigate the risks to public safety arising from unregistered practice, this policy outlines:

- Procedures the CEO and the Medical Council will follow to ensure that doctors are registered, and that required action is taken when we become aware that doctors are practising unregistered.
- Doctors' professional responsibility to maintain their registration, in particular ensuring their personal contact details are up to date, as stated by section 55(4) of the Act.
- The circumstances under which a doctor may be removed from the Register and provides pathways for restoration to the Register.

In line with the principles of right-touch regulation and transparency, the policy specifies the regulatory response to address the risks outlined above. We advise patients to check the Register to confirm that any doctor they consult is properly registered with the Medical Council.

Regulatory management of unregistered doctors

It is an offence under the Act to practise medicine in Ireland without registration or to falsely present oneself as a registered doctor to patients in Ireland. The CEO of the Medical Council will investigate suspected cases of unregistered practice brought to the Council's attention by the Minister for Health, reports from the public or on the CEO's initiative.

If there are reasonable grounds to believe that an individual is practising in contravention of the Act, the CEO will report the case to An Garda Síochána and the Minister for Health. During the investigation, the CEO may correspond with the individual, to inform them that an investigation is taking place. If the individual is believed to continue practising unregistered following contact, the Medical Council may seek injunctive relief from the High Court.

Where suspicion of unregistered practice arises, the CEO may take the following actions:

- Initiate an investigation under section 105 of the Act.
- Refer the case to An Garda Síochána and Minister for Health when threshold is met.
- Seek a High Court injunction to immediately stop practice.
- Decide to take no further action based on the case specifics.

Removals from the Register for non-payment of fees

The Medical Council conducts an annual retention of registration process, where doctors are required to pay their registration fee, update contact details and provide evidence of professional indemnity appropriate to their scope of practice to retain their registration, by a specified date. These requirements must be completed within the specified timeframes. If a doctor fails to meet the deadlines set by the Act (outlined below) they will be removed from the Register.

Under Section 79 of the Act, doctors who fail to pay the annual retention fee will have their name removed from the Register. If a doctor does not pay by the Annual Retention deadline, the Medical Council will contact the doctor with reminder notice/s. This communication will inform the doctor that if the fee is not paid within 21 days of the notice, their name will be removed from the Register in accordance with the Act.

Notices of removals from register will be posted on the Medical Council's website, if the Council considers it in the public interest to do so. All removals from the register as described in this policy will be notified to the Minister for Health and the Health Services Executive.

Section 80 of the Act

If a doctor has been removed from the Register for failure to pay their registration fee, they may apply for restoration of their registration, which will be renewed in accordance with Section 80 of the Act.

After reinstatement, if there is suspicion that the doctor practised while unregistered, the matter may be referred to the Preliminary Proceedings Committee (PPC), the Medical Council's statutory complaints screening committee, for further review.

Restoration within 6 months

Section 80 of the Act provides that the CEO shall reinstate a registrant if their removal from the Register was due to non-payment of fees. To be reinstated, the doctor must make an application to restore their name to the Register and pay any outstanding fees. This application must be submitted within six months of the original due date for the fees. The date of restoral to the Register will be recorded as the date on which the application is approved and processed by the Medical Council. Doctors should be aware that any period of lapsed registration may have implications for their indemnity.

Restoral after 6 months

If a doctor who has been removed from the Register for non-payment of fees applies for restoration to the Register after the 6-month deadline, their application will be treated as a new application to the Register. If the doctor applies for restoration after the 6-month deadline, any suspicion of unregistered practice during that period will be considered alongside their new application.

Removal for not providing suitable proof of indemnity

In 2017, an amendment to the Act introduced a requirement for privately employed doctors to maintain a “minimum level” of indemnity coverage while registered. The Medical Council’s position is that practising without valid indemnity coverage carries serious legal and professional consequences. Practising medicine while unregistered is both an offense and impacts doctors’ indemnity coverage.

During the Annual Retention process, doctors must declare their indemnity coverage. Once this declaration is made, the Medical Council will proceed with renewing the doctor’s registration. Upon receiving their certificate of registration, the doctor has 14 days to submit proof of indemnity coverage, which must be provided as a certificate from their indemnity provider. The certificate must include the policy holder’s name, coverage period, area of practice, and level of indemnity.

If proof is not provided within 14 days, the Medical Council will notify the doctor, giving them an additional 21 days to comply. If, after 35 days from the issuance of the registration certificate, proof of indemnity is still not submitted, the doctor will be removed from the Register and notified of their removal.

If the CEO or the Council becomes aware that any doctor who has been removed from the register for failing to pay their registration fee or for failing to provide evidence of the professional indemnity, continued to practise medicine in contravention of the Act, the CEO may make a complaint about the doctor to the PPC and may refer that doctor to An Garda Síochána.

Recovery of Fees by Unregistered Medical Practitioners

Under Section 42(1) of the Medical Practitioners Act 2007, an unregistered doctor is not entitled to charge or recover any fees or outlays for medical services provided while practising medicine.

However, this restriction does not apply in the following circumstances:

- **Past Registration:** If the services were provided during a time when the practitioner was registered, fees may be recovered.
- **Exceptional Circumstances:** If the services were provided under any of the specific circumstances listed in Section 38(a)–(g) (e.g., certain emergency or supervised situations), the prohibition on fee recovery does not apply.

This provision reinforces the legal requirement for registration and aims to protect the public by ensuring that only appropriately registered doctors may lawfully charge for medical services.

Communication and Contact Information Management

Doctors are responsible for maintaining their registration with the Medical Council, as outlined in Chapter 6 of the Council's *Guide to Professional Ethics and Conduct for Registered Medical Practitioners*.² It is the doctor's duty to respond promptly to reminders and ensure that their contact information with the Council is always up to date. Failure to do so may result in the doctor not receiving regulatory correspondence, and this cannot be used to justify inaction on their part.

Contact

Any queries regarding this policy should be directed to the Regulatory Policy function of the Medical Council.

Policy Review

This policy will be reviewed by the Medical Council's Regulatory Policy team as and when changes are required. This will be dictated by implementation considerations and the business needs of the Medical Council, or any relevant amendments to the Act.

POLICY SIGN-OFF AND OWNERSHIP DETAILS

² Guide to Professional Conduct & Ethics for Registered Medical Practitioners, 9th Edition (2024) p. 60

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