Draft Order in Council laid before Parliament under section 62(9) of the Health Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010

Made - - - - 2010

Coming into force in accordance with article 1(2) to (4)

At the Court at Buckingham Palace, the day of

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62 of, and Schedule 3 to, the Health Act 1999(**a**).

The Secretary of State published a draft Order and invited representations as required by paragraph 9(1) and (1A) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(2) of that Schedule expired before a draft of this Order in Council was laid before Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament in accordance with section 62(9) of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council:

(**a**) 1999 c.8. Section 60 has been amended by: the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"), section 26(9); the Health and Social Care Act 2008 (c.14) ("the 2008 Act"), Schedule 8, paragraph 1, and Schedule 10, paragraph 10; and S.I 2002/253 and 254. Section 62 has been amended by: the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 194 and 197, and Schedule 4; and the 2008 Act, Schedule 8, paragraph 2, and Schedule 10, paragraph 11. Schedule 3 has been amended by: the 2002 Act, section 26(10); the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 11, paragraph 67, and Schedule 14, Part 4; the Health Act 2006 (c.28), section 33 and Schedule 9; the 2008 Act, Schedule 8, paragraphs 3 to 10 (although paragraph 10 is not yet in force); and S.I. 2002/254.

Citation and commencement

1.—(1) This Order may be cited as the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010.

(2) This article, articles 2, 5, 6 and 8 and Schedule 2 come into force on the day after the day on which this Order is made.

(3) Any other provision of this Order which confers, amends or substitutes powers enabling rules, regulations or orders to be made, comes into force on the day after the day on which this Order is made, but only for the purpose of the exercise of those powers.

(4) Except as provided for by paragraph (2) or (3), the provisions of this Order come into force on such day as the Privy Council may by order appoint.

(5) Different days may be appointed by an order under paragraph (4) for different provisions or different purposes.

Interpretation

2. In this Order, "the 1983 Act" means the Medical Act 1983(**a**).

Abolition of the Postgraduate Medical Education and Training Board

3. The Postgraduate Medical Education and Training Board is abolished.

Amendments to the 1983 Act

4. The amendments to the 1983 Act set out in Schedule 1 have effect.

Transitional, transitory and saving provisions

5.—(1) The transitional, transitory and saving provisions set out in Schedule 2 have effect.

(2) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

(3) The power to make an order under paragraph (2) may be exercised—

(a) so as to make different provision with respect to—

(i) different cases or different classes of cases, or

(ii) the same case or class of case for different purposes;

(b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or

(c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures etc.

6.—(1) The power of the Privy Council to make an order under article 1(4) or 5(2) may be exercised by any two or more members of the Privy Council.

(2) The power to make an order under article 1(4) or 5(2) shall be exercisable by statutory instrument.

(3) The making of an order under article 1(4) or 5(2) shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(**a**) 1983 c.54.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946(**a**) (definition of "Statutory Instrument"), any power to which paragraph (2) applies is to be taken to be conferred by an Act of Parliament.

(5) Where an order of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

(a) the fact that the order was duly made; and

(b) the order's terms.

Consequential amendments and revocations

7.—(1) The consequential amendments to primary legislation set out in Part 1 of Schedule 3 have effect.

(2) The consequential amendments to subordinate legislation set out in Part 2 of Schedule 3 have effect.

(3) The revocations of subordinate legislation set out in Part 3 of Schedule 3 have effect.

Extent

8.—(1) Subject to paragraph (2), this Order extends to England and Wales, Scotland and Northern Ireland.

(2) The extent of the amendment or revocation of any enactment in Schedule 3 is the same as that of the amended or revoked enactment.

Name
Clerk of the Privy Council

SCHEDULE 1

Article 4

Amendments to the 1983 Act

1. In section 29A(5)(**b**) (regulations as to licence to practise and revalidation), omit—

(a) the definition of "General Practitioner Register";

(b) the definition of "Specialist Register" and the word "and" immediately before it.

2. In section 29B(2A)(a)(**c**) (grant, refusal and withdrawal of licence), for "area" substitute "field".

3. In section 29G(**d**) (guidance on licences to practise)—

(a) in subsection (2)(b), for "the health service, the Scottish health service or the Northern Ireland health service", substitute "any of the UK health services";

(b) omit subsection (3).

4. In section 30(**e**) (the registers)—

(a) before subsection (1), insert—

"(A1) In this Part, "the registers" means—

(a) the register;

(**a**) 1946 c.36; section 1 is amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.
(**b**) Section 29A is inserted by S.I.2002/3135. The relevant amending instrument is S.I.2008/3131.
(**c**) Section 29B is inserted by S.I.2002/3135. Subsection (2A) is inserted by S.I.2008/3131.
(**d**) Section 29G is inserted by S.I.2002/3135 and amended by S.I.2008/3131.
(**e**) Relevant amendments are made to section 30 by S.I.2006/1914.

(b) the General Practitioner Register; and

(c) the Specialist Register.";

(b) in subsection (4), after "the register", insert ", the General Practitioner Register and the Specialist Register".

5. In section 31(**a**) (power to make regulations with respect to the registers)—

(a) in subsection (1)—

(i) for "the register" substitute "the registers";

(ii) for "in it" substitute "in them";

(b) in subsection (2)—

(i) for "the register" in the first place where those words occur substitute "the registers";

(ii) for "the register is" substitute "the registers are";

(c) after subsection (4A) insert—

"(4B) Regulations under this section shall provide for the marking of the General Practitioner Register so as to distinguish between different categories of persons who are eligible to be registered in that register by virtue of section 34C(2)(b).";

(d) in subsection (8)—

(i) for "the register" substitute "the registers";

(ii) for "it" substitute "them";

(e) in subsection (9)(a), for "the register" substitute "the registers";

(f) in subsection (10), after "(4A)," insert "(4B),".

6. In section 31A(**b**) (voluntary removal from the register)—

(a) in the heading, for "the register" substitute "any of the registers";

(b) in subsection (1)(a)—

(i) for "the register of medical practitioners" substitute "any of the registers";

(ii) for "the register" substitute "any of the registers";

(c) in both subsections (1)(c) and (1A), for "the register" substitute "any of the registers".

7. In section 34(**c**) (publication of the register)—

(a) in the heading, for "the register" substitute "the registers";

(b) in subsection (1), for "the register" substitute "each of the registers";

(c) in subsection (2)—

(i) omit "and" at the end of paragraph (b);

(ii) after paragraph (b), insert—

"(ba) in relation to the list of persons on the Specialist Register—

(i) the specialty in respect of which a person's name is included in that register; and

(ii) the name, or a description of, any field within that specialty which is indicated in respect of that person in that register; and".

8. In section 34A(**d**) (proof of registration)—

(a) after "registered", wherever that word occurs, insert "in any of the registers";

(**a**) Relevant amendments are made to section 31 by S.I.2002/3135 and 2006/1914.
(**b**) Section 31A is inserted by the Medical (Professional Performance) Act 1995 (c.51), section 2 and amended by S.I.2002/3135.
(**c**) Section 34 is substituted by S.I.2002/3135.
(**d**) Section 34A is inserted by S.I.2002/3135.

(b) after subsection (1), insert—

"(1A) In relation to a person who is registered in the Specialist Register, the Registrar may issue a certificate that that person is, or is not, registered on that register with a particular specialty and in a particular field within that specialty.";

(c) in subsection (2), after "(1)" insert "or (1A)".

9. In section 34B(**a**) (registration appeals), renumber the existing text as subsection (1) of section 34B and—

(a) in the heading and in that subsection, after "registration" insert "and training";

(b) after that subsection insert—

"(2) The General Council may by regulations make provision with respect to the charging of fees in connection with appeals under Schedule 3A.

(3) Regulations under subsection (2) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.".

10. After Part 4, insert the following Part—

"PART 4A

POSTGRADUATE MEDICAL EDUCATION AND TRAINING

The General Practitioner Register

34C.—(1) The General Council shall keep a register of general practitioners (known as "the General Practitioner Register").

(2) The General Practitioner Register shall, subject to subsection (3), contain the names of—

(a) registered medical practitioners who hold a CCT in general practice;

(b) registered medical practitioners who have an acquired right to practise as a general practitioner in the United Kingdom pursuant to section 34G(1); and

(c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.

