
STATUTORY INSTRUMENTS

1994 No. 3130

The Vocational Training for General Medical Practice (European Requirements) Regulations 1994

PART IV

GENERAL MEDICAL SERVICES

Temporary provision of general medical services

11.—(1) In regulation 25 of the 1992 Regulations (temporary provision of services), after paragraph (6) insert—

“(6A) No doctor may be appointed under paragraph (2) or (6) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 31 of the Act.”.

(2) In regulation 20 of the 1974 Regulations (temporary provision of general medical services)(1), after paragraph (7) insert—

“(7A) No doctor may be appointed under paragraph (2) or (7) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 21 of the Act.”.

(3) This regulation is without prejudice to any appointment subsisting when these Regulations come into force.

Assistants and deputies England and Wales

12.—(1) This regulation is subject to regulation 14.

(2) Schedule 2 to the 1992 Regulations (terms of service for doctors) is amended as follows.

(3) In paragraph 22 (which provides that a doctor must obtain the consent of the FHSA before entering into arrangements with a deputising service)—

(a) in sub-paragraph (1), for “obtain the consent of the FHSA” substitute—

“(a) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of section 31 of the Act (other than by virtue of being a restricted services principal) or will have the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(2); and

(b) obtain the consent of the FHSA.”;

(b) after sub-paragraph (1) insert—

(1) Regulation 20 was substituted by [S.I.1985/1625](#) and amended by [S.I. 1988/1990](#).
(2) [S.I. 1994/3130](#).

- “(1A) The FHSA shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in sub-paragraph (1)(a).”;
- (c) in sub-paragraph (2), for “may impose such” substitute—
- “(a) shall impose the condition that the agreement referred to in sub-paragraph (1)(a) remain in force; and
- (b) may impose such other”; and
- (d) after sub-paragraph (2), insert—
- “(2A) References below in this paragraph to refusing consent and to conditions do not include refusing consent under sub-paragraph (1A) or the condition set out in sub-paragraph (2)(a).”.
- (4) After paragraph 22 insert—
- “**22A.**—(1) A doctor shall not engage another doctor as a deputy, or employ one as an assistant (other than as a trainee general practitioner), unless the other doctor—
- (a) is suitably experienced within the meaning of section 31 of the Act (other than by virtue of being a restricted services principal); or
- (b) has the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(3).
- (2) A doctor shall from time to time, and at any time when there are grounds for doing so, take reasonable steps to satisfy himself that a deputising service with which he has entered into arrangements for the provision of any deputy continues to comply with the agreement referred to in paragraph 22(1)(a).
- (3) If the FHSA so requests, a doctor shall furnish it with evidence that such a deputising service is continuing to comply with that agreement.”.
- (5) In paragraph 28 (employees), after paragraph (1) insert—
- “(1A) The duty imposed by paragraph (1) is in addition to the duty imposed by paragraph 22A(1) so far as it relates to assistants.”.

Assistants and deputies Scotland

- 13.**—(1) This regulation is subject to regulation 14.
- (2) Part 1 of Schedule 1 to the 1974 Regulations (terms of service for doctors) is amended as follows.
- (3) In paragraph 12A (which provides that a doctor must obtain the consent of the Board before entering into arrangements with a deputising service)(4)—
- (a) in sub-paragraph (1), for “obtain the consent of the Board” substitute—
- “(a) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of section 21 of the Act (other than by virtue of being a restricted services principal) or will have the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(5); and
- (b) obtain the consent of the Board.”;

(3) [S.I. 1994/3130](#).

(4) Paragraph 12A was inserted by [S.I. 1978/1762](#).

(5) [S.I. 1994/3130](#).

- (b) after sub-paragraph (1) insert—

“(1A) The Board shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in sub-paragraph (1)(a).”;
- (c) in sub-paragraph (2), for “may impose such” substitute “shall impose the condition that the agreement referred to in sub-paragraph (1)(a) remain in force, and may impose such other”; and
- (d) after sub-paragraph (2) insert—

“(2A) References below in this paragraph to refusing consent and to conditions do not include refusing consent under sub-paragraph (1A) or the condition set out in sub-paragraph (2).”.
- (4) After paragraph 12A insert—

“12AA.—(1) A doctor shall not engage another doctor as a deputy, or employ one as an assistant (other than as a trainee general practitioner), unless the other doctor—

 - (a) is suitably experienced within the meaning of section 21 of the Act (other than by virtue of being a restricted services principal); or
 - (b) has the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽⁶⁾.

(2) A doctor shall from time to time, and at any time when there are grounds for doing so, take reasonable steps to satisfy himself that a deputising service with which he has entered into arrangements for the provision of any deputy continues to comply with the agreement referred to in paragraph 12A(1)(a).

(3) If the Board so requests, a doctor shall furnish it with evidence that such a deputising service is continuing to comply with that agreement.”.
- (5) In paragraph 12B (employees)⁽⁷⁾, after paragraph (1) insert—

“(1A) The duty imposed by paragraph (1) is in addition to the duty imposed by paragraph 12A(1) so far as it relates to assistants.”.

Existing circumstances

14.—(1) Nothing in regulation 12 or 13 requires a doctor to terminate or vary any existing contract of employment or contract for services, or any existing arrangement he has with a deputising service, before he has the right to do so under the terms of the contract or arrangement.

- (2) In paragraph (1), “existing” means existing on the date these Regulations come into force.

⁽⁶⁾ S.I. 1994/3130.

⁽⁷⁾ Paragraph 12B was inserted by S.I.1989/1990 and renumbered by S.I. 1990/883.