EXPLANATORY MEMORANDUM TO

THE POSTGRADUATE MEDICAL EDUCATION AND TRAINING BOARD (FEES) RULES ORDER 2009

2009 No. 385

1. This Explanatory Memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order approves Rules made by the Postgraduate Medical Education and Training Board ("the Board") on 3rd December 2008. These Rules provide the annual increase fees (in line with the Retail Prices Index) that are payable to the Board in respect of the exercise by the Board of certain of its functions. The functions in respect of which fees are payable include:

- issuing Certificates of Completion of Training for general practitioners and specialists who have completed a UK training programme approved by the Board. The fees for this are increased from £780 to £805;

- applications to the Board to determine whether those not holding Certificates of Completion of Training as above have met particular standards of equivalence by virtue of their specialist training, qualifications and experience. The fees for this are increased from £1,850 to £1,905; and

- appeals against the decisions of the Board. The fees for this are increased from £1,456 to £1,500 for a written appeal and from £2,184 to £2,250 for an oral appeal.

2.2 There are a number of subsidiary functions for which the Board also charges fees. Some result from European Directive 2005/36/EC of the European Council of 7 September 2005 on the recognition of professional qualifications and affect those who apply to the Board under these Regulations. Other existing fees have been increased by the rate of inflation.

2.3 The Order also revokes the Postgraduate Medical Education and Training Board (Fees) Rules 2008 (S.I.2008/554).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 ("the 2003 Order") established the Board. It also, at article 25, gave the Board power to set fees which have to be approved by Order of the Secretary of State. The fees were increased for the 2008/9 financial year by the Postgraduate Medical Education and Training Board (Fees) Rules Order 2008.

4.2 This Order approves Rules made by the Board in respect of fees payable from April 2009. The Rules increase the fees payable to the Board in respect of certain certification functions carried out by the Board for which it charges a fee.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

5.2 In accordance with article 25(2) of the 2003 Order, the Secretary of State has consulted the Scottish Ministers, the National Assembly for Wales and the Department of Health, Social Services and Public Safety in Northern Ireland before approving the Order.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The Board was established with the purpose of:

- Establishing and raising standards and quality in postgraduate medical education and training
- Providing arrangements to ensure this quality is maintained
- Improving supervision of training
- Providing managed structures and processes to ensure all interests are represented in postgraduate medical education
- Regulating specialist and general training.

- ***Consolidation***

7.2 The Board assumed full functions and commenced operations on 30 September 2005.

7.3 The Board has the power to set its fees "to cover the cost of providing services in the course" of carrying out its functions and such fees must be "reasonable".

7.4 It is the policy of the Government and of the Board that as a UK statutory authority, the Board should become financially independent. For the time being, the Board's only sources of income are from grants by the four UK Health Departments and from the charges it makes

8. Consultation outcome

8.1 There has been no consultation on the proposed increase in fees in line with the rate of inflation for the 2009/10 financial year. However there was consultation on the 2008 fees increase and there was broad support from two thirds of the respondents for the Board's proposals, including an annual increase in fees in line with inflation. Further information on the 2008 consultation is given on the PMETB website http://www.pmetb.org.uk/index.php?id=feesconsultation

8.2 The Board's response therefore was that fees would be increased in line with the Retail Price Index and recommended that the increase for 2009/10 should be in the region of 3%. The Secretary of State accepts that position.

9. Guidance

9.1 Information about the new fees will be published on the PMETB website once the Order is approved.

10. Impact

10.1 The consequence of the rise is that funding from the UK Health Departments will continue for a limited period, but the application fees will represent a higher proportion of the Board's running costs, thus reducing the burden on the public purse. The proposed level of central support funding for the Board's core functions in the 2009/10 financial year is about £2.5m

10.2 A full impact assessment has not been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The UK Health Departments accept that the proposed fee increases for the 2009/10 financial year are reasonable. The position will be subject to review before the end of that financial year, at which time, the intention is that subject to legislation, the Board will be merged with the General Medical Council. In the meantime, the UK Health Departments will continue an appropriate level of grant to make up any shortfall in income not covered by fee income.

13. Contact

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