(3) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the General Practitioner Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

The Specialist Register

34D.—(1) The General Council shall keep a register of specialist medical practitioners (known as "the Specialist Register").

(2) The Specialist Register shall, subject to subsections (4) and (5), contain the names of—

(a) registered medical practitioners who hold a CCT in a recognised specialty;

(b) registered medical practitioners who are eligible to be admitted to that register in accordance with the scheme mentioned in subsection (6); and

(c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.

(3) The Privy Council may by order designate specialties as recognised specialties.

(**a**) Section 34B is inserted by S.I.2002/3135.

(4) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the Specialist Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

(5) A person is not entitled to have their name included in the Specialist Register as an oral and maxillo-facial surgeon unless the person is a registered medical practitioner and satisfies the Registrar both—

(a) of their entitlement to be registered in that register by virtue of subsection (2); and

(b) that they have successfully completed dental training that meets, or under Article 22(a) of the Directive is treated as meeting, the requirements of Article 34 of the Directive.

(6) The scheme referred to in subsection (2)(b) is a scheme published by the General Council for the inclusion in the Specialist Register of persons who, immediately before 1st January 1997, were either NHS consultants or consultants in a medical specialty in the armed forces.

(7) That scheme shall make provision—

(a) as to the criteria to be considered in determining whether to include a person's name in the Specialist Register; and

(b) excluding any person whose name has been removed from the Specialist Register under regulations made by virtue of subsection (2A) of section 29B (grant, refusal and withdrawal of licences to practise).

(8) In subsection (6), "armed forces" means the naval, military or air forces of the Crown and includes the reserve forces within the meaning of section 1(2) of the Reserve Forces Act 1996(**a**).

(9) The Specialist Register shall indicate—

(a) the specialty in respect of which a person's name is included in that register; and

(b) the name, or a description of, any field within that specialty which a person has requested, subject to subsection (10), to be indicated in that register.

(10) In order to have the relevant field indicated on the Specialist Register in accordance with subsection (9)(b), the Registrar must be satisfied that a person has completed satisfactorily—

(a) sub-specialty training in the United Kingdom which is approved by the General Council; or

(b) sub-specialty training outside the United Kingdom that the Registrar is satisfied is equivalent to sub-specialty training approved by the General Council.

Applications for inclusion in the General Practitioner Register or the Specialist Register

34E.—(1) The General Council shall make regulations as to the procedure to be followed by, or in relation to, persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register.

(2) The regulations may in particular make provision as to—

(a) the evidence required in support of applications;

(b) the time limits to be complied with in respect of applications; and

(c) the notification of decisions in respect of applications.

(3) The regulations may require the Registrar to inform persons who do not hold a CCT, and in respect of whom the Registrar is not satisfied as to their eligibility for inclusion in

(**a**) 1996 c.14.

the General Practitioner Register or the Specialist Register, of the reasons why the Registrar is not so satisfied.

(4) The regulations may require the Registrar to inform the persons referred to in subsection (3) of—

(a) additional training that must be undertaken and the fields that the training must cover; and

(b) any examination, assessment (including a specified period of assessment), adaptation period or other test of competence that that person must complete to the Registrar's satisfaction,

in order to satisfy the Registrar of their eligibility for inclusion in those Registers.

(5) In subsection (4)(b), "adaptation period" means an adaptation period pursuant to Part 3 of the General Systems Regulations.

(6) Regulations under this section shall not have effect until approved by order of the Privy Council.

Removal of names from the General Practitioner Register and the Specialist Register

34F.—(1) The Registrar must remove a person's name from the General Practitioner Register or the Specialist Register where it comes to the Registrar's notice that they are no longer a registered medical practitioner.

(2) The Registrar may remove a person's name from the General Practitioner Register or the Specialist Register where they cease, in cases specified by the Privy Council by order, to fall within any of the categories specified by the Privy Council by order under section 34C(2)(c) or, as the case may be, section 34D(2)(c).

(3) Subject to subsection (4), where a person removed from the General Practitioner Register or the Specialist Register under subsection (1) becomes once again a registered medical practitioner, the Registrar shall, if requested by that person, once again include that person's name in the General Practitioner Register or, as the case may be, the Specialist Register.

(4) No request to include a person's name again in the General Practitioner Register is required under subsection (3) where a person removed from that Register under subsection (1), becomes once again a registered medical practitioner by virtue of section 18A.

(5) The Registrar shall send a notice to the person concerned when removing that person's name pursuant to subsection (1) or (2), as the case may be, once again including that person's name pursuant to subsection (3).

(6) Paragraph 6 of Schedule 3A applies to notices required to be sent under subsection (5) as it applies to notices under that paragraph.

Acquired rights of general practitioners

34G.—(1) For the purposes of Article 30(1) of the Directive, a person has an acquired right to practise as a general practitioner in the United Kingdom if they fall within one of the categories of persons specified by the Privy Council by order.

(2) Where, pursuant to a request in writing, the Registrar is satisfied that a person has an acquired right to practise by virtue of subsection (1), the Registrar shall issue a certificate for the purposes of Article 30(1) of the Directive.

(3) The General Council may make rules as to the procedure to be followed in relation to, and the evidence required in support of, a request made under subsection (2).

(4) A certificate issued under subsection (2) shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

Postgraduate medical education and training: general functions

34H.—(1) The General Council shall—

(a) establish standards of, and requirements relating to, postgraduate medical education and training, including those necessary for the award of a CCT in general practice and in each recognised specialty;

(b) secure the maintenance of the standards and requirements established under paragraph (a); and

(c) develop and promote postgraduate medical education and training in the United Kingdom.

(2) In exercising their functions under this Part, the main objectives of the General Council, in addition to that required by section 1(1A), are—

(a) to ensure that the needs of persons undertaking postgraduate medical education and training in each of England, Wales, Scotland and Northern Ireland are met by the standards the General Council establish under subsection (1)(a) and to have proper regard to the differing considerations applying to different groups of such persons; and

(b) to ensure that the needs of employers and those engaging the services of general practitioners and specialists within the UK health services are met by the standards the General Council establish under subsection (1)(a).

(3) The standards and requirements established under subsection (1)(a) shall be set out in determinations of the General Council.

(4) The standards and requirements established under subsection (1)(a) shall include—

(a) the standards required for entry to training;

(b) the training curricula to be followed in general practice and in each recognised speciality;

(c) the assessment arrangements for persons undertaking education and training in general practice and specialist medical practice;

(d) the assessment arrangements for persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register who do not hold a CCT;

(e) the outcomes to be achieved by education and training in general practice or specialist medical practice, including the levels of skill, knowledge and expertise to be achieved;

(f) the examinations, assessments and other tests of competence to be completed, whether during or upon completion of a course of education and training in general practice or specialist medical practice; and

(g) any other matters relating to postgraduate medical education and training for general medical practice and specialist practice as the General Council considers appropriate.

Postgraduate medical education and training: approvals

34I.—(1) In order to secure the maintenance of the standards and requirements established under section 34H(1)(a), the General Council may approve—

(a) courses or programmes of postgraduate medical education and training (or part of such a course or programme) which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);

(b) training posts which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);

(c) general practitioners whom the General Council consider to be properly organised and equipped for providing training for GP Registrars;

(d) examinations, assessments or other tests of competence.

(2) In connection with subsection (1), the General Council may approve postgraduate medical education and training taking place outside the United Kingdom.

(3) In exercising their functions under subsection (1) or (2), the General Council may attach conditions to any approval they give or have given including, if the General Council consider appropriate, a condition limiting the period of time for which that approval is valid.

(4) The General Council may at any time withdraw approval where they are satisfied that—

(a) any conditions imposed under subsection (3); or

(b) any standards or requirements established under section 34H(1)(a),

are not being met.

(5) If the General Council have formed the provisional opinion that an approval be—

(a) refused;

(b) given subject to conditions under subsection (3); or

(c) withdrawn under subsection (4),

they shall notify that opinion in writing to the person who has applied for the approval or, as the case may be, to whom the approval was given.

(6) Where the General Council have formed a provisional opinion under subsection (5), they shall allow—

(a) the person who they have notified; and

(b) any other person who they are satisfied has a substantial interest in the matter,

a reasonable opportunity to make representations to them before making the determination.

