

1979 No. 1644

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service
(Vocational Training) Regulations 1979**

Made - - - - 10th December 1979

Laid before Parliament 18th December 1979

Coming into Operation 16th February 1980

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 30, 31 and 32 of the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Vocational Training) Regulations 1979 and shall come into operation on 16th February 1980.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the National Health Service Act 1977; .

“certificate of prescribed experience” means a certificate issued pursuant to regulation 6;

“certificate of equivalent experience” means a certificate issued pursuant to regulation 7;

“health authority” includes a person responsible for the management of a hospital which is not a health service hospital;

“the Joint Committee” means the Joint Committee on Postgraduate Training for General Practice;

“practitioner” means a person registered as a fully registered medical practitioner and, for the purposes of regulation 5(1)(b)(ii) includes a medical practitioner with limited registration pursuant to the provisions of section 22 of the Medical Act 1978(b) but not otherwise;

“trainee general practitioner” has the meaning assigned to it in regulations having effect as if made by the Secretary of State under section 29 of the Act, section 19 of the National Health Service (Scotland) Act 1978(c) or the provisions of the Health and Personal Social Services (N.I.) Order 1972(d), and includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

(a) 1977 c. 49.
(c) 1978 c. 29.

(b) 1978 c. 12.
(d) S.I. 1972/1265 (N.I. 14).

and any other expression to which a meaning is assigned by the Act (either generally for the purposes of that Act or specially for the purpose of section 31 or section 32 thereof) has that meaning.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

Prescribed day

3.—(1) Except in a case to which the provisions of paragraph (2) apply, the day for the purposes of section 31(1) of the Act shall be 15th February 1981.

(2) Where on 15th February 1981, an application pursuant to the provisions of section 30 of the Act has not been finally determined, the prescribed day for the purposes of section 31(1) of the Act in relation to that application shall be the day on which that application is finally determined.

Certificates and experience required

4.—(1) An applicant who applies to an Area Health Authority after 15th February 1981 for inclusion in that Authority's list of names of practitioners undertaking to provide general medical services pursuant to section 29 of the Act, shall produce as evidence that he is suitably experienced either—

- (a) a certificate of prescribed experience or as the case may require, a certificate of equivalent experience, or
- (b) a statement of the grounds upon which he claims that he is exempt by virtue of the provisions of regulation 8 from the need to have acquired the prescribed experience, and evidence in support thereof.

(2) On or after that day the entitlement of such an applicant to inclusion in such a list shall be subject to section 31 of the Act and accordingly—

- (a) the Medical Practices Committee shall refuse his application if he is not suitably experienced; and
- (b) the Area Health Authority in question shall not arrange under section 29 of the Act for him to provide general medical services for persons in its area unless the Medical Practices Committee has granted his application.

Prescribed experience

5.—(1) Subject to the provisions of regulations 7(4) and 8(3), the medical experience needed to satisfy paragraph (a) of section 31(2) of the Act is—

- (a) before 16th August 1982 the satisfactory completion of a period or periods of training amounting to at least 12 months whole-time employment or its equivalent as a trainee general practitioner;
- (b) on and after 16th August 1982 the satisfactory completion of a period or periods of training amounting to at least 3 years whole-time employment or its equivalent, of which—
 - (i) at least 12 months whole-time employment or its equivalent shall be training as a trainee general practitioner, and

- (ii) the remainder shall be training as a practitioner in educationally approved posts and shall include not less than 6 months whole-time employment or its equivalent in each of two of the following specialties—

General Medicine,
Geriatric Medicine,
Paediatrics,
Psychiatry,
One of Accident and Emergency Medicine or General Surgery,
Any one of Obstetrics or Gynaecology, or Obstetrics and Gynaecology.

(2) The medical experience prescribed in paragraph (1) shall be acquired within not more than 7 years immediately preceding the date of application for a certificate of prescribed experience.

(3) In computing any period of training for the purposes of this regulation there shall be disregarded any period of part-time employment during which the duties of the person employed occupied less than half of the time usually occupied by the duties of persons employed whole-time in similar employment.

(4) On the satisfactory completion of his period of training with a practitioner with whom an applicant has so completed a period of training as a trainee general practitioner, or with a health authority on whose staff an applicant has so completed a period of training in an educationally approved post in any specialty, the practitioner or health authority shall on request give to the applicant a statement in the form set out in the Schedule to these regulations or in a form to the like effect.

