

SCHEDULES

SCHEDULE 1

Regulation 2

Medical Practitioners

PART 1

Amendments to legislation

Medical Act 1983

1. The Medical Act 1983 is amended as follows.
2. In section 2 (registration of medical practitioners)(1), in subsection (2)—
 - (a) at the end of paragraph (aa), insert “and”;
 - (b) omit paragraph (d) and the “and” before it.
3. In section 3 (registration by virtue of primary United Kingdom or primary European qualifications)(2), in subsection (1)(b), after “qualifications” insert “and has made an application, before exit day, for registration under this paragraph or is provisionally registered under section 15A”.
- 4.—(1) Section 5 (general functions of the General Medical Council in relation to medical education in the United Kingdom)(3) is amended as follows.
 - (2) Omit subsection (2A).
 - (3) In subsection (4), omit the definition of “the Directive”.
- 5.—(1) Section 10B (professional traineeships carried out in other relevant European States, etc)(4) is amended as follows.
 - (2) In the heading, omit “other”.
 - (3) Before subsection (1), insert—

“(A1) This section applies for the purposes of determining whether a person who—

 - (a) is a national of a relevant European state,
 - (b) holds a primary United Kingdom qualification, and
 - (c) has applied, before exit day, for registration under section 3(1)(a),

has satisfactorily completed an acceptable programme for doctors who are provisionally registered.”
 - (4) In subsection (1)—

(1) Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#), [2008/1774](#).

(2) Relevant amending instruments are [S.I. 1996/1591](#), [2006/1914](#), [2007/3101](#).

(3) Subsection (2A) was inserted by [S.I. 1996/1591](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#), [2008/1774](#),

(4) Section 10B was inserted by [S.I. 20016/1030](#).

Status: This is the original version (as it was originally made).

- (a) for “an acceptable programme of provisionally registered doctors” substitute “such a programme”;
 - (b) omit the words from “other” to “qualification,”.
- (5) Omit subsection (2).
- (6) In subsection (3), for “(1)” substitute “(A1)”.
- 6.—**(1) Section 14 (alternative requirements as to experience in certain cases)(**5**) is amended as follows.
- (2) Omit subsection (3).
- (3) In subsection (4)(a), after “subsection (1)” insert “in connection with an application for registration under section 3(1)(a) made before exit day”.
- 7.** In section 14A (full registration of EEA nationals etc without certain acquired rights certificates)(**6**), in subsection (1), before paragraph (a) insert—
- “(za) who has made an application for registration under this section before exit day.”.
- 8.** In section 15A (provisional registration for EEA nationals etc)(**7**), in subsection (2), for “his fitness to practise is not impaired” substitute—
- “—
- (a) the person has made an application, before exit day, for registration under this section, and
 - (b) the person’s fitness to practise is not impaired.”.
- 9.** In section 16 (registration of qualifications), in subsection (2), omit “a primary United Kingdom qualification or”.
- 10.—**(1) Section 17 (primary qualifications obtained in other relevant European states) is amended as follows.
- (2) In the heading, omit “other”.
- (3) In subsection (1), omit “other than the United Kingdom”.
- 11.** Omit section 18 (visiting medical practitioners from relevant European states).
- 12.—**(1) Section 19 (full registration of EEA nationals etc by virtue of overseas primary qualifications etc)(**8**) is amended as follows.
- (2) Before subsection (1), insert—
- “(A1) Subsection (1) applies only in relation to an exempt person—
- (a) who has made an application, before exit day, for registration under this section, or
 - (b) who is provisionally registered under section 21.”.
- (3) For subsection (2), substitute—
- “(2) In this Act “exempt person” means—
- (a) a person who, immediately before exit day, was a national of a relevant European State,

(5) Subsection (3) was added by [S.I. 1996/1591](#) and subsection (4) was added by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(6) Section 14A was inserted by [S.I. 2007/3101](#).

(7) Section 15A was inserted by [S.I. 2000/3041](#). Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(8) Section 19 was substituted by [S.I. 2002/3135](#). Relevant amending instruments are [S.I. 2007/3101](#), [2011/1043](#).