(7) The Registrar shall cause to be published from time to time (electronically or otherwise) a list specifying—

(a) any course or programme (or part of a course or programme), training post, general practitioner or examination, assessment or other test of competence that the General Council have approved pursuant to subsection (1) or (2);

(b) the date on which that approval was given;

(c) any conditions to which that approval is subject pursuant to subsection (3); and

(d) where relevant, the date on which that approval was withdrawn.

Minimum requirements for general practice training

34J.—(1) The minimum requirements for general practice training are that—

(a) the training meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 28(1), the first sub-paragraph of Article 28(2) and Article 28(3) of the Directive; and

(b) the period of training specified in the first sub-paragraph of Article 28(2) of the Directive includes—

(i) a period or periods amounting to at least 12 months employment as a GP Registrar under the supervision of a general practitioner who has been approved by the General Council under section 34I(1)(c), and

(ii) a period or periods amounting to at least 12 months employment in a post (or posts), in one or more specialties that are approved by the General Council as being relevant to general practice.

(2) Once the minimum training periods in subsection (1)(b) have been completed, any remaining period of training shall consist of a period of employment in a post (or posts) falling within subsection (1)(b)(i) or (ii).

Minimum requirements for specialist training

34K.—(1) The minimum requirements for specialist training are that the training—

(a) constitutes an entire course of training in the recognised specialty in question;

(b) meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 25(1), (2) and (3) of the Directive; and

(c) is for a period which is at least as long as any minimum training period that the Privy Council may by order prescribe for that specialty.

(2) The General Council may impose conditions in relation to any part-time specialist training which it approves.

Award and withdrawal of a Certificate of Completion of Training

34L.—(1) Subject to subsection (3), the Registrar shall award a certificate of completion of training (CCT) to any person who applies to the General Council for that purpose if—

(a) that person is a registered medical practitioner;

(b) the Registrar is satisfied that that person has been appointed to, and has satisfactorily completed, a course of training leading to the award of a CCT; and

(b) that course of training has been approved by the General Council under section 34I(1)(a).

(2) The Registrar may only award a CCT in general practice or in a recognised specialty.

(3) A CCT in the specialty of oral and maxillo-facial surgery may be awarded only to a person who has also successfully completed dental training that meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 34 of the Directive.

(4) A CCT shall state—

(a) the date on which it is awarded;

(b) that it is awarded in general practice, or, where applicable, the recognised specialty in which it is awarded;

(c) the name of its holder;

(d) the holder's primary medical qualifications and where those qualifications were awarded; and

(e) the holder's General Council reference number.

(5) The General Council shall make rules as to the procedure to be followed in relation to, and the evidence required in support of, applications for a CCT.

(6) A CCT shall be signed by the Registrar or by another person who has been nominated by the Registrar for this purpose.

(7) A CCT shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

Visitors

34M.—(1) The General Council may, if they think fit, appoint persons to visit any body or other person by whom, or under whose direction or management, any postgraduate medical education or training is, or is proposed to be, given.

(2) The persons appointed under subsection (1) in relation to any visit must include at least one person who—

(a) is not, and never has been, registered with full or limited registration under any provision of this Act; and

(b) does not hold qualifications which would entitle an application to be made by that person for provisional or full registration under this Act.

(3) Persons who visit any body or person pursuant to subsection (1) shall prepare a report to the General Council on the visit.

(4) The General Council shall, following a request by any person, make available such reports.

Power to require information

34N.—(1) This section applies to any body or other person that may be visited by persons appointed pursuant to section 34M(1).

(2) A body to which or person to whom this section applies shall give to the Registrar, within such period as the Registrar may reasonably require, any information that the Registrar may reasonably require for the purpose of the Registrar's or the General Council's functions under this Part.

(3) The matters with respect to which the Registrar may require information under subsection (2) include—

(a) the standards and requirements which must be met by persons pursuing postgraduate medical education and training;

(b) the procedures for managing that education or training.

(4) Where a body or person specified in subsection (1) fails to comply with a request under this section, the Registrar shall refer the matter to the General Council with a view to their forming a provisional opinion pursuant to section 34I(5).

Fees

34O.—(1) The General Council may make regulations with respect to the charging of fees in connection with—

(a) requests to the Registrar for written statements that a person is eligible for inclusion in the General Practitioner Register or the Specialist Register;

(b) applications for inclusion in the General Practitioner Register under section 34C(3);

(c) applications for inclusion in the Specialist Register under section 34D(4);

(d) requests for certificates under section 34G(2);

(e) applications for approvals under section 34I(1);

(f) applications for CCTs under section 34L(1); and

(g) visits made under section 34M.

(2) Regulations under subsection (1)(b) and (c) may make provision with respect to the charging of fees for the entry of qualifications in the General Practitioner Register or the Specialist Register or on the restoration of entries to those registers.

(3) Regulations under subsection (1) may provide that a request or application in respect of which a fee is payable is not valid unless the fee is paid.

(4) Regulations under subsection (1) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.".

11. For section 39(1)(**a**) (fraud or error in relation to registration) substitute—

"(1) If the Registrar is satisfied that any entry in—

(a) the register;

(b) the General Practitioner Register; or

(**a**) Section 39 is substituted by S.I.2006/1914.

(c) the Specialist Register,

has been fraudulently procured or incorrectly made, the Registrar may erase the entry from the appropriate register.".

12. In section 40 (appeals), for subsection (9) substitute—

"(9) On an appeal under this section from the Adjudicator, the General Council may appear as respondent; and for the purpose of any order as to costs (or, in Scotland, expenses) in relation to any such appeal the General Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.".

13. In section 45B (responsibilities of responsible officer)—

(a) in subsection (3)(d) and (e), for "the health service" substitute "any of the UK health services";

(b) omit subsection (6).

14. In section 46(2A)(a) (recovery of fees), for the words from "the health service" to the end of the paragraph, substitute "any of the UK health services".

15. In section 49B(**a**) (the Directive: designation of competent authority etc.)—

(a) in subsection (2), omit paragraph (a);

(b) for subsection (3) substitute—

"(3) Accordingly, the General Council shall, in the United Kingdom, carry out (in particular) the functions specified in Schedule 4A.".

16. In section 55(1)(interpretation), in the appropriate places, insert—

""CCT" means a certificate of completion of training awarded under section 34L(1);";

""General Practitioner Register" means the register kept by the General Council under section 34C;";

""GP Registrar" means a medical practitioner who is being trained in general practice whether as part of training leading to the award of a CCT or otherwise;";

""NHS consultant" means a consultant other than a locum consultant (but including an honorary consultant) employed for the purposes of providing any service as part of any of the UK health services;";

""recognised specialty" means a specialty which the Privy Council have designated as a recognised specialty by order under section 34D(3);";

""Specialist Register" means the register kept by the General Council under section 34D;";

""the UK health services" means—

(a) the health service as defined by section 275(1) of the National Health Service Act 2006(**b**) or section 206(1) of the National Health Service (Wales) Act 2006(**c**);

(b) the health service as defined by section 108(1) of the National Health Service (Scotland) Act 1978(**d**); and

(c) any of the health services under any enactment which extends to Northern Ireland and which corresponds to section 1(1) of the National Health Service Act 2006;".

17.—(1) Schedule 3A(**e**)(registration appeals) is amended as follows.

(2) In the heading, after "Registration" insert "and Training".

(**a**) Section 49B is inserted by S.I.2007/3101. There is an amendment which is not relevant to this Order.
(**b**) 2006 c.41.
(**c**) 2006 c.42.
(**d**) 1978 c.29. Section 108(1) is amended but that definition has not been amended.
(**e**) Schedule 3A is inserted by S.I.2002/3135 and amended by S.I.2006/1914 and 2007/3101.

(3) In paragraph 1 (interpretation)—

(a) in the definition of "appealable registration decision", for "paragraph 2" substitute "paragraphs 2 and 2A";

(b) in the definition of "person concerned", after "3(2)" insert "or (3)";

(c) for the definition of "the requisite period" substitute—

""the requisite period" has the meaning given—

(a) in relation to a decision which is treated as an appealable registration decision by virtue of paragraph 2A(1), by regulations under paragraph 2A(5); or

(b) in any other case, by paragraph 5(1A) of Schedule 3 to this Act.".

