

## 1977 No. 827

## MEDICAL PROFESSION

## The Medical Qualifications (EEC Recognition) Order 1977

<i>Made</i> - - - -	11th May 1977
<i>Laid before Parliament</i>	19th May 1977
<i>Coming into Operation</i>	10th June 1977

At the Court at Buckingham Palace, the 11th day of May 1977

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2(2) of the European Communities Act 1972(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation and commencement*

1. This Order may be cited as the Medical Qualifications (EEC Recognition) Order 1977 and shall come into operation on 10th June 1977.

*Interpretation*

2.—(1) In this Order, unless the context otherwise requires—

“the Disciplinary Committee” means the Disciplinary Committee of the General Council;

“the General Council” means the General Medical Council;

“the first Medical Directive” means European Communities Council Directive No. 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine(b);

“the second Medical Directive” means Community Council Directive No. 75/363/EEC concerning the co-ordination of provisions in respect of activities of doctors(c);

“the 1956 Act” means the Medical Act 1956(d);

“the 1969 Act” means the Medical Act 1969(e);

(a) 1972 c. 68.

(b) OJ No L 167, 30.6.75, p.1.

(d) 1956 c. 76.

(c) OJ No L 167, 30.6.75, p.14.

(e) 1969 c. 40.

“member State” means a member State of the European Communities;

“national”, in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession<sup>(a)</sup> is not to benefit from Community provisions relating to the free movement of persons and services;

“the register” means the register of medical practitioners under the Medical Acts 1956 to 1969; and

“the Registrar” means the Registrar of the General Council.

(2) The Interpretation Act 1889<sup>(b)</sup>, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

*Recognition of European Community medical qualifications*

3.—(1) In section 7 of the 1956 Act (registration of medical practitioners) the following is substituted for subsections (1) and (2)—

“(1) Subject to the provisions of this Act and any Orders in Council under section 2(2) of the European Communities Act 1972, any person who—

(a) holds one or more of the primary United Kingdom or Irish qualifications specified in section 7A below, and has passed a qualifying examination and satisfies the requirements of this Part of this Act as to experience; or

(b) being a national of any member State of the Communities, holds any of the other European qualifications which in accordance with section 7A are recognised in the United Kingdom,

is entitled to be registered under this section as a fully registered medical practitioner and to have any such qualifications registered thereunder.

(2) In this Act, “national” in relation to a member State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.”

(2) After section 7 of the 1956 Act there is inserted—

“Recognition of qualifications

7A.—(1) The primary United Kingdom and Irish qualifications referred to in section 7(1)(a) are those specified in the second column of Part I of Schedule 3 to this Act granted by a university or other body specified in relation to it in the first column of that Part.

(2) The other European qualifications recognised in the United Kingdom are—

(a) those listed in Part II of Schedule 3 to this Act, subject however to compliance with subsection (3) below in the case of such qualifications acquired in a member State before it implemented the Medical Training Directive; and

(b) any other qualifications obtained in a member State before it implemented the Directive, subject in all cases to compliance with that subsection.

(a) See Cmnd. 5179-I, p. 247.

(b) 1889 c. 63.

(3) For compliance with this subsection in the case of any qualifications, either—

(a) they must be such that the Registrar is satisfied with respect to them (by means of a certificate of the medical authorities of the State in which they were acquired, or otherwise) that they accord with the standards laid down by the Medical Training Directive; or

(b) evidence of them must be accompanied by a certificate of the medical authorities of any member State of the European Communities that the holder has lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.

(4) In subsections (2) and (3) above—

OJ No L 167,  
30.6.75, p. 14

(a) “the Medical Training Directive” means Community Council Directive No. 75/363/EEC concerning the co-ordination of provisions in respect of activities of doctors;

OJ No L 167  
30.6.75, p. 1

(b) references to the medical authorities of a State are to the authorities and bodies designated in accordance with that Directive or Community Council Directive No. 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine;

and for the purposes of subsection (2) a member State is to be regarded as having implemented the Medical Training Directive on the date notified to the Commission as that on which it did so.

Requirement  
of linguistic  
knowledge.

