
STATUTORY INSTRUMENTS

1998 No. 5 (S.2)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Vocational Training for
General Medical Practice) (Scotland) Regulations 1998**

<i>Made</i>	- - - -	<i>5th January 1998</i>
<i>Laid before Parliament</i>		<i>8th January 1998</i>
<i>Coming into force</i>	- -	<i>30th January 1998</i>

The Secretary of State, being designated⁽¹⁾ for the purposes of, and in exercise of powers conferred by, section 2(2) of the European Communities Act 1972⁽²⁾ and in exercise of powers conferred by sections 21, 22 and 105(7) of the National Health Service (Scotland) Act 1978⁽³⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998 and shall come into force on 30th January 1998.

Interpretation

2.—(1) In these Regulations—

“the Act” means the National Health Service (Scotland) Act 1978;

(1) See S.I.1994/2791, Article 2 and the Schedule, which designate the Secretary of State for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to training in medical practice, the issue and/or recognition of diplomas or certificates or other evidence of qualifications in relation to medical practice, the titles used by those in medical practice, and the exercise of medical practice.
(2) 1972 c. 68.
(3) 1978 c. 29. Section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24.

“certificate of prescribed experience” means a certificate issued under regulation 10 and, for the purposes of regulation 4, includes a certificate of prescribed experience issued under the National Health Service (Vocational Training) (Scotland) Regulations 1980(4);

“certificate of equivalent experience” means a certificate issued under regulation 12 and, for the purposes of regulation 4, includes a certificate of equivalent experience issued under the National Health Service (Vocational Training) (Scotland) Regulations 1980;

“General Practice (GP) Registrar” has the meaning assigned to it in regulations made under section 19 of the Act(5), section 29 of the National Health Service Act 1977(6) or article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972(7), and also includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

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

“Medical Directive” means Council Directive 93/16/EEC of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications(8), as amended by Council Directive 97/50/EC of 6th October 1997(9);

“medical list” means–

- (a) a list maintained under regulation 4 of the National Health Service (General Medical Services) (Scotland) Regulations 1995(10); or
- (b) any corresponding list drawn up by an Executive Council pursuant to the provisions of Part IV of the National Health Service (Scotland) Act 1947(11); or maintained under regulation 4 of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(12).

“practitioner” means a fully registered medical practitioner except for the purposes of regulation 6(4), where it also includes a medical practitioner with limited registration under section 22 of the Medical Act 1983(13);

“satisfactory completion”, in relation to a period of training in any employment, has the meaning assigned to it in regulation 9(1);

“summative assessment” has the meaning assigned to it in regulation 9(2).

(2) For the purposes of these Regulations, a practitioner shall be regarded as having his name included in a medical list if–

- (a) his name is (or, if the context so requires, was) included in a medical list mentioned in paragraph (1); or
- (b) if he has been issued by the person in charge of the provision of medical services in one of the Armed Services of the Crown with a statement that he has been providing services in the Armed Services equivalent to general medical services,

but he shall not be so regarded if his name is (or was) included in a list for the provision of general medical services limited to those mentioned in regulation 5(1)(d).

(4) S.I. 1980/30, amended by S.I. 1986/1657, 1991/576 and 1994/3130.

(5) See S.I. 1995/416, regulation 2(1), amended by S.I. 1998/

(6) 1977 c. 49. See S.I. 1997/2468.

(7) S.I. 1972/1265 (N.I.14).

(8) OJ No. L165, 7.7.1993, p.1.

(9) OJ No. L921, 24.10.1997, p.35.

(10) S.I. 1995/416; the relevant amending instrument is S.I. 1996/842.

(11) 1947 c. 27.

(12) S.I. 1974/506 (which was revoked by S.I. 1995/416).

(13) 1983 c. 54. Section 22 was amended by S.I. 1996/1591, regulation 6(5) and (6).