- (b) a person who, immediately before exit day, was a national of the United Kingdom and, at that time, was seeking access to, or pursuing, the medical profession by virtue of an enforceable EU right, or
- (c) a person who, immediately before exit day, was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State.”.

(4) In subsection (3)(a), omit “, other than the United Kingdom,”.

13.—(1) Section 19A (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom)(**9**) is amended as follows.

(2) In the heading, omit “other than the United Kingdom”.

(3) In subsection (1), before paragraph (a), insert—

“(za) who has made an application for registration under this section before exit day,”.

14. In section 21 (provisional registration of EEA nationals etc with certain overseas qualifications)(**10**), for subsection (2), substitute—

“(2) Where a person—

- (a) has made an application to the General Council, before exit day, to be provisionally registered under this section, and
- (b) satisfies the Registrar of the matters specified in paragraphs (a), (aa) and (c) of section 19(1),

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

15.—(1) Section 21B (full registration of persons with an overseas qualification)(**11**) is amended as follows.

(2) In subsection (1)—

- (a) at the beginning, insert “Subject to subsection (1A),”;
- (b) at the end of paragraph (c), insert “and”;
- (c) in paragraph (d), omit “unless he is an exempt person,”;
- (d) omit the “and” at the end of paragraph (d);
- (e) omit paragraph (e).

(3) After subsection (1), insert—

“(1A) Subsection (1)(b) does not apply to a person who makes an application under this section on or after exit day in reliance on the holding of a relevant European qualification within subsection (3)(a) or (b).

(1B) Subsection (1C) applies instead of subsection (1) in the case of an exempt person who—

- (a) has made an application for registration as a fully registered medical practitioner under this section before exit day, or
- (b) is provisionally registered under section 21C and made the application for that provisional registration before exit day.

(9) Section 19A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(10) Relevant amending instruments are [S.I. 2006/1914](#), [2007/3101](#).

(11) Section 21B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

Status: This is the original version (as it was originally made).

(1C) Where the exempt person satisfies the Registrar that—

- (a) the person holds, or has passed all the qualifying examinations necessary for obtaining, an acceptable overseas qualification,
- (b) where—
 - (i) the acceptable overseas qualification was, or would have been, granted otherwise than in a relevant European State, and
 - (ii) that qualification, or the person’s having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State,that qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training),
- (c) the person possesses the knowledge, skills and experience necessary for practising as a fully registered medical practitioner in the United Kingdom, and
- (d) the person’s fitness to practise is not impaired,

the person shall, if the General Council think fit so to direct, be registered under this section as a fully registered medical practitioner.”.

(4) For subsection (2), substitute—

“(2) In this Act, an “acceptable overseas qualification” means—

- (a) in relation to a person who makes an application for registration on or after exit day, a relevant European qualification, or
- (b) (whether or not in relation to such a person) any other qualification granted outside the United Kingdom, where that qualification is for the time being accepted by the General Council as qualifying a person to practise as a medical practitioner in the United Kingdom.”.

(5) After subsection (2), insert—

“(3) In this section, “relevant European qualification” means—

- (a) a primary European qualification under section 17(1)(a) that has not been designated by the General Council for the purposes of this paragraph,
- (b) a qualification that is not a primary European qualification under section 17(1)(a) but—
 - (i) was granted in a relevant European State, and
 - (ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge, skill and experience to that demonstrated by the means of qualification laid down by section 3(1)(a) (including the programme for provisionally registered doctors), or
- (c) a qualification that is not a primary European qualification under section 17(1)(a) and does not fall within paragraph (b) but—
 - (i) was granted in a relevant European State, and
 - (ii) demonstrates, in the opinion of the General Council, a comparable level of knowledge and skill to that demonstrated by a primary United Kingdom qualification.

(4) The General Council—

- (a) may designate a qualification for the purposes of subsection (3)(a) only with the approval of the Privy Council;

(b) must maintain and publish a list of the qualifications that are so designated.”.

16.—(1) Section 21C (provisional registration of persons with an overseas qualification)(**12**) is amended as follows.