7B.—(1) A national of a member State of the Communities who applies to be registered under section 7 is required, on or after registration, to satisfy the Registrar that he has the necessary knowledge of English, that is, the knowledge which, in the interests of himself and his patients, is necessary to the practice of medicine in the United Kingdom.

(2) For the purposes of this section the General Council may provide facilities for testing the knowledge of English of applicants for registration.

(3) Subject to subsection (4), if the applicant does not, on being registered, satisfy the Registrar under this section, then,—

(a) the registration shall lapse at the end of the period of six months beginning with the date of registration unless, in that period, he satisfies the Registrar that he has the necessary knowledge of English; and

(b) while his registration is liable to lapse, the date on which it is liable to do so shall be shown in the principal list of the register.

(4) The Registrar may extend the period referred to in subsection (3) (by not more than another six months) if it appears to him that there are grounds for doing so in a particular case.

(5) A person whose registration has lapsed under this section and who applies to be registered under section 7 is not entitled to be so registered unless, at the time of his application, he satisfies the Registrar that he has the necessary knowledge of English.

(6) Notwithstanding anything in section 9(1) of the Medical Act 1969 (publication of Medical Register), there may be shown separately in the Medical Register the particulars relating to those whose registrations are liable to lapse under this section."

(3) In section 8 of the 1956 Act (additional qualifications to be entered in the register), for subsections (2) and (3) there is substituted—

"(2) In this Act "additional qualifications", in relation to a person registered or to be registered under section 7 or 17 by virtue of any qualification, means any other qualification granted in a member State of the European Communities"

(4) Schedule 3 to the 1956 Act becomes Part I of that Schedule with a headnote (for that Part) "UNITED KINGDOM AND IRISH QUALIFICATIONS"; and after that Part there is inserted the following—

## "PART II

### OTHER EUROPEAN QUALIFICATIONS

#### *Belgium*

"Diplôme légal de docteur en médecine, chirurgie et accouchements/Wettelijk diploma van doctor in de genees-, heel-en verloskunde" (diploma of doctor of medicine, surgery and obstetrics required by law) awarded by the university faculties of medicine, the Central Examining Board or the State University Education Examining Board.

#### *Denmark*

"Bevis for bestaet lægevidenskabelig embedseksamen" (diploma of doctor of medicine required by law) awarded by a university faculty of medicine and "dokumentation for gennemført praktisk uddannelse" (certificate of practical training issued by the competent authorities of the health service).

#### *France*

1. "Diplôme d'Etat de docteur en médecine" (State diploma of doctor of medicine) awarded by the university faculties of medicine, the university joint faculties of medicine and pharmacy, or by the universities.

2. "Diplôme d'université de docteur en médecine" (university diploma of doctor of medicine) where that diploma certifies completion of the same training course as that laid down for the State diploma of doctor of medicine.

*Germany*

1. "Zeugnis über die ärztliche Staatsprüfung" (the State examination certificate in medicine) awarded by the competent authorities and the "Zeugnis über die Vorbereitungszeit als Medizinalassistent" (certificate stating that the preparatory period as medical assistant has been completed) in so far as German law still requires such a period to complete medical training.

2. The certificates from the competent authorities of the Federal Republic of Germany stating that the diplomas awarded after 8th May 1945 by the competent authorities of the German Democratic Republic are recognised as equivalent to those listed in point 1 above.

*Italy*

"Diploma di abilitazione all'esercizio della medicina e chirurgia" (diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission.

*Luxembourg*

1. "Diplôme d'Etat de docteur en médecine, chirurgie et accouchements" (State diploma of doctor of medicine, surgery and obstetrics) awarded by the State Examining Board, and endorsed by the Minister of Education, and "certificat de stage" (certificate of practical training) endorsed by the Minister for Public Health.

2. Diploma conferring a degree in medicine awarded in a member State and—

(a) giving the right to take up training but not to practise the profession, and

(b) officially recognised by the Minister of Education in accordance with the law of 18th June 1969 on higher education and recognition of foreign degrees and diplomas,

if the diploma is accompanied by a certificate of practical training endorsed by the Minister for Public Health.