Power of direction

3.—(1) Subject to paragraph (2), the Secretary of State may give directions to the Joint Committee in connection with—

- (a) their functions under or by virtue of these Regulations or the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽¹⁴⁾, in so far as those functions relate to Community obligations in connection with specific training for general medical practice, in particular those contained in Title IV of the Medical Directive; and
- (b) any other functions of theirs which arise from Community obligations and which relate to specific training in general medical practice,

and it shall be the duty of the Joint Committee to comply with any such directions.

(2) Directions given under paragraph (1) may be as to matters of administration only.

Experience and certificates required

4.—(1) The Medical Practices Committee shall refuse an application under section 20 of the Act (applications to provide general medical services) if the applicant is not suitably experienced.

(2) A Health Board shall not arrange under section 19 of the Act for a person to provide general medical services for persons in the Board's area unless the Medical Practices Committee have granted an application by him under section 20 of the Act.

(3) An applicant who applies to a Health Board under section 20 of the Act shall produce as evidence that he is suitably experienced—

- (a) a certificate of prescribed experience;
- (b) a certificate of equivalent experience; or
- (c) a statement of the grounds upon which he claims that he is exempt by virtue of regulation 5 from the need to have acquired the prescribed experience, and evidence in support of his claim.

Exemptions

5.—(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 pursuance of an application made on or before that day⁽¹⁵⁾
- (c) if his name was included in a medical list by virtue of his having made an application within nine years after 15th February 1981 in a case where his name was not included in such a list on 15th February 1981, but had been so included before that day;
- (d) in respect of an application for his name to be included in a medical list for the provision of general medical services limited to—
 - (i) child health surveillance services only;
 - (ii) contraceptive services only;
 - (iii) maternity medical services only;
 - (iv) minor surgery services only; or
 - (v) any combination of the services mentioned in paragraphs (i) to (iv),

⁽¹⁴⁾ S.I. 1994/3130.

⁽¹⁵⁾ See S.I. 1980/30, regulation 3.

but only if the applicant's name was included in a medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;

- (e) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under section 32 of the National Health Service Act 1977 or article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978⁽¹⁶⁾, or is, by virtue of those regulations, or that Order, exempt from the need to have acquired the medical experience prescribed by those regulations or that Order;
 - (f) if he—
 - (i) is entitled to be registered under section 3 of the Medical Act 1983⁽¹⁷⁾ as a fully registered medical practitioner by virtue of subsection (1)(b) or (2) of that section, and
 - (ii) was established in the United Kingdom on 31st December 1994 by virtue of the primary European qualification⁽¹⁸⁾ giving rise to that entitlement; or
 - (g) if he holds a vocational training certificate or a certificate of acquired rights issued in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement) or by virtue of any enforceable Community right.
- (2) In this regulation—

“certificate of acquired rights” means a certificate issued under article 36(4) of the Medical Directive, to the effect that its holder has an acquired right to practise as a general medical practitioner under the national social security scheme of the issuing State without a vocational training certificate⁽¹⁹⁾;

“child health surveillance services”, “maternity medical services” and “minor surgery services” have the meanings assigned by regulation 2(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995⁽²⁰⁾;

“contraceptive services” has the meaning assigned by regulation 3(1)(c) of those Regulations;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993⁽²¹⁾;

“EEA State” means a state which is a contracting party to the EEA Agreement; and

“vocational training certificate” means a diploma, certificate or other evidence of formal qualifications awarded on completion of a course of specific training in general medical practice and referred to in article 30 of the Medical Directive.

⁽¹⁶⁾ S.I. 1978/1907 (N.I. 26).

⁽¹⁷⁾ 1983 c. 54. Section 3 was substituted by S.I. 1996/1591, regulation 3.

⁽¹⁸⁾ See section 17 of the Medical Act 1983, substituted by S.I. 1996/1591, regulation 4.

⁽¹⁹⁾ See, for the issue of certificates of acquired rights by the Joint Committee, S.I. 1994/3130, regulation 5(3).

⁽²⁰⁾ S.I. 1995/416, to which there have been amendments not relevant to this provision.

⁽²¹⁾ Cm. 2183 and OJ No. L1, 3.1.1994, p.572.