(2) In subsection (1), after “section 21B(1)(b)” insert “or (1C)(c)”.

(3) In subsection (2)(a), for “(d) and (e)” substitute “and (d)”.

(4) After subsection (2), insert—

“(2A) Subsection (2)(b) does not apply to a person who makes an application under this section on or after exit day and who—

(a) has passed all of the qualifying examinations necessary for obtaining (but does not hold) a relevant European qualification within section 21B(3)(a) or (b), or

(b) holds, or has passed all of the qualifying examinations necessary for obtaining, a relevant European qualification within section 21B(3)(c).

(2B) Where an exempt person has made an application to the General Council, before exit day, to be provisionally registered under this section and satisfies the Registrar—

(a) of the matters specified in paragraphs (a), (b) and (d) of section 21B(1C) above so far as they are matters of which the Registrar would in the person’s case have to be satisfied in order for the person to be eligible to benefit from a direction under that subsection, and

(b) that the person possesses the knowledge and skill requisite for embarking upon an acceptable programme for provisionally registered doctors,

the person shall, if the Council think fit so to direct, be provisionally registered under this section.”.

17. In section 30 (the registers)(**13**), in subsection (1)—

(a) at the end of paragraph (aa) insert “and”;

(b) omit paragraph (d) and the “and” before it.

18. In section 32 (registration fees)(**14**), in subsection (5), omit “or in the list of visiting medical practitioners from relevant European States”.

19. In section 34D (the Specialist Register)(**15**), omit subsection (5).

20.—(1) Section 34G (acquired rights of general practitioners)(**16**) is amended as follows.

(2) In subsection (1), for “Article 30(1) of the Directive” substitute “this section”.

(3) In subsection (2), for the words from “by virtue of” to the end, substitute “as a general practitioner in the United Kingdom, the Registrar shall issue a certificate for the purposes of enabling that certificate to be recognised in relevant European States.”.

21. Omit section 34J (minimum requirements for general practice training)(**17**).

22. Omit section 34K (minimum requirements for specialist training)(**18**).

(12) Section 21C was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

(13) Relevant amending instruments are [S.I. 2002/3135](#), [2006/1914](#), [2007/3101](#), [2008/1774](#).

(14) Relevant amending instruments are [S.I. 2007/3101](#), [2008/1774](#).

(15) Section 34D was inserted by [S.I. 2010/234](#).

(16) Section 34G was inserted by [S.I. 2010/234](#).

(17) Section 34J was inserted by [S.I. 2010/234](#).

(18) Section 34K was inserted by [S.I. 2010/234](#).

Status: This is the original version (as it was originally made).

23. In section 34L (award and withdrawal of Certificate of Completion of Training)(**19**), omit subsection (3).

24.—(1) Section 40 (appeals)(**20**) is amended as follows.

(2) Omit subsection (1B).

(3) In subsection (4A), omit “or (1B)”.

(4) In subsection (8)(b), omit the words from “or, in the case” to “amended”.

25. In section 44 (effect of disqualification in another relevant European State on registration in the United Kingdom), in the heading, omit “another”.

26.—(1) Section 44B (provision of information in respect of fitness to practise matters)(**21**) is amended as follows.

(2) In subsection (1), omit “, other than Schedule 2A,”.

(3) In subsection (2)—

(a) in paragraph (a), omit “, other than Schedule 2A,”;

(b) in paragraph (b), omit “otherwise than by virtue of Schedule 2A,”.

(4) Omit subsection (3).

27. In section 44C (indemnity arrangements)(**22**), omit subsection (11).

28. In section 46 (fees)(**23**), in subsection (2A), omit paragraph (b).

29. Omit section 49B (the Directive: designation of competent authority etc)(**24**).

30.—(1) Section 55 (interpretation)(**25**) is amended as follows.

(2) In subsection (1)—

(a) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision of the Directive, as it had effect immediately before exit day (but see subsections (2) and (3) below);”;

(b) at the appropriate place insert—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”;

(c) in the definition of “fully registered person”, omit “, or under Schedule 2A as a visiting medical practitioner from a relevant European State,”;

(d) in the definition of “the General Systems Regulations”, at the end insert—

(19) Section 34L was inserted by [S.I. 2010/234](#).