(5) For the purposes of this regulation—

(a) “educationally approved post” means—

(i) a post, employment in which is, immediately before the day on which these regulations are made, approved for the purposes of training in a hospital specialty or in the specialty of community medicine by the Royal College or Faculty for that specialty and selected by a Regional Postgraduate Medical Education Committee for the purposes of training for the provision of general medical services;

(ii) a post prescribed by regulations made under Article 8 of the Health and Personal Social Services (N.I.) Order 1978(a);

(iii) a post which is an educationally approved post for the purpose of acquiring prescribed experience in terms of regulations made under section 22 of the National Health Service (Scotland) Act 1978, other than a post to which sub-paragraphs (a)(i) and (a)(ii) refer;

(b) “satisfactory completion” in relation to a period of training in any employment, means the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

Certificate of prescribed experience

6.—(1) An applicant who claims to have acquired the prescribed experience, shall give particulars of that experience to the Joint Committee, together with any statements given to him pursuant to regulation 5(4) or, in default thereof, such evidence as the Joint Committee may require of his satisfactory completion of his period of training for the purposes of regulation 5(1)(a) or (b), as the case may require.

(2) The Joint Committee shall, if satisfied that the applicant has acquired the medical experience prescribed by regulation 5, issue to him a certificate of prescribed experience.

(3) The Joint Committee shall, if not satisfied that the applicant has acquired the prescribed experience, issue to him a statement setting out the reasons why they are not so satisfied.

Certificate of equivalent experience

7.—(1) An applicant, who has not acquired the prescribed experience but who considers that the medical experience which he has acquired is, or ought to be regarded as, equivalent to the prescribed experience, shall give particulars of that experience to the Joint Committee, together with such evidence in support thereof as that Committee may require.

(2) The Joint Committee shall, if satisfied that his medical experience is equivalent to the experience prescribed in sub-paragraph (a) or, as the case may require, sub-paragraph (b) of regulation 5(1), issue to him a certificate of equivalent experience.

(3) The Joint Committee shall, if not satisfied that his medical experience is equivalent to the prescribed experience, issue to him a statement setting out the reasons why they are not so satisfied.

(4) An applicant who holds a certificate of equivalent experience shall be treated as having acquired the prescribed medical experience for the purposes of section 31(2)(a) of the Act (but not for the purposes of obtaining a certificate of prescribed experience).

Exemptions

8.—(1) A practitioner shall be exempt from the need to have acquired the prescribed experience—

- (a) if on 15th February 1981 his name was included in a medical list;
- (b) if after 15th February 1981 his name was included in a medical list in consequence of an application to which the provisions of regulation 3(2) refer;
- (c) in respect of an application made within 9 years after 15th February 1981 for his name to be included in a medical list, if on that day his name was not included in such a list but it had been so included before that day;
- (d) if, having made an application to which paragraph (1)(c) applies, his name is included in a medical list pursuant to that application;
- (e) in respect of an application for his name to be included in a medical list for the provision of either maternity medical services only, contraceptive services only or both such services only;
- (f) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under section 22 of the National Health Service (Scotland) Act 1978(a), or is, by virtue of those regulations exempt from the need to have acquired the medical experience prescribed by those regulations; or
- (g) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under Article 8 of the Health and Personal Social Services (N.I.) Order 1978(b), or is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations.

(a) 1978 c. 29.

(b) S.I. 1978/1907 (N.I. 26).

(2) A practitioner shall be exempt from the need to have acquired the medical experience prescribed by regulation 5(1)(b) if he has acquired, before 16th August 1982, the medical experience prescribed by regulation 5(1)(a) or medical experience which is equivalent thereto and, subject to paragraph (3), the Joint Committee have, before that date, issued to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof.

(3) Where an applicant—

- (a) claims to have acquired, before 16th August 1982, the medical experience prescribed by regulation 5(1)(a) or medical experience which is, or ought to be regarded as, equivalent to that medical experience; but
- (b) has not, before that date, obtained a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof,

then, provided he has applied to the Joint Committee for a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience before that date or within 3 months thereafter, the provisions of these regulations shall have effect in relation to that application until it is determined by the Joint Committee or, on appeal, by the appeal body as if that date has not yet arrived and, if the Joint Committee issue to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in pursuance of such an application, the provisions of paragraph (2) shall apply to him as if such a certificate had been issued before that date.

(4) For the purpose of this regulation—

- (a) “maternity medical services” and “contraceptive services” mean respectively the services which a practitioner undertakes to provide pursuant to the provisions of regulation 23 or regulation 3(1)(b) of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(a);
- (b) “medical list” means—
 - (i) a list maintained by a Family Practitioner Committee pursuant to regulation 4 of the regulations to which sub-paragraph (a) refers,
 - (ii) any corresponding list drawn up by an Executive Council pursuant to the provisions of Part IV of the National Health Service Act 1946(b),

in each case other than any such list so maintained or drawn up of practitioners providing maternity medical services only, contraceptive services only, or both such services only, but shall be deemed to include a statement issued to a practitioner in the Armed Services of the Crown by the Director-General of Medical Services howsoever described of the relevant Armed Service that the practitioner had been providing services in the Armed Services equivalent to general medical services.