PART II

PRESCRIBED EXPERIENCE

Prescribed medical experience

6.—(1) Subject to regulation 12(9), the medical experience prescribed for the purposes of section 21(2)(a) of the Act is the satisfactory completion of a period or periods of training amounting to at least three years employment, and meeting the other requirements of this regulation.

(2) The reference in paragraph (1) to three years employment, and the references in paragraphs (3) and (4) to other periods of employment, are to periods of whole-time employment, but, subject to paragraph (8), the requirements of this regulation may be satisfied by periods of part-time employment of equivalent duration.

(3) The training shall include a period or periods amounting to at least 12 months employment as a General Practice (GP) Registrar with a practitioner who falls within regulation 7(1).

(4) The remainder of the training—

(a) shall be spent as a practitioner in posts falling within regulation 8; and

(b) shall include a period or periods amounting to not less than 6 months nor more than 12 months employment in each of two specialties mentioned in the list below—

(i) General Medicine;

(ii) Geriatric Medicine;

(iii) Paediatrics;

(iv) Psychiatry;

(v) One of—

Accident and Emergency Medicine; or

General Surgery; or

Accident and Emergency Medicine together with either General Surgery or Orthopaedic Surgery;

(vi) One of—

Obstetrics; or

Gynaecology; or

Obstetrics and Gynaecology.

(5) Where training is spent in employment in specialties which are not mentioned in subparagraph (b) of paragraph (4), not more than six months employment in any one such specialty may be taken into account in calculating, for the purposes of paragraph (1), the period or periods of training undertaken.

(6) The Joint Committee shall supervise the training and shall in particular secure that it complies with the requirements of article 31(1) of the Medical Directive, or (in the case of part-time training) article 31(1) as appropriately modified together with article 34 of that Directive (the text of articles 30, 31(1) and 34 as they had effect on the date these Regulations were made is reproduced in Schedule 1).

(7) The prescribed experience must be acquired within the period of seven years ending on the day on which a person makes an application for a certificate of prescribed experience under regulation 10.

(8) In relation to periods of part-time employment—

(a) in computing any period of training which began on or before 31st December 1994 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; and

- (b) in computing any period of training which began after 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the person employed, taken week by week, occupied less than 60% of the time usually occupied by the duties of persons employed whole-time in similar employment,

and in relation to any period of training which began after 31st December 1994 employment which is not whole-time shall not be regarded as equivalent to whole-time employment unless it includes at least two periods of whole-time employment, each lasting not less than one week, one such period falling within paragraph (3) and one within paragraph (4).

(9) For the purposes of this regulation, a “month” includes a period which begins on the first Wednesday of the month (whether or not that is the first day of the month) and ends on the last day of the month.

Approval of trainers

7.—(1) A practitioner falls within this paragraph for the purposes of paragraph (3) of regulation 6 if—

- (a) his name is included in a medical list; and
- (b) he is for the time being approved by the Joint Committee for the purposes of that paragraph.

(2) An approval under paragraph (1) may be withdrawn by the Joint Committee at any time before it expires.

(3) The Joint Committee must, before approving a practitioner under paragraph (1), be satisfied that the characteristics and qualities of the practitioner and his practice are such that he is suitable to provide the experience referred to in regulation 6(3).

Approval of training posts

8.—(1) A post falls within this regulation for the purposes of regulation 6(4) if it is—

- (a) a post which is, on 30th September immediately before the start of employment in that post, approved for those purposes by the Joint Committee in accordance with paragraph (2);
- (b) a post which is an educationally approved post for the purpose of acquiring prescribed experience under regulations made under section 32 of the National Health Service Act 1977;
- (c) a post which is an educationally approved post for the purpose of acquiring prescribed experience under regulations made under article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(22).

(2) The Joint Committee may approve a post for the purposes of paragraph (1) only if—

- (a) it is approved by the Specialist Training Authority of the Medical Royal Colleges (“the STA”) pursuant to article 7 of the European Specialist Medical Qualifications Order 1995(23); or
- (b) it is not so approved and the post is one for which there is no relevant Royal College or Faculty which is entitled to appoint a member of the STA pursuant to article 3(3) and Part I of Schedule 1 to that Order.