(20) Section 40 was substituted by [S.I. 2002/3135](#). Subsection (1B) was inserted by [S.I. 2016/1030](#) and subsection (4A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2015/794](#), [2016/1030](#).

(21) Section 44B was inserted by [S.I. 2006/1914](#). Relevant amending instrument is [S.I. 2007/3101](#).

(22) Section 44C was substituted by [S.I. 2014/1887](#). Relevant amending instrument is [S.I. 2007/3101](#).

(23) Subsection (2A) was inserted by [S.I. 2006/1914](#). Relevant amending instruments are [S.I. 2010/234](#), [2011/1043](#).

(24) Section 49B was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the Data Protection Act 2018 (c.12). Relevant amending instruments are [S.I. 2008/1774](#), [2010/234](#).

(25) The definition of “the Directive” was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2007/3101](#), [2008/1774](#), [2016/1030](#).

“—

- (a) in relation to anything done before exit day, as they had effect at that time;
 - (b) otherwise, as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day;”;
 - (e) omit the definition of “IMI”;
 - (f) in the definition of “national”, for “is not” substitute “was not, immediately before exit day”.
- (3) After subsection (1) insert—
- “(1ZA) For the purposes of this Act an application for registration is made when it is received by the Registrar.”.

31. In Schedule 1 (the General Medical Council etc)(**26**), in paragraph 10, omit “(otherwise than under Schedule 2A)”.

32. Omit Schedule 2A (visiting medical practitioners from relevant European States)(**27**).

33. In Schedule 3 (registration: supplementary provisions)(**28**), omit paragraph 7.

34.—(1) Schedule 3A (registration and training)(**29**) is amended as follows.

(2) In paragraph 1 (interpretation), in paragraph (b) of the definition of “person making the decision”, omit “or under Schedule 2A to this Act”.

(3) In paragraph 2 (appealable registration decisions), in sub-paragraph (1), omit paragraph (q).

35. Omit Schedule 4A (Directive 2005/36: Functions of the General Council under section 49B(3))(**30**).

National Health Service Pension Scheme Regulations 2008

36.—(1) The National Health Service Pension Scheme Regulations 2008(**31**) are amended as follows.

(2) In regulation 2.A.1 (interpretation: general) in the definition of “CCT”, omit the words from “including” to the end.

(3) In regulation 3.A.1 (interpretation of Part 3: general) in the definition of “CCT”, omit the words from “including” to the end.

Postgraduate Medical Education and Training Order of Council 2010

37. The Postgraduate Medical Education and Training Order of Council 2010(**32**) is amended as follows.

38.—(1) Article 3 (persons eligible to be registered in, and liable to removal from, the General Practitioner Register) is amended as follows.

(26) Relevant amending instrument is [S.I. 2007/3101](#).

(27) Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2016/1030](#).

(28) Paragraph 7 was substituted by [S.I. 2007/3101](#).

(29) Schedule 3A was inserted by [S.I. 2002/3135](#). Paragraph 2(1)(q) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2007/3101](#).

(30) Schedule 4A was inserted by [S.I. 2007/3101](#). Relevant amendments are made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2010/234](#), [2016/1030](#).

(31) [S.I. 2008/653](#). Relevant amending instrument is [S.I. 2010/234](#).

(32) [S.I. 2010/473](#). Relevant amending instrument is [S.I. 2016/1030](#).

Status: This is the original version (as it was originally made).

- (2) In paragraph (1), omit paragraphs (b) and (c).
- (3) Omit paragraph (2).

39.—(1) Article 4 (general practitioners eligible for entry in General Practitioner Register) is amended as follows.

- (2) For paragraph (1), substitute—

“(1) A person is an eligible general practitioner for the purposes of article 3(1)(a) if the person holds a qualification in general practice listed in Annex V, point 5.1.4 of the Directive that was issued in a relevant European state, other than a qualification that has been designated by the General Council for the purposes of this paragraph.

- (1A) The General Council—

- (a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.”.