(4) In paragraph 2(1)(mb)(**a**)(appealable registration decisions), after "register" insert ", the General Practitioner Register or the Specialist Register";

(5) After paragraph 2 (appealable registration decisions), insert the following paragraph—

"**Appealable decisions relating to postgraduate medical education and training**

2A.—(1) The following decisions are also appealable registration decisions for the purposes of this Schedule—

(a) a decision on an application made under section 34C(3) not to include a person's name in the General Practitioner Register;

(b) a decision on an application made under section 34D(4) not to include a person's name in the Specialist Register;

(c) a decision on an application made under section 34D(4) not to indicate a field in the Specialist Register;

(d) a decision on a request made under section 34G(2) not to issue a certificate for the purposes of Article 30(1) of the Directive;

(e) a decision on an application made under section 34L(1) to refuse to award a CCT;

(f) a decision to withdraw a CCT under section 34L(7).

(2) But a decision mentioned in sub-paragraph (1)(a) or (b) is not to be treated as an appealable registration decision under this paragraph if, in respect of that decision, there is a right of appeal by virtue of section 29F(1)(d) or (e).

(3) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar as to the length of additional training, the fields to be covered by it or any examination, assessment (including a specified period of assessment) or other test of competence that the Registrar has specified when notifying the person concerned of the decision.

(4) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.

(5) In relation to any appealable registration decision falling within sub-paragraph (1), references in this Schedule to the requisite period are references to such period as may be prescribed by the General Council in rules; and different periods may be prescribed in relation to different decisions.

(6) Rules under sub-paragraph (5) shall not come into force until approved by order of the Privy Council.".

(6) In paragraph 3 (notice of appealable registration decisions), after sub-paragraph (2) insert—

(**a**) Paragraph 2(1)(mb) is inserted by S.I.2006/1914.

"(3) Failure to notify an applicant of a decision made in respect of an application for inclusion in the General Practitioner Register or the Specialist Register within the requisite period shall, in cases prescribed by the General Council in rules, be treated as a decision from which the applicant may appeal under paragraph 4.

(4) Rules under sub-paragraph (3) shall not come into force until approved by order of the Privy Council.".

(7) In paragraph 4 (appeals from appealable registration decisions)—

(a) in sub-paragraph (4), after "paragraph 3(2)" insert "or (3)";

(b) in sub-paragraph (7), for the words from the beginning to "Act" substitute "Paragraph 2 of Schedule 4A and, subject to sub-paragraph (7A), paragraph 7 of that Schedule";

(c) after sub-paragraph (7) insert—

"(7A) Where the chair of a Registration Appeals Panel is a legally qualified person, paragraph 7 of Schedule 4 is to be taken to authorise but not require the General Council to appoint an assessor to the Panel under that paragraph.

(7B) In sub-paragraph (7A), "legally qualified person" means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990(**a**) or who is an advocate or solicitor in Scotland or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.".

18.—(1) Schedule 4A(**b**) (Directive 2005/36: functions of the General Council under section 49B(3)) is amended as follows.

(2) In the entry relating to Article 8(1), in the second column, after paragraph (a) insert—

"(aa) the legality of a person's establishment as a specialist or as a general practitioner; ".

(3) In the entry relating to Article 23(6), for the words in the second column substitute—

"Issuing certificates stating that medical qualifications awarded in the United Kingdom which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.1, 5.1.2, 5.1.3 or 5.1.4 of Annex V to the Directive (as the case may be), certify, as the case may be, successful completion of—

(a) basic medical training that is in accordance with Article 24 of the Directive;

(b) specialist training that is in accordance with Article 25 of the Directive;

(c) training in general practice that is in accordance with Article 28 of the Directive;

(d) training under Article 22(a) of the Directive which is to be treated as training in accordance with Article 25 or 28 of the Directive.".

(4) In the entry relating to article 50(1) and paragraph 2 of Annex VII, in the second column, for "primary United Kingdom qualifications" substitute "a person's primary United Kingdom qualifications or their CCT".

(5) In the entry relating to Article 50(2), in the second column—

(a) after paragraph (a) insert—

"(aa) providing confirmation to competent authorities of other relevant European States of the authenticity of a person's CCT;";

(b) after paragraph (b) insert—

(**a**) 1990 c.41. Section 71 is amended by the Access to Justice Act 1999 (c.22), section 43 and Schedule 6, paragraphs 4 and 9, the Constitutional Reform Act 2005 (c.4), section 59(5) and Schedule 11, Part 2, paragraph 4(1) and (3) and by the Legal Services Act 2007 (c.29), section 208(1) and Schedule 21, paragraphs 83 and 94 (the last mentioned amendment is not yet in force).

(**b**) Schedule 4A is inserted by S.I.2007/3101.

"(ba) providing confirmation that holders of a CCT satisfy the minimum training conditions set out in Article 25 or 28 of the Directive (as the case may be) or are to be treated as satisfying those conditions under Article 22(a) of the Directive;".

(6) In the entry relating to Article 50(3), in the second column, in paragraph (b), after "qualification" insert "or a CCT awarded following such training".

19. In paragraph 11 of Schedule 6 (transitional and savings provisions), at the end of sub-paragraphs (1) and (2) add "who holds a licence to practise".

SCHEDULE 2

Article 5(1)

Transitional, transitory and saving provisions

Interpretation

1.—(1) In this Schedule—

"the appointed day" means the day on which article 3 of this Order comes into force;

"the Board" means the Postgraduate Medical Education and Training Board established by article 3 of the 2003 Order;

"the 2003 Order" means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(**a**).

(2) Any term which is defined for the purpose of the 1983 Act has the same meaning for the purpose of this Schedule.

Education and training leading to the award of a CCT

2.—(1) Sub-paragraph (2) applies in respect of each of the following, as in force immediately before the appointed day—

(a) any standards of education and training established by the Board under article 4(1) of the 2003 Order; and

(b) any additional requirements or higher standards which the Board may have established under article 4(2) of that Order.

(2) Standards or requirements referred to in sub-paragraph (1) shall have effect on and after the appointed day as if they were established by the General Council under section 34H of the 1983 Act.

(3) Any approval given by the Board under article 4(5) of the 2003 Order and in force immediately before the appointed day shall have effect on and after that day, as if given by the General Council under section 34I(1) of the 1983 Act.

(4) Applications to the Board for approval of postgraduate medical education and training under article 4(6) of the 2003 Order which were made before the appointed day but not determined by that day, shall be determined by the General Council under section 34I of the 1983 Act.

(5) Conditions attached by the Board to any approval by virtue of article 4(7) of the 2003 Order shall be deemed to have been attached by the General Council under section 34I(3) of the 1983 Act.

Visiting panels

3.—(1) Sub-paragraph (2) applies in respect of any visits made on or after the appointed day by a visiting panel appointed by the Board by virtue of article 7 of the 2003 Order before the appointed day.

(**a**) S.I.2003/1250.

(2) Notwithstanding the revocation of article 7 of the 2003 Order, those visits and the reports on them shall be conducted and prepared in accordance with the rules made under article 7(5) of that Order as in force immediately before the appointed day.

(3) In the application of article 7(3) and (4) of the 2003 Order for the purposes of this paragraph, references to the Board are to be read as references to the General Council.

Information to be provided to the General Council

4.—(1) For the purpose of enabling the General Council or the Registrar to discharge functions—

(a) under the 1983 Act as amended by this Order; and

(b) under the provisions of this Schedule,

the Board must supply such information and documentation which is in its possession or under its control, to the General Council or, as the case may be, to the Registrar, as is relevant to the discharge of those functions.

(2) Where the Board has made a request for information under article 9(2) of the 2003 Order before the appointed day and that information has not been supplied by that day, that information shall be supplied to the General Council.

(3) In the application of article 9(3) and (4) of the 2003 Order for the purposes of this paragraph, in article 9(4) of that Order—

(a) the reference to the Board in the second place where it occurs is to be read as a reference to the General Council;

(b) the reference to article 4(5) of the 2003 Order is to be read as a reference to section 34I(1) of the 1983 Act.

Award and withdrawal of a Certificate of Completion of Training

5.—(1) Applications to the Board for a CCT under article 8(1) of the 2003 Order which were made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar under section 34L(1) of the 1983 Act.

(2) A CCT awarded by the Board before the appointed day shall be treated as having been awarded by the Registrar under section 34L(1) of the 1983 Act.

Requests for certificates of acquired rights

6. Requests to the Board for a certificate of acquired rights under article 12(3) of the 2003 Order which were made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar under section 34G(2) of the 1983 Act.