3. Diploma conferring a degree in medicine awarded elsewhere than within the area of the European Communities and accorded official recognition—

(a) by the Minister of Education in accordance with the law of 18th June 1969 above-mentioned, and

(b) by the General Council,

if the holder is a Luxembourg national and the diploma is accompanied by a certificate of practical training endorsed by the Minister for Public Health.

*The Netherlands*

"Universitair getuigschrift van arts" (university certificate of doctor)."

*Effect of disqualification in another member State on registration in United Kingdom*

4.—(1) A person who is subject to a disqualifying decision in a member State in

which he is or has been established in medical practice shall not be entitled to be registered by virtue of section 7(1)(b) of the 1956 Act for so long as the decision remains in force in relation to him.

(2) A disqualifying decision in respect of a person is a decision, made by responsible authorities of the member State in which he was established in medical practice or in which he acquired a qualification registrable under section 7, and—

- (a) expressed to be made on the grounds that he has committed a criminal offence or on grounds related to his professional conduct and,
- (b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a medical practitioner, or that he is prohibited from practising medicine there.

(3) If a person has been allowed registration by virtue of section 7(1)(b) of the 1956 Act and it is subsequently shown to the satisfaction of the Registrar that he was subject to a disqualifying decision in force at the time of registration, and that the decision remains in force, the Registrar shall remove the person's name from the register.

(4) If registration is refused or a person's name is removed from the register in accordance with paragraph (3) above—

- (a) the Registrar shall, on request, state in writing the reasons for the refusal, or the removal, as the case may be;
- (b) the person may appeal by giving notice in writing to the General Council; and
- (c) any such appeal shall be determined by the General Council, or if the Council has delegated its functions under this paragraph to a committee, by that committee.

(5) If a person has been registered as a fully registered practitioner by virtue of section 7(1)(b) of the 1956 Act at a time when a disqualifying decision was in force in respect of him, and he has been so registered for a period of not less than one month throughout which the decision had effect—

- (a) the Disciplinary Committee may direct that his registration be suspended for such period, not exceeding the length of the first mentioned period, as it thinks fit, and the period of suspension shall begin on a date to be specified in the Committee's direction; and
- (b) sections 36 and 37 of that Act as amended (appeals against erasure and procedure of Disciplinary Committee) shall have effect, with any necessary modifications, in relation to suspension under this paragraph.

(6) Where on or after the date on which a person was registered by virtue of section 7(1)(b) a disqualifying decision relating to him comes into force, section 15 of the 1969 Act (power to order immediate suspension) and Part V of the 1956 Act (disciplinary proceedings) as amended (a) shall apply, with any necessary modifications, as if he had been found to have been convicted of the criminal offence referred to in the disqualifying decision, or that his professional conduct had been such as is imputed to him by that decision, as the case may be.

(7) Until provision is made with respect to proceedings before the Disciplinary Committee under this Article, rules made under sections 36 and 37 of the 1956 Act (procedure), so far as relating to proof of criminal convictions, shall be applied with any necessary modifications to proof of a disqualifying decision.

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(a) See sections 14 and 16 of the 1969 Act.

*United Kingdom specialist qualifications*

5.—(1) Within the United Kingdom the General Council is the authority competent for the purposes of the second Medical Directive to issue to or in respect of nationals of member States certificates of specialist training in specialties listed in Article 5 of the first Medical Directive (specialist qualifications to be recognised in all member States) and in specialties applicable to the United Kingdom under Article 7 of that Directive (specialist qualifications recognised by two or more member States).

(2) The General Council is the authority competent to certify, in the case of a national of a member State who holds a specialist qualification granted in the United Kingdom before the implementation date,—

- (a) that the training for the qualification met the standards laid down in the second Medical Directive, or
- (b) that he has practised in the specialty concerned for the period shown in the certificate;

and, if the qualification does not fulfil the applicable requirements as to form of Articles 5 or 7 of the first Medical Directive, that it is to be treated as equivalent to a United Kingdom qualification which does so.

*The specialist list*

6.—(1) The Registrar shall keep a list, to be called the specialist list, of persons holding recognised specialist qualifications; and the General Council may, if it thinks fit, publish the list.