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

(23) S.I. 1995/3208.

Satisfactory completion of prescribed experience

9.—(1) In these Regulations, in relation to a period of training in any employment, “satisfactory completion” 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.

(2) Satisfactory completion of the period or periods of training prescribed by regulation 6(3) shall, if the whole of that training was undertaken after the day on which these Regulations come into force, be assessed by means of summative assessment, which for the purposes of these Regulations means reports, examinations, interviews, written submissions and other forms of assessment all designed to test the competencies specified in Schedule 2.

(3) Subject to paragraph (1) and Schedule 2, the procedure for carrying out summative assessment and the curriculum to be followed by a General Practice (GP) Registrar shall be determined and published by the Joint Committee from time to time.

(4) A practitioner may elect to be assessed on the curriculum which was current at the time he started training as a General Practice (GP) Registrar and under the summative assessment procedure which was applicable at that time, or on the curriculum which was current and under the procedure which was applicable at any other time during the period of his training.

(5) Subject to regulation 10(1), satisfactory completion of training shall be evidenced—

- (a) in relation to the period or periods prescribed by regulation 6(3), by a statement containing the information specified in Part I of Schedule 3, which is completed by the practitioner or practitioners with whom the training took place and signed by that person or persons and by the Director of Postgraduate General Practice Education or a person authorised by him to act on his behalf for that purpose; and
- (b) in relation to a period or periods prescribed by regulation 6(4), by a statement containing the information specified in Part II of Schedule 3, which is completed by the practitioner who has supervised the training and signed by him and by the Director of Postgraduate General Practice Education or a person authorised by him to act on his behalf for that purpose.

Certificate of prescribed experience

10.—(1) A person who claims to have acquired the prescribed experience may apply to the Joint Committee for a certificate of prescribed experience and shall include with his application the statements mentioned in regulation 9(5) or, if he does not have those statements, such evidence as the Joint Committee may require of satisfactory completion of his period of training.

(2) If the Joint Committee are satisfied that the applicant has acquired the prescribed experience, they shall issue to him a certificate of prescribed experience.

(3) A certificate of prescribed experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983, and where those qualifications were awarded.

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

PART III

EQUIVALENT EXPERIENCE

Meaning of equivalent experience

11. A practitioner's experience shall be regarded as equivalent to the prescribed experience if it has given the practitioner the level of knowledge and skill in general medical practice which he could reasonably be expected to have attained if he had acquired the prescribed experience.

Certificate of equivalent experience

12.—(1) A person who does not claim to have 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 may apply to the Joint Committee for a certificate of equivalent experience.

(2) The Joint Committee shall publish the criteria by which they will assess whether medical experience is equivalent to the prescribed experience.

(3) An application to the Joint Committee for a certificate of equivalent experience shall include particulars of the applicant's medical experience, together with such evidence of that experience as the Committee may require.

(4) An applicant whose experience includes that referred to in regulation 6(3) shall, if the whole of that experience was undertaken after the day on which these Regulations come into force, produce to the Joint Committee the statement referred to in regulation 9(5)(a), or other evidence that he has passed summative assessment (but no other applicant for a certificate of equivalent experience may be required to undertake summative assessment).

(5) If the Joint Committee are satisfied that the applicant's medical experience is equivalent to the prescribed experience and, in cases to which paragraph (4) applies, that he has passed summative assessment, they shall issue to him a certificate of equivalent experience.

(6) A certificate of equivalent experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983, and where those qualifications were awarded.

(7) If the Joint committee are satisfied that the medical experience in respect of which a certificate of equivalent experience is to be issued complies with all the requirements of the Medical Directive relating to specific training in general medical practice, they shall annotate the certificate to that effect.

(8) If the Joint Committee are not satisfied that the applicant's medical experience is equivalent to the prescribed experience, they shall issue to him a statement setting out the reasons why they are not satisfied.

(9) A person who holds a certificate of equivalent experience shall be treated as having acquired the prescribed medical experience, but shall not be entitled to obtain a certificate of prescribed experience.