Eligibility for entry in the General Practitioner Register and the Specialist Register

7.—(1) Applications to the Board for a person to be considered to be—

(a) an eligible general practitioner for the purposes of article 10(2)(b) of the 2003 Order;

(b) an eligible specialist for the purposes of article 13(2)(b) of that Order,

made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar in accordance with regulations under section 34E(1) of the 1983 Act.

(2) Applications referred to in sub-paragraph (1) shall be determined in accordance with the relevant provisions of the 2003 Order as in force immediately before the appointed day.

(3) In determining the applications referred to in sub-paragraph (1), the Registrar shall take into account—

(a) the outcome of any previous application made by the applicant to the Board for inclusion in those registers; and

(b) any review of, or appeal against, that decision.

Fees

8.—(1) Fees payable to the Board or the General Council by virtue of rules under article 24(5) of the 2003 Order in respect of services provided in performing functions under the 2003 Order before the appointed day but not paid by that day, shall be payable to the General Council.

(2) Rules under article 24 of the 2003 Order which are in force on the appointed day shall—

(a) have effect as if the fees chargeable by the Board by virtue of those rules were chargeable by the General Council;

(b) have effect as if the fees chargeable by virtue of those rules in respect of functions performed under the 2003 Order, were chargeable in respect of functions performed under the corresponding provisions of the 1983 Act; and

(c) remain in force until such time as the General Council has made regulations under section 34B(2) or, as the case may be, 34O(1) of the 1983 Act.

(3) For the purpose of sub-paragraph (2)(b), fees chargeable in respect of requests made to the Board to issue the statements of eligibility for registration referred to in article 11(7) or 14(11) of the 2003 Order shall be treated as chargeable in respect of requests made to the Registrar for written statements that a person is eligible for inclusion in the General Practitioner Register or, as the case may be, the Specialist Register.

EU functions

9. Functions under Part 2 of Schedule 7A to the 2003 Order which the Board had been requested to carry out as at the day before the appointed day but had not yet been carried out, shall be carried out by the General Council.

Appeals

10.—(1) Persons or bodies falling within article 21(2)(a) or (b) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons or bodies in respect of whom the General Council has formed a provisional opinion under the appropriate provision of section 34I(5) of the 1983 Act.

(2) Persons falling within article 21(2)(c) or (d) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons in respect of whom an appealable registration decision has been made under the appropriate provision of paragraph 2A(1)(e) and (f) of Schedule 3A to the 1983 Act.

(3) Persons falling within article 21(2)(e) to (k) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons in respect of whom an appealable registration decision has been made under the appropriate provision of paragraph 2A(1)(a) to (d) of Schedule 3A to the 1983 Act.

(4) Persons or bodies shall only be so treated pursuant to sub-paragraphs (1) to (3) where they have appealed against the decision within the period prescribed by rules made by the Board under article 21(6) and (7)(a) of the 2003 Order.

(5) Decisions of the Registrar referred to in article 23 of the 2003 Order which have not been referred to a Registration Appeals Panel as at the appointed day may be referred to that Panel if notice of appeal against the decision is given to the Registrar before the end of the period of 28 days beginning with the day on which notice of the decision was given.

(6) Where notice of appeal is given under sub-paragraph (5), Schedule 3A to the 1983 Act shall apply as if the decision were an appealable registration decision referred to in paragraph 2A(1)(a) or (b), or, as the case may be, 3(3), of that Schedule.

(7) Sub-paragraph (8) applies—

(a) in respect of persons who have, as at the appointed day, appealed against a decision referred to in article 21(2)(c) to (k) of the 2003 Order within the period prescribed by rules made by the Board under article 21(6) and (7)(a) of that Order; and

(b) where the Appeal Panel had not determined that appeal as at the appointed day.

(8) An appeal referred to in sub-paragraph (7) shall be determined by a Registration Appeals Panel as if it were an appeal made to that Panel under paragraph 4 of Schedule 3A to the 1983 Act in respect of an appealable decision by virtue of paragraph 2A of that Schedule to that Act.

(9) Sub-paragraph (10) applies—

(a) in respect of persons to whom sub-paragraph (7)(a) applies; and

(b) where the Appeal Panel had determined that appeal as at the appointed day.

(10) Paragraph 5 of Schedule 3A to the 1983 Act applies in respect of determinations of the Appeal Panel referred to in sub-paragraph (9) as it applies in respect of determinations of a Registration Appeals Panel made under paragraph 4 of that Schedule.

(11) Schedule 3A to the 1983 Act shall have effect in relation to the decisions, acts or omissions of the Board referred to in this paragraph as if they were decisions, acts or omissions of the Registrar or, as the case may be, the General Council.

(12) In determining the appeals referred to it in accordance with this paragraph, a Registration Appeals Panel or, as the case may be, a relevant court, shall have regard to the applicable standards prescribed by, or established in accordance with, the relevant provisions of the 2003 Order as were in force on the date of the application.

Application of TUPE

11. The transfer of the functions of the Board to the General Council by virtue of this Order is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006(**a**), whether or not, apart from this paragraph, it would be considered such a transfer.

Transfer of property, rights and liabilities

12.—(1) The Privy Council may by order provide for the transfer from the Board to the General Council of any—

(a) property and rights; and

(b) liabilities.

(2) Before making an order under sub-paragraph (1)(b), the Privy Council must consult the General Council.

Financial and audit matters

13.—(1) The General Council—

(a) must prepare a statement of the Board's accounts in respect of a period ending immediately before the appointed day;

(b) must submit a report on the performance of the Board for the period since the last report under article 27(1) of the 2003 Order; and

(c) may do anything else that appears to the General Council to be necessary or expedient in consequence of the abolition of the Board.

(2) Notwithstanding their revocation, articles 27(2) to (4) and 29(2) to (9) of the 2003 Order apply in respect of the accounts or report prepared or submitted in accordance with sub-paragraph

(**a**) S.I.2006/246.

(1) as if they had been prepared by the Board and references in those articles to the Board shall be read as references to the General Council.

SCHEDULE 3

Article 7

Consequential amendments and revocations

PART 1

Consequential amendments to primary legislation

1.—(1) In each of the provisions mentioned in sub-paragraph (2), omit the entry relating to the Postgraduate Medical Education and Training Board.

(2) Those provisions are—

(a) Schedule 2 to the Parliamentary Commissioner Act 1967(**a**) (departments etc. subject to investigation);

(b) Part 2 of Schedule 1A to the Race Relations Act 1976(**b**) (bodies and other persons added after commencement of general statutory duty), under the cross heading "Health";

(c) Part 6 of Schedule 1 to the Freedom of Information Act 2000(**c**) (other public bodies and offices: general); and

(d) Schedule 5 to the Health Act 2006(**d**) (the Appointments Commission: list of statutory bodies).

2. In Schedule 7 to the Health and Social Care Act 2008(**e**) (amendments of Medical Act 1983), omit paragraph 10(4).

PART 2

Consequential amendments to subordinate legislation

The National Health Service (Appointment of Consultants) Regulations 1996

3.—(1) The National Health Service (Appointment of Consultants) Regulations 1996(**f**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of "accredited as a consultant" substitute—

> ""accredited as a consultant" means, in relation to a person, that the person's name is included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983 where that person has either been appointed as a consultant by an Armed Services Consultant Appointment Board or appointed to a consultant post with an Authority;".

(3) Regulation 4 (registration requirements) shall be renumbered regulation 4(1) and—

(a) in the renumbered regulation 4(1), for sub-paragraph (b) substitute—

> "(b) in the case of an appointment of a registered medical practitioner, their name is, subject to paragraph (2), included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983.";

(**a**) 1967 c.13. Schedule 2 was substituted by S.I.2007/3470.
(**b**) 1976 c.74. The reference was inserted by S.I.2003/1250.
(**c**) 2000 c.36. The reference was inserted by S.I.2004/938.
(**d**) 2006 c.28.
(**e**) 2008 c.14.
(**f**) S.I.1996/701 as amended by S.I.2003/1250 and 2004/3365.

(b) after the renumbered regulation 4(1) add—

"(2) Paragraph (1)(b) does not apply to any person who held a post as a consultant in oral and maxillo-facial surgery on the staff of an Authority in England immediately before 1st January 1997.".