- (3) In paragraph (4), omit “Subject to paragraph 5,”.
- (4) Omit paragraphs (5) to (7).

40. Omit article 5 (general systems general practitioners eligible for entry in the General Practitioner Register).

41. In article 6 (persons with acquired rights), in paragraph (5), omit “other than the United Kingdom”.

42.—(1) Article 7 (persons eligible to be registered in, and liable to removal from, the Specialist Register) is amended as follows.

- (2) In paragraph (1), omit sub-paragraphs (b) and (c) (including the “or” before sub-paragraph (b)).
- (3) Omit paragraph (2).

43.—(1) Article 8 (specialists eligible for entry in the Specialist Register) is amended as follows.

- (2) For paragraph (1) substitute—

“(1) A person is an eligible specialist for the purposes of article 7(1)(a) if the person holds a relevant European specialist qualification (within the meaning of article 10).”.

- (3) In paragraphs (2) and (3), for “Subject to paragraph (4), a” substitute “A”.
- (4) Omit paragraphs (4) and (5).

44. Omit article 9 (general systems specialists eligible for entry in the Specialist Register).

45.—(1) Article 10 (recognised specialist qualifications granted outside the United Kingdom)(**33**) amended as follows.

- (2) For the heading, substitute “Relevant European specialist qualifications”.
- (3) For paragraph (1), substitute—

“(1) In Article 8(1) “relevant European specialist qualification” means a specialist qualification listed in Annex V, point 5.1.2 of the Directive which—

- (a) was awarded—
 - (i) in a relevant European State,

(33) Relevant amending instruments are [S.I. 2013/3036](#), [2016/1030](#).

- (ii) on or after the reference date, not being evidence of training commenced by the holder before that date, and
 - (iii) in a recognised specialty, and
 - (b) has not been designated by the General Council for the purposes of this paragraph.
- (1A) The General Council—
- (a) may designate a qualification for the purposes of paragraph (1) only with the approval of the Privy Council;
 - (b) must maintain and publish a list of the qualifications that are so designated.”.

46. In article 11 (recognised specialities within the United Kingdom), omit paragraph (2).

47.—(1) Article 12 (partial exemption)(**34**) is amended as follows.

(2) In paragraph (1), for “The registrar may exempt a person” substitute “Where a person has made an application before exit day for inclusion in the General Practitioner Register kept under section 34C of the Act, or the Specialist Register kept under section 34D of the Act, the Registrar may exempt the person”.

(3) In paragraph (2)(a), after “has” insert “before exit day”.

48. For the Schedule (recognised specialities within the United Kingdom) substitute—

“SCHEDULE

Article 11

Recognised specialities within the United Kingdom

Anaesthetics
Acute internal medicine
Allergy
Audio vestibular medicine (formerly known as audiological medicine)
Aviation and space medicine
Cardiology (formerly known as cardio-vascular disease)
Cardio-thoracic surgery (also known as thoracic surgery)
Chemical pathology (also known as biological chemistry and as clinical biochemistry)
Child and adolescent psychiatry (also known as child psychiatry)
Community sexual health and reproduction
Clinical genetics
Clinical neurophysiology
Clinical oncology (also known as radiotherapy)
Clinical pharmacology and therapeutics (also known as pharmacology)
Clinical radiology (also known as diagnostic radiology and formerly known as radiology)
Dermatology
Diagnostic neuropathology
Emergency medicine (also known as accident and emergency medicine)
Endocrinology and diabetes mellitus (also known as endocrinology)
Forensic histopathology

(34) Article 12 was inserted by [S.I. 2016/1030](#).

Status: This is the original version (as it was originally made).