(2) A national of a member State who is registered under section 7 of the 1956 Act and who satisfies the Registrar that he holds a recognised specialist qualification shall be entitled to have his name and any recognised specialist qualification included in the list.

(3) In the case of a qualification granted outside the United Kingdom, the applicant shall provide the Registrar with the documents conferring or evidencing it and such other documents as the Registrar may require.

(4) In this Article “recognised specialist qualification” means a qualification which satisfies the training requirements and either—

- (a) is one of those described in Article 5 of the first Medical Directive (specialist qualifications to be recognised in all member States), or
- (b) is one of those described in Article 7 of that Directive (specialist qualifications to be recognised by two or more member States), and, if not granted in the United Kingdom, corresponds to a United Kingdom qualification which is so described,

and includes a qualification (satisfying those requirements) which was granted in a member State before the implementation date and is treated by that State as equivalent to a qualification falling within sub-paragraph (a) or sub-paragraph (b).

(5) For the purposes of paragraph (4) above, a qualification granted in a member State on or after the implementation date satisfies the training requirements; and so does a qualification granted in a member State before that date if—

- (a) the training for it met the standards applicable to the specialty in question laid down by the second Medical Directive; or

- (b) it was granted in a member State other than the United Kingdom and the person holding it has practised in his specialty for the period, which, for recognition of his qualification in the United Kingdom, is required under Article 9(2) of the first Medical Directive; or
- (c) it was granted in the United Kingdom and the person holding it has practised in his specialty for a period not less than twice that by which the length of the minimum training period applicable to the specialty laid down by the second Medical Directive exceeds the period of specialist training for the qualification in question.

(6) In this Article and in Article 5, “the implementation date”, in relation to a member State, means the date notified by that State to the Commission of the European Communities as the date on which that State implemented Articles 2, 4 and 5 of the second Medical Directive (minimum training requirements for formal qualifications in specialised medicine).

*Right of practitioners established in other member States to render medical services in United Kingdom*

7.—(1) If he complies with the requirements of this Article it shall be lawful for a person who is a national of any member State and lawfully established in medical practice in a member State other than the United Kingdom on visiting the United Kingdom to render medical services here temporarily without first being registered under the Medical Acts 1956 to 1969.

(2) Such a person intending so to render services shall provide the Registrar with—

- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate (or certificates), issued by the authority or body designated by the member State concerned as competent for the purposes of Article 16(3) of the first Medical Directive (provision of services), showing—
  - (i) that he is lawfully practising medicine in a member State other than the United Kingdom, and
  - (ii) that he holds medical qualifications which member States are required by that Directive to recognise.

(3) For the purposes of paragraph (2) above—

- (a) in an urgent case the declaration to be provided under sub-paragraph (a) may be provided after the services have been rendered, but if so it shall be provided as soon as possible thereafter and in any event not more than 15 days after the date on which the practitioner first rendered such services; and
- (b) every certificate to be provided under sub-paragraph (b) shall bear a date not less recent than 12 months prior to the date on which such certificate is provided.

(4) Where a person complies with the requirements of paragraph (2) above, the Registrar shall register him under this Article as a visiting EEC practitioner for such period or periods as, having regard to the particulars given in the declaration referred to in paragraph (2)(a) above, he considers appropriate.

(5) The Registrar shall keep, in addition to the two lists which under section 3 of the 1969 Act comprise the register (the “principal list” and the “overseas list”), a list of visiting EEC practitioners registered from time to time under this Article, with their names and qualifications, and periods for which their respective registrations are effective.