PART IV

APPEALS AGAINST REFUSAL OF CERTIFICATES

Appeals against refusal of certificates

13.—(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 a notice of appeal to the Secretary of State within the period of 28 days beginning with the day on which the decision of the Joint Committee is given to him, or (subject to paragraph (2)) such longer period as the Secretary of State may allow.

(2) The Secretary of State may allow a longer period only where he is satisfied that there was reasonable cause for failing to send the notice of appeal within the period of 28 days referred to in paragraph (1).

(3) A notice of appeal shall contain a concise statement of the facts and contentions on which the applicant intends to rely.

Appeal bodies

14.—(1) An appeal under regulation 13 shall be determined by an appeal body appointed by the Secretary of State.

(2) The Secretary of State may appoint—

- (a) a separate appeal body to determine each appeal as it arises (in which case he shall appoint it on receipt of the notice of appeal); or
- (b) a single appeal body to determine all appeals;

and in the case of an appeal body falling within sub-paragraph (b) he may with effect from a specified date rescind the appointment and appoint a differently constituted appeal body.

(3) An appeal body shall consist of four persons of whom—

- (a) one shall be a legally qualified person who shall be appointed to be the Convenor;
- (b) one shall be nominated by the Royal College of General Practitioners;
- (c) one shall be nominated by the Scottish 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 Board, a Special Health Board or National Health Service trust which provides substantial facilities for undergraduate or postgraduate clinical training and who is nominated by the Scottish Joint Consultants Committee.

(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 appoint such other officers as he considers necessary.

Power of the Secretary of State to make new appointments

15.—(1) Where a member of an appeal body dies or resigns or is unable or refuses to carry out his duties, the Secretary of State may appoint a new member in accordance with regulation 14 and may rescind the appointment of the member who is unable or refuses to carry out his duties.

(2) A member of an appeal body shall not be deemed to be unable to carry out his duties, or to have refused to do so, if he has indicated to the other members how he casts his vote for the purposes of regulation 17(1).

(3) Where a new member is appointed after a notice of appeal has been transmitted to the appeal body but before the body has reached a decision, the appeal body shall, notwithstanding any hearing or consideration of the appeal which has already taken place, consider the appeal afresh in accordance with regulation 16.

(4) An appeal body shall be deemed to have reached a decision when a sufficient number of the members have given such indications to constitute a majority for the purposes of the regulation 17(1), notwithstanding that any document embodying the decision has not been drawn up, or signed by all or any of the members, or issued by the appeal body.

Procedure on appeal

16.—(1) Subject to the provisions of these Regulations, the procedure of the appeal body shall be determined by that body.

(2) The Secretary of State shall transmit a notice of appeal to the appeal body which is to determine the appeal.

(3) Before the appeal body considers the appeal, it may—

- (a) require the applicant to submit further particulars and documents in support of his appeal; and
- (b) make inquiries of such persons as they may think fit in connection with the appeal.

(4) The appeal body shall—

- (a) send to the applicant a copy of any comments made in reply to inquiries under paragraph (3)(b);
- (b) if a hearing is not to be held, give the applicant a period of 21 days beginning with the day on which the comments were sent to him to reply in writing to the comments; and
- (c) give notice to the applicant that he may, within a period specified in the notice, require the appeal body to give him an opportunity of appearing before and being heard by it.

(5) The appeal body may, or shall if so required by the applicant, hold a hearing for the purpose of considering the appeal and shall, before the beginning of the period of 21 days ending with the date on which any hearing is to be held, send notice to the applicant and to the Joint Committee of that date, and of the time and place of the hearing.

(6) The proceedings of the appeal body shall be conducted in private, unless the applicant requests a public hearing.

(7) At a hearing by the appeal body—

- (a) the applicant may appear and be heard in person, or he may be represented by counsel, a solicitor, or any other person; and
- (b) the Joint Committee may appear and be represented by counsel, a solicitor, or any duly authorised member or officer of the Committee.