Appeals

9.—(1) An applicant may appeal against a refusal by the Joint Committee to issue to him a certificate of prescribed experience or a certificate of equivalent experience, by sending to the Secretary of State within 28 days after the decision of the Joint Committee has been given to the applicant, or such extended period as may be allowed pursuant to the provisions of paragraph (2), a notice of appeal containing a concise statement of the facts and contentions on which the applicant intends to rely.

(a) S.I. 1974/160; relevant amending instrument is 1975/719.
(b) 1946 c. 81.

(2) An applicant who wishes to appeal and who has failed to give notice thereof to the Secretary of State within the period of 28 days specified in paragraph (1) may apply in writing to the Secretary of State, stating the grounds for the application, for an extension of that period and the Secretary of State if satisfied that such failure was occasioned by reasonable cause may at any time extend that period.

(3) On receipt of a notice of appeal the Secretary of State shall appoint an appeal body, consisting of four persons of whom—

(a) one shall be a legally qualified person who shall be so appointed to be the Chairman,

(b) one shall be nominated by the Royal College of General Practitioners,

(c) one shall be nominated by the General Medical Services Committee of the British Medical Association, and

(d) one shall be a practitioner of consultant status employed in clinical practice by a health authority which provides substantial facilities for undergraduate or postgraduate clinical training and who is nominated by the Joint Consultants Committee,

and shall transmit the notice to that body.

(4) Any nomination for the purposes of paragraph (3) may be made either specially or generally.

(5) The Secretary of State shall appoint a person to act as secretary of the appeal body and may also appoint such other officers as he may deem necessary.

Procedure on appeal

10.—(1) (a) The appeal body may require such further particulars from an applicant and such documents in support of his appeal and may make such inquiries of such persons as they may think fit in connection with the subject matter of the appeal.

(b) The appeal body shall send to the applicant a copy of any comments made by such persons in reply to such inquiries and, if a hearing is not to be held, shall afford the applicant a period of 21 days from the date on which such comments are sent to him, in which to reply to such comments.

(c) The appeal body shall give notice to the applicant that he may within such period as is specified in that notice, require the appeal body to give him an opportunity of appearing before and being heard by that body.

(2) (a) The appeal body shall appoint a date, time and place for the consideration of the appeal and may, or shall if so required by the applicant, hold a hearing for that purpose.

(b) If a hearing is to be held, the appeal body shall appoint a date, time and place for that hearing and not less than 21 days before that date, send notice to the applicant and to the Joint Committee informing them of that date, time and place.

(3) At a hearing by the appeal body, the applicant may appear and be heard in person or be represented by Counsel or Solicitor or by any other person on his behalf and the Joint Committee may appear and be represented by Counsel or Solicitor or by any duly authorised member or officer thereof.

(4) The appeal body may accept the withdrawal of an appeal, and where the applicant has required a hearing but does not appear and is not represented thereat, may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat the request for a hearing as having been withdrawn.

- (5) The proceedings of the appeal body shall be in private.
- (6) The appeal body shall decide the appeal and shall notify the applicant and the Joint Committee in writing of their decision and their reasons therefor.
- (7) In arriving at their decision on the appeal—
- (a) the decision of the appeal body shall be the decision of a majority and shall be final; and
 - (b) the Chairman shall not be entitled to vote except in the case of an equality of votes.
- (8) The provisions of subsections (2) to (4) of section 84 of the Act (which relate to the summoning of witnesses and the production of documents in connection with inquiries held by the Secretary of State) shall apply to any appeal held under this regulation as if it was an inquiry caused to be held by the Secretary of State and as if in subsection (2) for the words “the person appointed to hold the inquiry” and in subsection (3)(b), for the words “the person holding the inquiry” there were substituted the words “the Chairman of an appeal body appointed for the purposes of the National Health Service (Vocational Training) Regulations 1979”.
- (9) Subject to the foregoing paragraphs the procedure of the appeal body shall be such as that body thinks fit.
- (10) If the decision of the appeal body is that the applicant is entitled to a certificate of prescribed experience or a certificate of equivalent experience the Joint Committee shall issue to him the appropriate certificate.

Power of the Secretary of State to make fresh appointments

11.—(1) Where the Secretary of State has appointed an appeal body in accordance with paragraph (3) of regulation 9 and a member had died or resigned before a decision has been reached on the appeal in respect of which that body was appointed or is unable or has refused to carry out the duties for which he was so appointed the Secretary of State may rescind the appointment of that member and make a fresh appointment in accordance with the provisions of the sub-paragraph of that paragraph in accordance with which that member was appointed; and the appeal body as so reconstituted shall, notwithstanding any hearing or consideration of the appeal by that appeal body as originally appointed, consider the appeal afresh in accordance with regulation 10.