- (6) In relation to registration as a visiting EEC practitioner—
- (a) no fee shall be charged and no application shall be required, and accordingly sections 5 and 7 of the 1969 Act (regulations with respect to registration fees, and applications for registration) shall not have effect;
  - (b) the Registrar may issue certificates of registration to visiting EEC practitioners but section 8 of the 1969 Act (certificates of registration) shall not apply to such certificates;
  - (c) section 9(4) of the 1969 Act (certified copies of entries in the register, and certificates of registration, to be evidence of registration) shall have effect with any necessary modifications.
- (7) Paragraph (1) above does not apply to a person, and that person shall not be registered as a visiting EEC practitioner at a time when he is subject—
- (a) to a disqualifying decision (within Article 4 above) imposed by a member State or its competent authority; or
  - (b) to a prohibition imposed by the Disciplinary Committee under Article 8 below.
- (8) Registration of a person as a visiting EEC practitioner shall cease if—
- (a) he becomes established in medical practice in the United Kingdom; or
  - (b) he renders, save in a case of urgency, medical services in the United Kingdom otherwise than in accordance with a declaration made by him under paragraph (2)(a) above.
- (9) In section 54(1) of the 1956 Act (interpretation), in the definition of “fully registered person”, after the words “fully registered medical practitioner” there are inserted the words “or under the Medical Qualifications (EEC Recognition) Order 1977 as a visiting EEC practitioner”.
- (10) Where a person (being a national of any member State) having complied with the requirements of paragraph (2) above, or who subsequently complies with those requirements as modified in respect of urgent cases by paragraph (3)(a) above, lawfully renders medical services in the United Kingdom without first being registered under the Medical Acts 1956 to 1969 or under this Order—
- (a) section 27(1) of the 1956 Act (recovery of fees) shall not apply to fees in respect of medical services so rendered, and
  - (b) section 31 of that Act (penalties for pretending to be registered) shall not apply to anything done by that person for the purposes of or in connection with the rendering of such medical services.

*Disciplinary provisions affecting practitioners who render services while visiting United Kingdom*

**8.—(1)** If a national of a member State who has medical qualifications entitling him to registration under section 7 of the 1956 Act but is not so registered and who renders medical services while visiting the United Kingdom (whether or not registered as a visiting EEC practitioner)—

- (a) is found by the Disciplinary Committee to have been convicted of a criminal offence in any member State where he was practising medicine; or
- (b) is judged by the Disciplinary Committee to have been guilty of serious professional misconduct,

the Committee may, if they think fit, impose on him a prohibition in respect of the rendering of medical services in the United Kingdom in the future.

(2) A prohibition imposed under this Article shall either relate to a period specified by the Disciplinary Committee or be expressed to continue for an indefinite period.

(3) A person may apply to the General Council for termination of a prohibition imposed on him under this Article and the Council may, on any such application, terminate the prohibition or reduce the period of it; but no application can be made under this paragraph—

- (a) earlier than 10 months from the date on which the prohibition was imposed; or
- (b) in the period of 10 months following a decision made on an earlier application.

*N. E. Leigh,*  
Clerk of the Privy Council.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which is made under the European Communities Act 1972 and comes into operation on 10th June 1977, affects nationals of member States. It amends the Medical Acts 1956 to 1969 taking into account provisions of European Communities Council Directives (EEC) relating to the right of establishment of doctors and their freedom to provide medical services. Article 2(1) identifies the Directives and defines the expression “nationals” (of member States).

Article 3 amends sections 7 and 8 of, and Schedule 3 to, the Medical Act 1956 and inserts in it new sections 7A and 7B. Schedule 3 as so amended describes the primary qualifications granted by member States. The amendments of sections 7 and 8, and the new section 7A, give doctors with defined qualifications the right to be registered under section 7 and to have their qualifications registered. Under the new section 7B the registration of applicants lapses if they fail to satisfy the Registrar that their knowledge of English is sufficient for the practice of medicine in the United Kingdom. Article 4 relates to the effect of disqualification in another member State on registration in the United Kingdom.

Article 5 declares the General Medical Council to be the competent authority for certifying matters relating to training, training standards, the period when a person has been in practice as a specialist, and specialist qualifications. Article 6 provides for the keeping by the Registrar of a list of persons (being nationals of member States) with specialist qualifications.

Article 7 relates to the rendering of medical services in the United Kingdom by persons, called “visiting EEC practitioners”, who are established in medical practice in any other member State and not registered (though registrable) under the Medical Acts 1956 to 1969; paragraph (2) requires such a person to provide a declaration about the services he intends to render and proof of his qualifications, and paragraph (4) requires the Registrar then to register him under the Order for a period as a visiting EEC practitioner. Article 8 contains disciplinary provisions relating to persons rendering medical services while visiting the United Kingdom.



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