(8) Where the applicant has required a hearing but does not appear and is not represented at the hearing, and the appeal body are not satisfied that there was good reason for the failure to appear or be represented, they may treat the requirement as having been withdrawn and either hold no hearing or (if the Joint Committee are present or represented) proceed with the hearing in the absence of the applicant.

(9) Where a hearing was to have been held in any case not falling within paragraph (8), and either the applicant or the Joint Committee does not appear at the hearing and is not represented, the appeal body may hear the party present or represented or may decide that a hearing is not to be held.

(10) Where at a hearing neither the applicant nor the Joint Committee appears or is represented, or in any case falling within paragraph (8) or (9), the appeal body may determine the appeal without further notice to the applicant or to the Joint Committee.

(11) The appeal body may accept the withdrawal of an appeal at any time before a decision on the appeal is made on receipt of written notice of withdrawal from the applicant.

(12) The appeal body may treat an appeal as having been withdrawn if—

- (a) it has not yet reached a decision on the appeal; and
- (b) it has tried to contact the applicant but has not, after a reasonable interval, been successful in doing so, or a letter properly sent to the applicant has been returned on the ground that it could not be delivered; and
- (c) it has sent notice to the applicant that his appeal will be treated as withdrawn if the applicant does not, within the period of 28 days beginning with the date on which the notice was sent, confirm that he wishes to proceed with his appeal.

(13) The provisions of paragraphs 3 to 5 of Schedule 12 to the Act (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Secretary of State) shall apply for the purposes of 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 paragraphs 3 and 4 of that Schedule, for the words “the person appointed to hold the inquiry” there were substituted the words “the Convenor of an appeal body appointed for the purposes of the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998”.

Determination of appeals

17.—(1) In arriving at their decision on the appeal, whether or not a hearing has been held—

- (a) the decision of the appeal body shall be the decision of a majority; and
- (b) the Convenor shall not be entitled to vote, except in the case of an equality of votes.

(2) The appeal body shall send written notice to the applicant and the Joint Committee of its decision and the reasons for its decision.

(3) 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 the appropriate certificate to him.

PART V

MISCELLANEOUS

Service of notices, etc.

18. 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
- (b) by sending it by recorded delivery addressed to him at his usual or last known address; or
- (c) where that person is represented by a solicitor, by sending it by recorded delivery to the solicitor at his usual or principal professional address; or
- (d) in the case of the Joint Committee by sending it by post in a prepaid letter to their secretary.

Revocations

19. The Regulations specified in column (1) of Schedule 4 are revoked to the extent specified in column (3) of that Schedule.

Existing circumstances

20.—(1) Where a person who applies or has applied to the Joint Committee for a certificate of prescribed experience has undertaken a period of training which began before the date on which these Regulations come into force and which, at the date on which that period began, fell within regulation 5(1)(b)(i) of the 1980 Regulations, the Joint Committee shall treat that period of training as falling within regulation 6(3) of these Regulations.

(2) Where such a person has undertaken a period of training which began before the date on which these Regulations come into force and which, at the date on which that period began, fell within regulation 5(1)(b)(ii) of the 1980 Regulations—

- (a) the Joint Committee shall treat that period of training as falling within paragraph (4) of regulation 6 of these Regulations, but as if the maximum period of employment which is specified in sub-paragraph (b) of that paragraph, in relation to specialties mentioned in that sub-paragraph, did not apply; and
- (b) where that training was in employment in a specialty which is not mentioned in the said sub-paragraph (b), regulation 6(5) shall not apply.

(3) Where, pursuant to a specific recommendation of the Joint Committee in connection with an application or proposed application for a certificate of prescribed experience or a certificate of equivalent experience, a person has, before the date on which these Regulations come into force, entered into an agreement to undertake a particular period of training which would, at the time at which he entered into that agreement, have fallen within regulation 5(1)(b)(ii) of the 1980 Regulations, sub-paragraphs (a) and (b) of paragraph (2) shall apply, notwithstanding that the training commenced after the date on which these Regulations come into force.

(4) A post which is, immediately before the day on which these Regulations come into force, an educationally approved post within the meaning of regulation 5(5)(a)(24) of the 1980 Regulations, shall be deemed to fall within regulation 8(1)(a) of these Regulations until such time as approval of that post is withdrawn by the Joint Committee.