Forensic psychiatry
Gastro-enterology
General psychiatry (also known as psychiatry, as general adult psychiatry, and as mental illness)
General (internal) medicine (formerly known as general medicine)
General surgery
Genito-urinary medicine (also known as venerology)
Geriatric medicine (formerly known as geriatrics)
Haematology (also known as general haematology)
Histopathology
Immunology (also known as immunopathology)
Intensive care medicine
Infectious diseases (also known as communicable diseases)
Medical microbiology (also known as microbiology and bacteriology)
Medical oncology
Medical ophthalmology
Medical psychotherapy (formerly known as psychotherapy)
Medical virology
Neurology
Neurosurgery (also known as neurological surgery)
Nuclear medicine
Obstetrics and gynaecology
Occupational medicine
Old age psychiatry
Ophthalmology
Oral and maxillo-facial surgery (also known as dental, oral and maxillo-facial surgery (basic medical and dental training))
Otolaryngology (also known as otorhinolaryngology, and as ENT surgery)
Paediatric surgery
Paediatric cardiology
Paediatric and perinatal pathology
Paediatrics
Palliative medicine
Pharmaceutical medicine
Plastic surgery
Psychiatry of learning disability
Public health medicine (also known as community medicine)
Rehabilitation medicine
Renal medicine (also known as renal disease, and formerly known as nephrology)
Respiratory medicine (also known as thoracic medicine)
Rheumatology

Trauma and orthopaedic surgery (also known as orthopaedics, and formerly as orthopaedic surgery)
Tropical medicine
Sport and exercise medicine
Urology
Vascular surgery.”.

General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010

49. The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010(35) are amended as follows.

50. In regulation 2 (interpretation), in paragraph (2)—

- (a) in sub-paragraph (a), for “competent authority or authorities of the United Kingdom under Article 56 of the Directive” substitute “General Council”;
- (b) in sub-paragraph (b), omit “other than the United Kingdom”.

51. In regulation 5 (evidence), in paragraph (1), omit sub-paragraph (i).

52.—(1) Regulation 6 (collection of information, evidence and advice) is amended as follows.

(2) In paragraph (1), for “Subject to paragraph (3), the” substitute “The”.

(3) Omit paragraph (3).

53. Omit regulation 7 (statements of eligibility).

54.—(1) Regulation 8 (determination of applications) is amended as follows.

(2) In paragraph (1), in sub-paragraph (a), omit the words from “including” to “Act”.

(3) Omit paragraph (2).

(4) In paragraph (3), omit the words from “, unless” to the end.

General Medical Council (Form and Content of the Registers) Regulations No 2 2010

55. The General Medical Council (Form and Content of the Registers) Regulations No 2 2010(36) are amended as follows.

56. In regulation 2 (interpretation), in the list of defined terms beginning “the Principal List”, for “, “the visiting doctors list” and “the list of visiting medical practitioners from relevant European States”” substitute “and “the visiting doctors list””.

57. In regulation 4 (form and keeping of registers), omit paragraph (d).

58. In regulation 5 (entries in the register), omit paragraph (f).

General Medical Council (Licence to Practise and Revalidation) Regulations 2012

59. The General Medical Council (Licence to Practise and Revalidation) Regulations 2012(37) are amended as follows.

(35) As set out in the Schedule to the General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010 (S.I. 2010/475). Relevant amending instrument is S.I. 2011/1248.

(36) Made by the General Medical Council in exercise of powers conferred by section 31(1) and (2) of the Medical Act 1983.

(37) As set out in the Schedule to the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012 (S.I. 2012/2685).

Status: This is the original version (as it was originally made).

60. In regulation 3 (grant or refusal of a licence)(**38**), in paragraph (1)(a), omit “18 (visiting medical practitioners from relevant European States),”.

61. In regulation 4 (withdrawal of a licence), in paragraph (2)—

(a) in paragraph (c), for “another”, substitute “a”;

(b) omit sub-paragraph (f).

62. In regulation 6 (revalidation), in paragraph (2)(a), omit “18 (visiting medical practitioners from relevant European States),”.

The National Health Service Pension Scheme Regulations 2015

63. In the National Health Service Pension Scheme Regulations 2015(**39**), in Schedule 15 (definitions), in column 2 of the entry for “CCT”, omit the words from “including” to the end.

The National Health Service (General Medical Services Contracts) Regulations 2015

64. In the National Health Service (General Medical Services Contracts) Regulations 2015(**40**), in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

The National Health Service (Personal Medical Services Agreements) Regulations 2015

65. In the National Health Service (Personal Medical Services Agreements) Regulations 2015(**41**), in regulation 3 (interpretation), in the definition of “CCT”, omit the words from “including” to the end.