(2) For the purposes of these regulations a person shall not be deemed to be unable or to have refused to carry out the duties for which he was appointed if he has indicated to the other persons appointed, or to the Chairman, how he casts his vote for the purposes of regulation 10(7); and a decision shall be deemed to have been reached when a sufficient number of persons appointed have given such indications to constitute a majority for the purposes of the provision, notwithstanding that any document embodying the decision has not been drawn up, or signed by all or any of those persons, or issued by the appeal body.

Service of notices, etc.

12. Any document or other communication which is required or authorised by these regulations to be given, issued, made or sent to any person may be given, issued, made or sent—

- (a) by delivery to that person, or

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- (b) where that person is represented by a Solicitor, by sending it by the recorded delivery service to the Solicitor at his usual or principal professional address, or
 - (c) by sending it by the recorded delivery service addressed to him at his usual or last known address, or
 - (d) in the case of the Joint Committee by sending it by post in a prepaid letter to their secretary.

Patrick Jenkin,
Secretary of State for Social Services.

10th December 1979.

Regulation 5(4)

SCHEDULE

Form of statement of satisfactory completion of a period of training

NATIONAL HEALTH SERVICE

VOCATIONAL TRAINING

STATEMENT OF SATISFACTORY COMPLETION OF A PERIOD OF TRAINING

Dr. [full name] has for the purposes of the National Health Service (Vocational Training) Regulations 1979 satisfactorily completed (*Note 1*) the period of training detailed below—
[Complete either (1), (2) or (3) subject to deletions as appropriate]

- (1) months whole-time*/part-time* (*Note 2*) from to as a trainee general practitioner under my instruction and supervision.
- (2) months whole-time*/part-time* (*Note 2*) from to as a practitioner in the following educationally approved training post (*Note 3*)
Post.....
Grade..... Specialty.....
- (3) [*Where part-time training and employment has been indicated in either (1) or (2) above*] The part-time period referred to in (1)/(2)* above (*Note 4*) consisted of
.....
.....

(Signed) (a) (*an approved general practice trainer*).

or (b)
.....(post or rank) (*Note 5*)

forArea Health Authority, Board of Governors or other Management body (*Note 6*).

Date.....

Note 1—"Satisfactory completion" is defined in regulation 5(5)(b). It means, in relation to a period of training in any employment, the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

Note 2—Regulation 5(3) provides that, in computing any period of training for the purposes of prescribed experience under that regulation, there shall be disregarded any period of part-time employment during which the duties of the person employed occupied less than half of the time usually occupied by the duties of the persons employed whole-time in similar employment. However, such part-time employment may be considered for the purposes of equivalent experience under regulation 7.

Note 3—"Educationally approved" in relation to a training post means by virtue of regulation 5(5) of the regulations a post which on 9th December 1979, had been approved by a Royal College or Faculty and selected by the Regional Postgraduate Medical Education Committee for the purpose of the regulations; or a post approved for such purposes under corresponding regulations of Scotland or Northern Ireland.

Note 4—Where part-time training or employment has been indicated in paragraph (1) or (2) the ratio of such part-time training or employment to the time usually occupied by the duties of persons being trained or employed whole-time, should be stated.

Note 5—To be signed by either the consultant or other medical specialist of similar status, who has supervised the practitioner's training.

Note 6—If the management body is not an Area Health Authority or Board of Governors please state its title or other description.

* Delete as may be appropriate.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the medical experience which, under section 31 of the National Health Service Act 1977, a medical practitioner is required to have acquired or be exempt from the need to do so before applying to be included in a medical list to provide general medical services after the appointed day. The appointed day is prescribed by these regulations as 15th February 1981.

The medical experience prescribed for the period before 16th August 1982 is different from that prescribed with effect from that date. The regulations enable the prescribed medical experience to be acquired in part-time (though not less than half-time) training and employment. They prescribe the circumstances in which medical practitioners will be exempt from the need to have acquired the prescribed medical experience. They also prescribe for certain medical experience to be accepted as equivalent to the prescribed medical experience.

The regulations empower the Joint Committee on Postgraduate Training for General Practice to issue a medical practitioner with a certificate of prescribed experience if they are satisfied that he has acquired that experience or a certificate of equivalent experience if they are satisfied that he has acquired experience which is equivalent to that prescribed experience. They also provide for the establishment and procedure of an appeal body to hear appeals against the refusal of any such certificate.

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