The National Health Service (Appointment of Consultants) (Wales) Regulations 1996

4.—(1) The National Health Service (Appointment of Consultants) (Wales) Regulations 1996(**a**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of "accredited as a consultant" substitute—

""accredited as a consultant" means, in relation to a person, that the person's name is included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983 where that person has either been appointed as a consultant by an Armed Services Consultant Appointment Board or appointed to a consultant post with an Authority;".

(3) Regulation 4 (registration requirements) shall be renumbered regulation 4(1) and—

(a) in the renumbered regulation 4(1), for sub-paragraph (b) substitute—

"(b) in the case of an appointment of a registered medical practitioner, their name is, subject to paragraph (2), included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983.";

(b) after the renumbered regulation 4(1) add—

"(2) Paragraph (1)(b) does not apply to any person who held a post as a consultant in oral and maxillo-facial surgery on the staff of an Authority in Wales immediately before 1st January 1997.".

The Medical Act 1983 (Amendment) Order 2002

5. In Part 1 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002(**b**) (consequential amendments to primary legislation), omit paragraph 1.

The National Health Service (Performers Lists) Regulations 2004

6.—(1) The National Health Service (Performers Lists) Regulations 2004(**c**) are amended as follows.

(2) In regulation 21(2) (interpretation of Part 2: medical performers lists)—

(a) omit the definitions of "2003 Order", "the Board" and "the Vocational Training Regulations";

(b) for the definition of "armed forces GP" substitute—

""armed forces GP" means a medical practitioner who—

(a) is employed under a contract of service by the Ministry of Defence whether or not as a member of the armed forces; and

(b) is entered on the GP Register;";

(c) for the definition of "both registers" substitute—

""both registers" means the register of medical practitioners and the GP Register;";

(d) in the definition of "CCT", for "article 8 of the 2003 Order" substitute "section 34L(1) of the Medical Act";

(**a**) S.I.1996/1313 as amended by S.I.2003/1250.
(**b**) S.I.2002/3135.
(**c**) S.I.2004/585. Relevant amending instruments are S.I.2004/2694, 2006/1385 and 2007/3101.

(e) for the definitions of "GP Register", "GP Registrar", "GP Trainer" and "general medical practitioner" substitute—

""GP Register" means the register kept by virtue of section 34C of the Medical Act;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a GP Trainer, whether as part of training leading to a CCT or otherwise;";

""GP Trainer" means a general medical practitioner, other than a GP Registrar, who is approved by the General Medical Council for the purposes of providing training to a GP Registrar;";

""general medical practitioner" means a GP Registrar or a medical practitioner whose name is included in the GP Register;";

(f) for the definition of "vocational training scheme" substitute—

""vocational training scheme" means postgraduate medical education and training necessary for the award of a CCT in general practice.".

(3) In regulation 22(2A) (medical performers list), for "the Board" substitute "the General Medical Council".

(4) In regulation 23 (application for inclusion in a medical performers list)—

(a) for paragraph (2)(b)(iii) substitute—

"(iii) to provide the Primary Care Trust with evidence of their inclusion in the GP Register; and";

(b) for paragraph (3) substitute—

"(3) The events to which this paragraph applies are—

(a) the conclusion of any period of general practice training required by section 34J of the Medical Act unless—

(i) it forms part of a vocational training scheme which has not yet been concluded; or

(ii) the medical practitioner provides the Primary Care Trust with evidence of their inclusion in the GP Register;

(b) the failure satisfactorily to complete any period of general practice training within the meaning of that section of that Act; and

(c) the completion of a vocational training scheme unless the medical practitioner provides the Primary Care Trust with evidence of their inclusion in the GP Register.".

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

7.—(1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) omit the definitions of "the 2003 Order", "the Postgraduate Medical Education and Training Board" and "the Vocational Training Regulations";

(b) for the definition of "armed forces GP" substitute—

""armed forces GP" means a medical practitioner who—

(a) is employed under a contract of service by the Ministry of Defence whether or not as a member of the armed forces of the Crown; and

(b) is entered on the GP Register;";

(**a**) S.S.I.2004/114. Relevant amending instruments are S.S.I.2005/333 and 2007/207 and S.I.2007/3101.

(c) for the definition of "both registers" substitute—

""both registers" means the register of medical practitioners and the GP Register;";

(d) in the definition of "CCT", for "article 8 of the 2003 Order" substitute "section 34L(1) of the Medical Act 1983";

(e) for the definitions of "GP Register", "GP Registrar" and "GP Trainer" and "general medical practitioner" substitute—

""GP Register" means the register kept by virtue of section 34C of the Medical Act 1983;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a GP Trainer, whether as part of training leading to a CCT or otherwise;";

""GP Trainer" means a general medical practitioner, other than a GP Registrar, who is approved by the General Medical Council for the purposes of providing training to a GP Registrar;";

""general medical practitioner" means a GP Registrar or a medical practitioner whose name is included in the GP Register;";

(f) for the definition of "vocational training scheme" substitute—

""vocational training scheme" means postgraduate medical education and training necessary for the award of a CCT in general practice.".

(3) In regulation 3(2A)(Primary Medical Services Performers), for "the Postgraduate Medical Education and Training Board" substitute "the General Medical Council".

(4) In Schedule 1 (information, declarations and undertakings to be included in an application for inclusion in a primary medical services performers' list)—

(a) in sub-paragraph (i) of paragraph 3—

(i) omit paragraph (iii);

(ii) in paragraph (iv), omit "after the coming into force of article 10 of the 2003 Order";

(b) for paragraph 4 substitute—

"**4.** The events to which this paragraph applies are—

(a) the conclusion of any period of general practice training required by section 34J of the Medical Act 1983 unless—

(i) it forms part of a vocational training scheme which has not yet been concluded; or

(ii) the GP Registrar provides the Health Board with evidence of their inclusion in the GP Register;

(b) the failure satisfactorily to complete any period of general practice training within the meaning of that section of that Act; and

(c) the completion of a vocational training scheme unless the GP Registrar provides the Health Board with evidence of their inclusion in the GP Register.".

The National Health Service (Performers Lists) (Wales) Regulations 2004

8.—(1) The National Health Service (Performers Lists) (Wales) Regulations 2004(**a**) are amended as follows.

(2) In regulation 21(1) (interpretation of Part 3: medical performers lists)—

(a) omit the definitions of "the 2003 Order", "the Board" and "the Vocational Training Regulations";

(b) for the definition of "armed forces GP" substitute—

(**a**) S.I.2004/1020 (W.117). Relevant amending instruments are S.I.2005/258 (W.24), 2007/3101 and 2008/1425 (W.147).

""armed forces GP" means a medical practitioner who—

(a) is employed under a contract of service by the Ministry of Defence whether or not as a member of the armed forces; and

(b) is entered on the GP Register;";

(c) for the definition of "both registers" substitute—

""both registers" means the register of medical practitioners and the GP Register;";

(d) in the definition of "CCT", for "article 8 of the 2003 Order" substitute "section 34L(1) of the Medical Act 1983";

(e) for the definitions of "GP Register", "GP Registrar", "GP Trainer" and "general medical practitioner" substitute—

""GP Register" means the register kept by virtue of section 34C of the Medical Act 1983;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a GP Trainer, whether as part of training leading to a CCT or otherwise;";

""GP Trainer" means a general medical practitioner, other than a GP Registrar, who is approved by the General Medical Council for the purposes of providing training to a GP Registrar;";

""general medical practitioner" means a GP Registrar or a medical practitioner whose name is included in the GP Register;";

(f) for the definition of "vocational training scheme" substitute—

""vocational training scheme" means postgraduate medical education and training necessary for the award of a CCT in general practice.".

(3) In regulation 22(2A) (medical performers list), for "the Board" substitute "the General Medical Council".

(4) In regulation 23 (application for inclusion in a medical performers list)—

(a) for paragraph (2)(b)(iii), substitute—

"(iii) to provide the Local Health Board with evidence of their inclusion in the GP Register; and";

(b) for paragraph (3) substitute—

"(3) The events to which this paragraph applies are—

(a) the conclusion of any period of general practice training required by section 34J of the Medical Act unless—

(i) it forms part of a vocational training scheme which has not yet been concluded; or

(ii) the general medical practitioner provides the Local Health Board with evidence of their inclusion in the GP Register;

(b) the failure satisfactorily to complete any period of general practice training within the meaning of that section of that Act; and

(c) the completion of a vocational training scheme unless the general medical practitioner provides the Local Health Board with evidence of their inclusion in the GP Register.".

