EXPLANATORY MEMORANDUM TO

THE GENERAL MEDICAL COUNCIL (APPLICATIONS FOR GENERAL PRACTICE AND SPECIALIST REGISTRATION) (AMENDMENT) REGULATIONS ORDER OF COUNCIL 2024

2024 No. 1352

1. Introduction

1.1 This explanatory memorandum has been prepared by The Department of Health and Social Care (DHSC) and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Karin Smyth, Minister of State at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

3. Philip Harper, Deputy Director for Professional Standards and International workforce, at the Department of Health and Social Care confirms that this Explanatory Memorandum meets the required standard.

4. Contact

4.1 Rosie Ettridge at DHSC - Telephone: 0113 254 5159 or email: Rosamond.ettridge@dhsc.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

5. Overview of the Instrument

What does the legislation do?

5.1 This Order approves and gives effect to amendments to the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 (scheduled to S.I. 2010/475) ('the 2010 Regulations'). The Order adds a new provision for evidence which can be provided by professionals applying to the join the General Medical Council's General Practitioner (GP) and Specialist Registers whose qualifications were obtained in Norway, Iceland or Liechtenstein ('the EEA EFTA states').

5.2 This will enable the General Medical Council ('GMC') to recognise comparable qualifications from EEA EFTA applicants, in line with The Recognition of Professional Qualifications and Implementation of the International Recognition Agreements (Amendment) Regulations 2023 (S.I. 2023/1286) (the 'RPQ Regulations'). The RPQ Regulations implement the recognition of professional qualifications provisions of the Free Trade Agreement ('FTA') signed by the UK and the EEA EFTA states in 2021.

5.3 This Order also makes a correction, in that it deletes reference to a paragraph of the 2010 Regulations previously revoked by the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593).

Where does the legislation extend to, and apply?

5.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

5.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

6. Policy Context

What is being done and why?

6.1 The 2010 Regulations are being amended to ensure GMC processes are compliant with the RPQ Regulations introduced by DBT at the end of 2023 to implement the recognition of professional qualifications provisions of the FTA.

What was the previous policy, how is this different?

6.2 The 2010 Regulations set out procedures relating to applications for inclusion on the GMC's GP and Specialist Registers and at Regulation 5 list specific evidence of eligibility to be provided by applicants.

6.3 The 2010 Regulations must be amended to make a provision for evidence to be provided by EEA EFTA-qualified professionals applying to join these registers, who are entitled to have their qualifications recognised in accordance with Part 2 of the RPQ Regulations.

6.4 This change will ensure the 2010 Regulations allow the GMC to accept evidence of comparable qualifications from EEA EFTA-qualified professionals, as required by the RPQ Regulations.

7. Legislative and Legal Context

How has the law changed?

7.1 In 2021 the UK signed an FTA with the EEA EFTA states. Chapter 12 of the FTA includes a system for the recognition of professional qualifications, under which UK regulators, including healthcare professional regulators, are required to recognise comparable professional qualifications obtained in the EEA EFTA states.

7.2 Chapter 12 of the FTA was implemented via the RPQ Regulations, introduced by the Department for Business and Trade (DBT) and made by Parliament in 2023.

7.3 Parts 2 and 3 of the RPQ Regulations implement the FTA for applications received to the GMC's GP and Specialist Registers

7.4 This Order approves and gives effect to the General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations 2024 ('the Amendment Regulations'), which amend the 2010 Regulations. The 2010 Regulations provide for the form of, and procedure relating to, applications for inclusion in the GMC's GP or Specialist Registers.

7.5 The Amendment Regulations insert a new provision for evidence to be provided by applicants seeking to join the GP Register or Specialist Register, who are entitled to have their relevant qualification recognised by virtue of Regulation 7(1) of Part 2 of the RPQ Regulations. The Amendment Regulations also delete reference to a paragraph of the 2010 Regulations previously revoked by the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019.

Why was this approach taken to change the law?

7.6 This is the only possible approach to make the necessary changes.

8. Consultation

Summary of consultation outcome and methodology

8.1 The RPQ Regulations came into force on 1st December 2023. In accordance with requirements set out in section 15 of the Professional Qualifications Act 2022, professional regulators likely to be affected by the RPQ Regulations were consulted on that legislation. The Devolved Administrations were also consulted and the government published the report on the consultation on 13th October 2023 – Report on the consultation of the devolved administrations on regulations under the Professional Qualifications Act 2022.

8.2 As this Order is being made to ensure the 2010 Regulations align with the RPQ Regulations, no additional formal consultation was carried out. DHSC has worked closely with colleagues at the GMC to understand the changes needed to the 2010 Regulations to ensure provisions are made for EEA EFTA applicants. The GMC is content with the Order, having had the opportunity to review and provide feedback throughout the drafting process.

9. Applicable Guidance

9.1 DHSC has not issued any guidance in relation to this Order.

9.2 These Regulations relate to GMC registration processes, any relevant guidance will be produced by the GMC.

Part Two: Impact and the Better Regulation Framework

10. Impact Assessment

10.1 A full Impact Assessment has not been prepared for this instrument because the purpose of this Order is to ensure GMC processes are aligned with the existing legislative requirements introduced by the RPQ Regulations. The number of professionals likely to be impacted by the change is also considered to be very low.

Impact on businesses, charities and voluntary bodies

10.2 There is no, or no significant, impact on business, charities or voluntary bodies because the number of professionals likely to be impacted by the change is also considered to be very low.

10.3 The legislation does not impact small or micro businesses because the number of professionals likely to be impacted by the change is also considered to be very low.

10.4 There is no, or no significant, impact on the public sector.

11. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

11.1 The approach to monitoring this legislation is that DHSC will continue to work with the GMC to ensure the 2010 Regulations are updated as and when required

11.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 Minister Karin Smyth has made the following statement:

"In my view, I consider that any organisations incurring costs are "controlled by a public authority" in their capacity as a regulator, meaning this is not considered "qualifying activity" under Section 29 of the Small Business, Enterprise and Employment Act 2015."

Part Three: Statements and Matters of Particular Interest to Parliament

12. Matters of special interest to Parliament

12.1 A further Order is being laid for the purpose of ensuring that GMC appeal processes for EEA EFTA applicants to the GP and Specialist Registers are compliant with the RPQ Regulations; The General Medical Council (Registration Appeals Panels Procedure) (Amendment) Rules Order of Council 2024. This may be a matter of interest to the Secondary Legislation Scrutiny Committee.

13. European Convention on Human Rights

13.1 The Minister of State has made the following statement regarding Human Rights:

In my view the provisions of The General Medical Council (Registration Appeals Panels Procedure) (Amendment) Rules Order of Council 2024 are compatible with the Convention rights.

14. The Relevant European Union Acts

14.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").