PART 2

Savings and transitional provision

General Practitioner Register and Specialist Register

66.—(1) Where an application for inclusion in the General Practitioner Register kept under section 34C of the Medical Act 1983 or the Specialist Register kept under section 34D of that Act is received before exit day, provisions of that Act, the Postgraduate Medical Education and Training Order of Council 2010 and the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 continue to apply in relation to the application (including any appeal arising from it) without the amendments made to those enactments by Part 1 of this Schedule.

(2) Where a provision continues to apply by virtue of paragraph (1), it is to be read as if, in any reference to a relevant European State other than the United Kingdom, the words “other than the United Kingdom” were omitted.

IMI alerts

67.—(1) Where an alert has been sent by the General Medical Council before exit day under regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015

(38) Relevant amending instruments are [S.I. 2014/1273](#), [2015/1375](#).

(39) [S.I. 2015/94](#), to which there are amendments not relevant to this instrument.

(40) [S.I. 2015/1862](#), to which there are amendments not relevant to this instrument.

(41) [S.I. 2015/1879](#), to which there are amendments not relevant to this instrument.

as they then had effect, the decision to send the alert continues to be appealable for the purposes of section 40 of the Medical Act 1983 (subject to the provisions of that Act) despite the repeal of section 40(1B).

(2) In disposing of such an appeal, the powers of the court (or the sheriff) are, instead of those set out in section 40(8) of the Medical Act 1983—

- (a) to dismiss the appeal, or
- (b) to allow the appeal and direct the Council to take such steps as the court (or the sheriff) thinks fit to draw the findings of the court to the attention of the European Commission.

Visiting medical practitioners: saving of old law for up to one year

68.—(1) Where, immediately before exit day—

- (a) a visiting practitioner was entitled under paragraph 4 (entitlement to provide occasional medical services: first year)⁽⁴²⁾ or 7 (entitlement to provide occasional medical services after first year: renewals) of Schedule 2A to the Medical Act 1983 to provide occasional medical services, or
- (b) the Registrar was in receipt of the required documents (within the meaning of paragraph 5 (first provisions of services: required documents) of that Schedule) from a visiting practitioner seeking to acquire that entitlement,

any provision made by or under that Act continues to apply in relation to the visiting practitioner without the amendments that Part 1 of this Schedule makes to the provisions relating to visiting medical practitioners from relevant European States.

(2) But a visiting practitioner’s entitlement does not continue (or further continue) under paragraph 7 of Schedule 2A to the Medical Act 1983 on or after exit day (and, accordingly, the entitlement lapses at end of the period mentioned in paragraph 8(1) or (2) (duration of entitlement to provide occasional medical services) of that Schedule).

(3) The reference in sub-paragraph (1) to “the provisions relating to visiting medical practitioners from relevant European States” are to the provisions listed in the following table.

<i>Act or instrument</i>	<i>Provision relating to visiting medical practitioners</i>
Medical Act 1983	section 2(2)(d)
	section 18
	section 30(1)(d)
	section 32(5)
	section 44B(1) and (2)
	section 44C(11)
	in section 55(1), the definition of “fully registered person”
	Schedule 1, paragraph 10
	Schedule 2A
Postgraduate Medical Education and Training Order of Council 2010	Schedule 3A, paragraphs 1 and 2(1)(q)
	article 3(1)(c) and (2)

⁽⁴²⁾ Relevant amending instrument is [S.I. 2016/1030](#).

Status: This is the original version (as it was originally made).

<i>Act or instrument</i>	<i>Provision relating to visiting medical practitioners</i>
	article 7(1)(c) and (2)
General Medical Council (Form and Content of the Registers) Regulations No 2 2010	regulation 2
	regulation 4(d)
	regulation 5(f)
General Medical Council (Licence to Practise and Revalidation) Regulations 2012	regulation 3(1)
	regulation 4(2)(f)
	regulation 6(2)