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004

9. In regulation 2 of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(**a**) (interpretation)—

(**a**) S.S.I.2004/116. The relevant amending instrument is S.S.I.2005/336.

(a) omit the definitions of "the 2003 Order" and "General Practitioner Register";

(b) for the definitions of "CCT", "general medical practitioner" and "GP Registrar", substitute—

""CCT" means a Certificate of Completion of Training awarded under section 34L(1) of the Medical Act 1983 including any such certificate awarded in pursuance of the competent authority functions of the General Medical Council specified in section 49B of, and Schedule 4A to, that Act;";

""general medical practitioner" means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I of the Medical Act 1983 for the purpose of providing training under that section, whether as part of training leading to a CCT or otherwise;".

The National Health Service (General Medical Services Contracts) Regulations 2004

10.—(1) The National Health Service (General Medical Services Contracts) Regulations 2004(**a**) is amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of "General Practitioner Register";

(b) for the definitions of "CCT", "general medical practitioner" and "GP Registrar", substitute—

""CCT" means a Certificate of Completion of Training awarded under section 34L(1) of the Medical Act 1983 including any such certificate awarded in pursuance of the competent authority functions of the General Medical Council specified in section 49B of, and Schedule 4A to, that Act;";

""general medical practitioner" means, unless the context otherwise requires, a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I of the Medical Act 1983 for the purpose of providing training under that section, whether as part of training leading to a CCT or otherwise;".

(3) In paragraph 53(2)(d)(ii) of Schedule 6 (qualifications of performers), for "the Postgraduate Medical Education and Training Board" substitute "the General Medical Council".

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004

11.—(1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(**b**) is amended as follows.

(2) In regulation 2 (interpretation)—

(a) omit the definition of "General Practitioner Register";

(b) for the definitions of "CCT", "general medical practitioner" and "GP Registrar", substitute—

""CCT" means a Certificate of Completion of Training awarded under section 34L(1) of the Medical Act 1983 including any such certificate awarded in pursuance of the competent authority functions of the General Medical Council specified in section 49B of, and Schedule 4A to, that Act;";

(**a**) S.I.2004/291. The relevant amending instruments are S.I.2004/2694 and 2006/1501.
(**b**) S.S.I.2004/115. The relevant amending instrument is S.S.I.2005/337.

""general medical practitioner" means, unless the context otherwise requires, a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I of the Medical Act 1983 for the purpose of providing training under that section, whether as part of training leading to a CCT or otherwise;".

The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004

12.—(1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(**a**) is amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) omit the definition of "General Practitioner Register";

(b) in the definition of "CCT" for "article 8 of the 2003 Order" substitute "section 34L(1) of the Medical Act 1983";

(c) for the definitions of "general medical practitioner" and "GP Registrar" substitute—

""general medical practitioner" means, unless the context otherwise requires, a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I of the Medical Act 1983 for the purpose of providing training under that section, whether as part of training leading to the award of a CCT or otherwise;".

(3) In paragraph 52(2)(e)(ii) of Schedule 6 (qualifications of performers), for "the Postgraduate Medical Education and Training Board" substitute "the General Medical Council".

The National Health Service (Personal Medical Services Agreements) Regulations 2004

13.—(1) The National Health Service (Personal Medical Services Agreements) Regulations 2004(**b**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) omit the definitions of "the 2003 Order" and "General Practitioner Register";

(b) in the definition of "CCT", for "article 8 of the 2003 Order" substitute "section 34L(1) of the Medical Act 1983";

(c) for the definitions of "general medical practitioner" and "GP Registrar" substitute—

""general medical practitioner" means, except where the context otherwise requires, a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council;";

""GP Registrar" means a medical practitioner who is being trained in general practice by a general medical practitioner who is approved under section 34I of the Medical Act 1983 for the purpose of providing training under that section, whether as part of training leading to a CCT or otherwise;".

(3) In paragraph 53(2)(d)(ii) of Schedule 5 (qualifications of performers), for "the Postgraduate Medical Education and Training Board" substitute "the General Medical Council".

(**a**) S.I.2004/478 (W.48). The relevant amending instruments are S.I.2006/358 (W.46) and 2008/1425 (W.147).
(**b**) S.I.2004/627. The relevant amending instruments are S.I.2004/2694 and 2006/1501.

The National Health Service (Appointment of Consultants) (Scotland) Regulations 2009

14. In the definition of "Specialist Register" in regulation 2(1) of the National Health Service (Appointment of Consultants) (Scotland) Regulations 2009(**a**), for the words from "article 13(1)" to the end substitute "section 34D of the Medical Act 1983".

Amendment of firefighters' and local government pensions legislation

15.—(1) In the provisions referred to in sub-paragraph (2), for "the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003" substitute "section 55(1) of the Medical Act 1983".

(2) Those provisions are—

(a) the definition of "Independent qualified medical practitioner" in Part 1 of Schedule 1 to the Firefighters' Pension Scheme 1992 contained in Schedule 2 to the Firefighters' Pension Scheme Order 1992(**b**) (glossary of expressions);

(b) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006(**c**) (the New Firefighters' Pension Scheme (England));

(c) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Compensation Scheme (England) Order 2006(**d**) (the Firefighters' Compensation Scheme (England) 2006);

(d) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(**e**) (the New Firefighters' Pension Scheme (Wales));

(e) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007(**f**) (the Firefighters' Compensation Scheme (Wales) 2007);

(f) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Pension Scheme (Scotland) Order 2007(**g**) (the New Firefighters' Pension Scheme (Scotland));

(g) the definition of "independent qualified medical practitioner" in paragraph 2(1) of Part 1 of Schedule 1 to the Firefighters' Compensation Scheme (Scotland) Order 2006(**h**) (the Firefighters' Compensation Scheme (Scotland) 2006);

(h) the definition of "Independent qualified medical practitioner" in Part I of Schedule 1 to the Firefighter's Pension Scheme Order (Northern Ireland) 2007(**i**) (glossary of expressions);

(i) the definition of "independent qualified medical practitioner" in paragraph 2(1) of the Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**j**) (the New Firefighters' Pension Scheme (Northern Ireland));

(j) the definition of "qualified medical practitioner" in paragraph 2(1) of Part 1 of the Annex to the Firefighters' Compensation Scheme Order (Northern Ireland) 2007(**k**) (the Firefighters' Compensation Scheme (Northern Ireland));

(**a**) S.S.I.2009/166.
(**b**) S.I.1992/129. The relevant amending instruments are S.I.2004/1912, 2005/2980 and 2006/1672 and S.S.I.2004/385. The title of the Order and the name of the scheme was changed by S.I.2004/2306 in relation to England and Scotland and by S.I.2004/2918 in relation to Wales.
(**c**) S.I.2006/3432.
(**d**) S.I.2006/1811.
(**e**) S.I.2007/1072.
(**f**) S.I.2007/1073.
(**g**) S.S.I.2007/199 to which there are amendments which are not relevant to this Order.
(**h**) S.S.I.2006/338 to which there are amendments which are not relevant to this Order.
(**i**) S.R.2007 No.144
(**j**) S.R.2007 No. 215
(**k**) S.R.2007 No. 143.

(k) the definition of "qualified in occupational health medicine" in regulation 20(14) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007(**a**) (early leavers: ill-health);

(l) paragraph (a) of the definition of "qualified in occupational health medicine" in regulation 20(7) of the Local Government Pension Scheme (Benefits, Membership and Contributions)(Scotland) Regulations 2008(**b**) (early leavers: ill-health);

(m) paragraph (a) of the definition of "qualified in occupational health medicine" in regulation 20(9) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations (Northern Ireland) 2009(**c**) (early leavers: ill-health).

Amendment of NHS Pensions legislation

16.—(1) The following provisions are amended as set out in sub-paragraphs (2) to (5)—

(a) regulation A2 of the National Health Service Pension Scheme Regulations 1995(**d**) (interpretation);

(b) regulation A2(4) of the National Health Service Superannuation Scheme (Scotland) Regulations 1995(**e**) (interpretation);

(c) regulations 2.A.1(1) (benefits for officers: interpretation: general) and 3.A.1(1) (benefits for practitioners etc.: interpretation of Part 3: general) of the National Health Service Pension Scheme Regulations 2008(**f**);

(d) regulations 2.A.1(1) (benefits for officers: interpretation: general) and 3.A.1(1) (benefits for practitioners etc.: interpretation of Part 3: general) of the National Health Service Pension Scheme (Scotland) Regulations 2008(**g**).

