
STATUTORY INSTRUMENTS

2003 No. 1250

**The General and Specialist Medical Practice
(Education, Training and Qualifications) Order 2003**

PART 4

THE REGISTERS

Specialists eligible for entry in the Specialist Register

14.—(1) A person is an eligible specialist for the purposes of article 13(2)(b) if he was included in the specialist register maintained by the GMC under the ESMQO 1995 immediately before article 13 of this Order came into force, by virtue of the transitional provisions set out in article 12 of the ESMQO 1995 (existing specialists).

(2) A person is also an eligible specialist for the purposes of article 13(2)(b) if the STA (or, where applicable, the STA's appeal panel), has determined that that person is an eligible specialist pursuant to article 9(2) or (3) of the ESMQO 1995 (eligible specialists).

(3) A person is also an eligible specialist for the purposes of article 13(2)(b) if he holds a recognised specialist qualification (as specified in article 15) and he is—

- (a) a national of an EEA State; or
- (b) a person who for the purposes of access to and the practice of the medical profession is entitled to be treated in the same way as such a national in order to enable an enforceable Community right to be exercised.

(4) A person is also an eligible specialist for the purposes of article 13(2)(b) if—

- (a) he does not fall within paragraph (3); but
- (b) he has—

- (i) undertaken specialist training, or
- (ii) been awarded specialist qualifications,

in a specialty listed in Schedule 3, and he satisfies the Board that that specialist training is, or those qualifications are, or both when considered together are, equivalent to a CCT in the specialty in question.

(5) A person is also an eligible specialist for the purposes of article 13(2)(b) if—

- (a) he has—
 - (i) undertaken specialist training, or
 - (ii) been awarded specialist qualifications,outside the United Kingdom in a medical specialty not listed in Schedule 3; or
- (b) he has knowledge of or experience in any medical specialty derived from academic or research work,

and he satisfies the Board that these give him a level of knowledge and skill consistent with practise as a consultant in the National Health Service.

(6) If a person falls within paragraph (4) or (5) and—

(a) he is also a person falling within sub-paragraph (a) or (b) of paragraph (3), and he has specialist qualifications awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a specialist in that State; or

(b) he has acquired specialist medical experience or knowledge, wherever obtained,

the Board shall, when considering whether it is satisfied as mentioned in paragraph (4) or (5), take account of that acceptance or of that experience or knowledge.

(7) In paragraphs (4) and (5), “specialist training” means specialist medical training that—

(a) comprises of theoretical and practical instruction in a post specifically designated as a training post;

(b) takes place in a university centre, a teaching hospital or other health establishment;

(c) is supervised by an appropriate authority or other body; and

(d) involves the personal participation of the person training to be a specialist in the activity and in the responsibilities of the establishment concerned.

(8) If the Board is not satisfied, having taken into account the matters specified in paragraph (6) (where applicable), that—

(a) under paragraph (4), a person’s specialist training, or specialist qualifications, or both when considered together, are equivalent to a CCT in the specialty in question; or

(b) under paragraph (5)—

(i) a person’s specialist training, or specialist qualifications, or both when considered together, give him the required level of knowledge and skill, or

(ii) a person’s knowledge of, or experience in, any medical specialty derived from academic or research work, give him the required level of knowledge and skill,

paragraph (9) shall apply.

(9) Where this paragraph applies, the Board shall give reasons as to why it is not satisfied, and, in particular, shall inform the person of—

(a) the period of additional training that the person must undertake, and the fields to be covered by it;

(b) any examination, assessment (including a specified period of assessment) or other test of competence that the person must complete to the Board’s satisfaction,

in order to satisfy the Board under paragraph (4) or (5).

(10) In respect of any application under paragraph (4) or (5), the Board shall notify the applicant of its decision (and, where relevant, of the matters set out in paragraph (9)), in accordance with its duty under article 16(4).

(11) If the Board is satisfied—

(a) pursuant to paragraph (4), that a person’s specialist training, specialist qualifications, or both when considered together, are equivalent to a CCT in the specialty in question; or

(b) pursuant to paragraph (5) that—

(i) a person’s specialist training, specialist qualifications, or both when considered together, give him the required level of knowledge and skill, or

(ii) a person’s knowledge of, or experience in, any medical specialty derived from academic or research work, give him the required level of knowledge and skill,

it shall, if the person so requests, issue to that person a written statement attesting to the fact that the person has satisfied the Board that he is eligible for inclusion in the Specialist Register (“statement of eligibility for registration”).

(12) The Board shall make rules as to the procedure to be followed in relation to and by persons applying to the Board under paragraph (4) or (5), including rules as to the evidence it requires in support of such an application.