(5) Except for regulation 16(12), Part IV of these Regulations shall not apply to any appeal against a refusal by the Joint Committee to issue a certificate of prescribed or equivalent experience in any case where notice of appeal has been given to the Secretary of State before the date on which these Regulations come into force and, notwithstanding the provisions of regulation 19, regulations 9 to 11 of the 1980 Regulations shall continue to apply in that case.

(6) In this regulation, “the 1980 Regulations” means the National Health Service (Vocational Training) (Scotland) Regulations 1980(25).

St Andrew’s House,
Edinburgh
5th January 1998

Sam Galbraith
Minister for Health Scottish Office

(24) S.I. 1980/30, relevant amending instrument is S.I. 1986/1657.

(25) S.I. 1980/30, amended by S.I. 1986/1657, 1991/576 and 1994/3130.

SCHEDULE 1

Regulation 6(6)

TEXT OF ARTICLES 30, 31(1) AND 34 OF THE MEDICAL DIRECTIVE

Article 30

Each Member State which dispenses the complete training referred to in Article 23 within its territory shall institute specific training in general medical practice meeting requirements at least as stringent as those laid down in Articles 31 and 32, in such a manner that the first diplomas, certificates or other evidence of formal qualifications awarded on completion of the course are issued not later than 1st January 1990.

Article 31(1)

The specific training in general medical practice referred to in Article 30 must meet the following minimum requirements:

- (a) entry shall be conditional upon the successful completion of at least six years' study within the framework of the training course referred to in Article 23;
- (b) it shall be a full-time course lasting at least two years, and shall be supervised by the competent authorities or bodies;
- (c) it shall be practically rather than theoretically based; the practical instruction shall be given, on the one hand, for at least six months in an approved hospital or clinic with suitable equipment and services and, on the other hand, for at least six months in an approved general medical practice or in an approved centre where doctors provide primary care; it shall be carried out in contact with other health establishments or structures concerned with general medical practice; however, without prejudice to the aforesaid minimum periods, the practical instruction may be given for a maximum period of six months in other approved health establishments or structures concerned with general medical practice;
- (d) it shall entail the personal participation of the trainee in the professional activities and responsibilities of the persons with whom he works.

Article 34

1. Without prejudice to the principal of full-time training laid down in Article 31(1)(b), Member States may authorise specific part-time training in general medical practice in addition to full-time training where the following particular conditions are met:

- the total duration of training may not be shortened because it is being followed on a part-time basis,
- the weekly duration of part-time training may not be less than 60% of weekly full-time training,
- part-time training must include a certain number of full-time training periods, both for the training conducted at a hospital or clinic and for the training given in an approved medical practice or in an approved centre where doctors provide primary care. These full-time training periods shall be of sufficient number and duration as to provide adequate preparation for the effective exercise of general medical practice.

2. Part-time training must be of a level of quality equivalent to that of full-time training. It shall lead to a diploma, certificate or other evidence of formal qualification, as referred to in Article 30.

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SCHEDULE 2

Regulation 9(2)

COMPETENCIES TO BE TESTED BY SUMMATIVE ASSESSMENT

The competencies to be tested by summative assessment are:

1. factual medical knowledge which is sufficient to enable the practitioner to perform the duties of a general practitioner;
2. the ability to apply factual medical knowledge to the management of problems presented by patients in general practice;
3. effective communication, both orally and in writing;
4. the ability to consult satisfactorily with general practice patients;
5. the ability to review and critically analyse the practitioner's own working practices and manage any necessary changes appropriately;
6. clinical skills; and
7. the ability to synthesize all of the above competencies and apply them appropriately in a general practice setting.