(2) In the provisions referred to in sub-paragraph (1)(c) and (d), omit the definition of "the 2003 Order".

(3) For the definition of "CCT" in the provisions referred to in sub-paragraph (1)(a) to (d) substitute—

> ""CCT" means a Certificate of Completion of Training awarded under section 34L(1) of the Medical Act 1983, including any such certificate awarded in pursuance of the competent authority functions of the General Medical Council specified in section 49B of, and Schedule 4A to, that Act;".

(4) For the definition of "GP trainer" in the provisions referred to in sub-paragraph (1)(a), (c) and (d) substitute—

> ""GP trainer" means a medical practitioner, other than a GP Registrar, who is approved by the General Medical Council for the purposes of providing training to a GP Registrar;".

(5) For the definition of "GP Registrar" in the provisions referred to in sub-paragraphs (1)(b) and (d) and the definition of "GP registrar" in the provision referred to in sub-paragraph (1)(c) substitute—

> ""GP Registrar" means a medical practitioner who is being trained in general practice by a GP trainer, whether as part of training leading to a CCT or otherwise;";

(**a**) S.I.2007/1166. The relevant amending instrument is S.I.2008/1083.
(**b**) S.S.I.2008/230.
(**c**) S.R.2009 No.32.
(**d**) S.I.1995/300. The relevant amending instrument is S.I.2005/661.
(**e**) S.I.1995/365. The relevant amending instrument is S.S.I.2005/512.
(**f**) S.I.2008/653 to which there are amendments which are not relevant to this Order.
(**g**) S.S.I.2008/224 to which there are amendments which are not relevant to this Order.

PART 3

Consequential revocations of subordinate legislation

Instrument revoked	*References*	*Extent of revocation*
General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003	SI 2003/1250	The whole Order.
General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004	SI 2004/865	The definition of "the 2003 Order" in article 1(4), articles 110, 117 and 118 and paragraph 37 of Schedule 1.
General Medical Services and Personal Medical Services Transitional and Consequential (Wales)(No.2) Provisions Order 2004	SI 2004/1016 (W.113)	The definition of "the 2003 Order" in article 1(3), articles 86, 93 and 94 and paragraph 33 of Schedule 1.
The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004	SI 2004/1947	Regulations 4 to 10.
General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004	SSI 2004/163	The definition of "the 2003 Order" in article 1(2) and articles 97, 100 and 101.
Primary Medical Services (Scotland) Act 2004 (Consequential Amendments) Order 2004	SI 2004/2261	Paragraph 3 of the Schedule.
General and Specialist Medical Practice (Education, Training and Qualifications) Amendment Order 2005	SI 2005/2120	The whole Order.
General and Specialist Medical Practice (Education, Training and Qualifications) Transitional Provisions Order 2005	SI 2005/2361	The whole Order.
European Qualifications (Health and Social Care Professions) Regulations 2007	SI 2007/3101	Regulations 37 to 64 and 67 to 69.
Medical Profession (Miscellaneous Amendments) Order 2008	SI 2008/3131	The definition of "the 2003 Order" in article 1(6), article 4 and Schedule 2.
General and Specialist Medical Practice (Education, Training and Qualifications) Amendment Order 2009	SI 2009/1846	The whole Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the abolition of the Postgraduate Medical Education and Training Board ("the Board") which was established by General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I.2003/1250) ("the 2003 Order"). It provides for the transfer of its functions relating to postgraduate medical education and training for specialist medical practice and general medical practice to the General Medical Council ("GMC"). It makes textual amendments to the Medical Act 1983 ("the 1983 Act") inserting in that Act new provisions which are similar to those in the 2003 Order relating to the General Practitioner Register and the Specialist Register.

This Order implements in part Council Directive 2005/36/EC(**a**) ("the Directive") on the recognition of professional qualifications. It replaces the necessary legislative framework for the implementation of the Directive which was previously set out in the 2003 Order.

Articles 1 and 2 of the Order respectively make provision for commencement and interpretation of the Order.

Article 3 formally abolishes the Board.

Article 4 and Schedule 1 amend the 1983 Act. Paragraph 10 of that Schedule inserts a new Part 4A into the 1983 Act relating to postgraduate medical education and training. The new Part 4A re-enacts the requirement enacted originally in the 2003 Order for the GMC to maintain a General Practitioner Register and a Specialist Register and makes provision for the eligibility of exempt persons to be entered on those registers to be prescribed by Order of Council. It then provides for the GMC to set standards and requirements for postgraduate medical education and training, to approve courses and programmes relating to such education and training and the procedures to apply where such programmes are not to be approved or approvals are to be withdrawn. It also prescribes criteria to be satisfied before a doctor can be awarded a Certificate of Completion of Training ("CCT") as a general practitioner or a specialist and makes provision for specialties and training for those specialties to be recognised by Order of Council. Any such standards or requirements established by the GMC must comply with prescribed minimum requirements, which includes the requirements for general practice and specialist training set out in the Directive.

New Part 4A also allows the GMC to appoint persons to visit bodies or persons who are involved in the provision of postgraduate medical education and training. It also makes provision as to the information that such persons or bodies must provide to the GMC and for GMC to charge fees for carrying out functions in making approvals under this Part and the information and evidence to be provided when applying to be entered on the General Practitioner Register or the Specialist Register or requesting a certificate of acquired rights.

New Part 4A also makes provision (in new section 34F(3)) allowing general practitioners who have been registered in an emergency by virtue of section 18A of the 1983 Act, to go back on to the General Practitioner Register without having to make a request to the Registrar for that purpose.

Paragraphs 4 to 8 and 11 of Schedule 1 make similar provision in the 1983 Act in connection with the General Practitioner Register and the Specialist Register as apply in connection with the medical practitioners register, respectively in relation to powers to make regulations about their form and keeping, the charging of fees for applying to be entered in those registers, removal of entries from the registers, proof of entries in those registers and rectifying fraudulent or incorrect entries in those registers. Paragraph 2 makes a consequential amendment in respect of terminology used in Part 4A.

(**a**) OJ No L 255, 30.09.2005, p.22, as amended by Council Directive 2006/100/EC of 20th November 2006, OJ No L 363 of 20.12.2006, p.141.

Paragraphs 15 and 18 of Schedule 1 amend respectively section 49B of, and Schedule 4B to, the 1983 Act to cater for the fact that the GMC is designated as the sole competent authority for the purposes required by Directive 2005/36/EC and for the specific functions previously carried out by the Board in relation to the recognition and registration of specialist qualifications and of vocational training certificates and certificates of acquired rights issued in EEA States other than the United Kingdom, to be carried out by the GMC.

Paragraph 16 of Schedule 1 makes certain changes to the interpretation provisions in the 1983 Act. In particular, it inserts a definition of the "UK health services" into the 1983 Act for the first time. Paragraphs 1, 3, 13 and 14 of that Schedule make amendments to the 1983 Act which are consequential on those changes.

Paragraph 17 of Schedule 1 amends Schedule 3A to the 1983 Act to provide that appeals against decisions of the Registrar in respect of the award of CCTs, approval of training and inclusion in the General Practitioner Register and the Specialist Register, shall be heard by the Registration Appeals Panel and thereafter in accordance with the procedures set out in Schedule 3A. It also amends that Schedule to allow a hearing before such a panel to dispense with a legal assessor where the chair of that panel is legally qualified.

Paragraphs 12 and 19 of Schedule 1 make miscellaneous amendments to the 1983 Act which are carried over from the 2003 Order.

Transitional, transitory and saving provisions and arrangements are made in article 5 and Schedule 2 relating to the transfer of functions from the Board to the GMC. Article 6 makes provision about the procedures for making Privy Council orders for which powers are conferred in this Order. Consequential amendments and revocations are made to primary and secondary legislation by article 7 and Schedule 3. Article 8 provides for the Order to extend to the whole of the United Kingdom except in relation to certain consequential amendments to primary and secondary legislation provided for in Schedule 3.

An impact assessment has been prepared in relation to this Order and is available from the Department of Health, Quarry House, Quarry Hill, Leeds, LS2 7UE and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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