SCHEDULE 3

Regulation 9(5)

INFORMATION TO BE INCLUDED IN STATEMENTS OF SATISFACTORY COMPLETION OF TRAINING

PART I

Information to be included in a statement of satisfactory completion of the prescribed experience as a General Practice (GP) Registrar

Doctor's name and address

GMC Full Registration Number

Dates between which training took place, and total duration of training in months

Whether training was full-time or part-time, and if part-time, what ratio to full-time

Name and practice address of trainer or trainers

Statement that the doctor has passed summative assessment

Date of signatures required by regulation 9(5)(a)

PART II

Information to be included in a statement of satisfactory completion of a period of prescribed experience in a post falling within regulation 8

Doctor's name and address

GMC Full Registration Number

Dates between which training took place, and total duration of training in months

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Whether training was full-time or part-time, and if part-time, what ratio to full-time

Name and address of hospital or community post

Number of hospital or community post or other reference, where available

Name of post and hospital grade, if appropriate

Specialty of post

Name, grade and professional address of doctor supervising training

Statement of satisfactory completion of training

Date of signatures required by regulation 9(5)(b)

SCHEDULE 4

Regulation 19

REVOCATIONS

<i>(1)</i> <i>Regulations revoked</i>	<i>(2)</i> <i>References</i>	<i>(3)</i> <i>Extent of revocation</i>
The National Health Service (Vocational Training) (Scotland) Regulations 1980	S.I. 1980/30	The whole Regulations
The National Health Service (Vocational Training) (Scotland) Amendment Regulations 1986	S.I. 1986/1657	The whole Regulations
The National Health Service (Vocational Training) (Scotland) Amendment Regulations 1991	S.I. 1991/576	The whole Regulations
The Vocational Training for General Medical Practice (European Requirements) Regulations 1994	S.I. 1994/3130	Part III in so far as it makes amendments to the National Health Service (Vocational Training) (Scotland) Regulations 1980

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the National Health Service (Vocational Training) Regulations 1980 and the Regulations which amended them.

The Regulations prescribe the medical experience which, under section 21 of the National Health Service (Scotland) Act 1978, a medical practitioner is required to have acquired before being

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included in a Health Board's list of practitioners undertaking to provide general medical services (regulations 4 and 6). They also prescribe the circumstances in which medical practitioners are exempt from the need to have acquired the prescribed medical experience (regulation 5). They provide for the Joint Committee on Postgraduate Training for General Practice ("the Joint Committee") to approve practitioners as GP trainers (regulation 7) and hospital and community training posts (regulation 8). The Regulations also introduce a procedure for summative assessment of experience gained during the prescribed training as a General Practice (GP) Registrar (regulation 9 and Schedule 2).

The Regulations require the Joint Committee to issue a medical practitioner with a certificate of prescribed experience if they are satisfied that he has acquired the necessary experience (regulation 10), or a certificate of equivalent experience if they are satisfied that he has acquired experience which is equivalent to the prescribed experience (regulations 11 and 12).

The Regulations provide for the establishment and procedure of an appeal body to hear appeals against the refusal of a certificate of prescribed or equivalent experience (regulation 14) and for the procedure to be followed on appeal (regulations 16 and 17).

The Regulations give effect to Title IV of Council Directive [93/16/EEC](#) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (which is referred to in these Regulations as "the Medical Directive"), as read with the Agreement on the European Economic Area ("EEA") signed at Oporto on 2nd May 1992 (as adjusted). Title IV of the Medical Directive is about vocational training for doctors providing general medical services in the national social security schemes of the member States. The Regulations also make provision relating to a person who is not a national of a member State of the EEA, but who is entitled to be treated no less favourably than an EEA national by virtue of a right conferred by article 11 of Council Regulation [\(EEC\) No. 1612/68](#) (OJ No. L 257, 19.10.1968, p.1) or any other enforceable Community right (such as those derived from articles 48 and 52 of the Treaty of Rome).

With the exception of regulation 3 (power of direction), which is made under powers in section 2(2) of the European Communities Act 1972, most of the provisions of the Regulations could be made under powers in the National Health Service (Scotland) Act 1978. Community obligations are, however, of relevance to provisions of the Regulations other than regulation 3, including specifically regulation 6(6) (supervision of training by the Joint Committee) and regulations 7 (approval of trainers) and 8 (approval of training posts).