

SCHEDULE 8

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART 2

THE GENERAL PRACTITIONER REGISTER

General practitioners permitted to work within the National Health Service during the transitional period

21. This Part shall apply until article 10(4) is brought fully into force.

22.—(1) Subject to sub-paragraph (2) and (3), a person shall not be eligible to be appointed to any post, or work as, a general practitioner in the National Health Service unless—

- (a) he is a registered medical practitioner; and
- (b) he—
 - (i) holds a CCT in general practice awarded by the Board,
 - (ii) has one of the certificates referred to in article 11(1),
 - (iii) was exempt from the need to have acquired the prescribed experience by regulation 5(1)(a), (b), (c), (d) or (f) of the Regulations referred to in article 11(2),
 - (iv) has a statement of eligibility issued to him under article 11(7), or
 - (v) has an acquired right in accordance with article 12(1) and Schedule 6.

(2) The prohibition in sub-paragraph (1) includes—

- (a) in England and Wales—
 - (i) nomination or approval to fill a vacancy for a medical practitioner pursuant to any regulations made under section 29B of the 1977 Act⁽¹⁾ (vacancies for medical practitioners),
 - (ii) inclusion in a list of persons undertaking to provide general medical services pursuant to any regulations made under section 29 of the 1977 Act⁽²⁾ (arrangements and regulations for general medical services) or in a list of persons approved for the purpose of assisting in the provision of any such services prepared pursuant to section 43D of that Act⁽³⁾ (supplementary lists),
 - (iii) performing personal medical services as part of a pilot scheme within the meaning of section 1(1) of the 1997 Act (pilot schemes), or in accordance with any arrangements made pursuant to section 28C of the 1977 Act⁽⁴⁾ (personal medical or dental services), or

(1) Section 29B was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 32(1); and amended by: the Health and Social Care Act 2001 (c. 15), section 15(1) and (2), and section 20(1) and (3); and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, paragraphs 1 and 5.

(2) Section 29 was extended by the Health and Medicines Act 1988 (c. 49), section 17; and amended by: the Health Services Act 1980 (c. 53), sections 1 and 7 and Schedule 1, paragraph 42(b); the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 6, paragraph 2; the Medical Act 1983 (c. 54), section 56(1) and Schedule 5, paragraph 16(a); S.I. 1985/39, article 7(3); the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 18; the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 8; and the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, paragraphs 1 and 3.

(3) Section 43D was inserted by the Health and Social Care Act 2001 (c. 15), section 24, and amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 2(5) and Schedule 2, paragraphs 1 and 20.

(4) Section 28C is to be inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(1).

Status: This is the original version (as it was originally made).

- (iv) inclusion in a list of persons who may perform personal medical services pursuant to any regulations made under section 8ZA of the 1997 Act⁽⁵⁾ (lists of persons who may perform personal medical services or personal dental services) or section 28DA of the 1977 Act⁽⁶⁾ (lists of persons who may perform personal medical services or personal dental services);
 - (b) in Scotland—
 - (i) nomination or approval to fill a vacancy for a medical practitioner to provide general medical services pursuant to any regulations made under section 19B (vacancies for medical practitioners) or section 24 (regulations for medical practices committees) of the 1978 Act⁽⁷⁾,
 - (ii) inclusion in a list of persons undertaking to provide general medical services pursuant to any regulations made under section 19 of the 1978 Act (arrangements and regulations for general medical services) or in a list of persons approved to assist in the provision of such services pursuant to section 24B of that Act⁽⁸⁾ (supplementary lists),
 - (iii) performing personal medical services as part of a pilot scheme within the meaning of section 1(1) of the 1997 Act (pilot schemes) or in accordance with any arrangements made pursuant to section 17C of the 1978 Act⁽⁹⁾ (personal medical or dental services), or
 - (iv) inclusion in a list of persons who may perform personal medical services pursuant to any regulations made under section 17EA of the 1978 Act⁽¹⁰⁾ (services lists);
 - (c) in Northern Ireland—
 - (i) inclusion in a list of persons undertaking to provide general medical services pursuant to any regulations made under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹¹⁾ (arrangements for general medical services),
 - (ii) performing personal medical services as part of a pilot scheme within the meaning of Article 3(1) of the Health Services (Primary Care) (Northern Ireland) Order 1997⁽¹²⁾, or in accordance with any arrangements made pursuant to Article 15B⁽¹³⁾ of the Health and Personal Social Services (Northern Ireland) Order 1972, or perform personal medical services within the meaning of Article 3(7) of the Health Services (Primary Care) (Northern Ireland) Order 1997, or
 - (iii) being engaged as a deputy by, or employed as an assistant by a person undertaking to provide general medical services pursuant to any regulations made under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972 (arrangements for general medical services).
- (3) The prohibition in sub-paragraph (1) does not include any person undertaking a period of employment as a GP Registrar, or a person who is provisionally registered under section 15, 15A or 21 of the Medical Act acting in the course of his employment in a resident medical capacity in an approved medical practice (within the meaning of section 11(4) of that Act).

⁽⁵⁾ Section 8ZA was inserted by the Health and Social Care Act 2001 (c. 15), section 26(2).

⁽⁶⁾ Section 28DA is to be inserted by the Health and Social Care Act 2001 (c. 15), section 26(1).

⁽⁷⁾ Section 19B is to be inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 33(1).

⁽⁸⁾ Section 24B is to be inserted by the Community Care and Health (Scotland) Act 2002 (asp 5), section 18(2).

⁽⁹⁾ Section 17C was inserted by the National Health Service (Primary Care) Act 1997 (c. 46), section 21(2).

⁽¹⁰⁾ Section 17EA was inserted by the Community Care and Health (Scotland) Act 2002 (asp 5), section 18(1).

⁽¹¹⁾ S.I. 1972/1265 (N.I. 14).

⁽¹²⁾ S.I. 1997/1177 (N.I. 7).

⁽¹³⁾ Article 15B is to be inserted by article 21 of the Health Services (Primary Care) (Northern Ireland) Order 1997 (S.I. 1997/1177 (N.I. 7)).

- (4) A person who has an acquired right under paragraph 1(d) of Schedule 6 shall not be—
- (a) nominated or approved by a Health Authority or Primary Care Trust pursuant to any regulations made under section 29B of the 1977 Act (vacancies for medical practitioners), or included in a list of persons undertaking to provide general medical services pursuant to any regulations made under section 29 of the 1977 Act (arrangements and regulations for general medical services);
 - (b) nominated or approved under section 19B of the 1978 Act (vacancies for medical practitioners), selected in accordance with section 23 of that Act (distribution of general medical services) or included in a list of persons undertaking to provide general medical services pursuant to any regulations made under section 19 of that Act (arrangements and regulations for general medical services); or
 - (c) included in a list of persons undertaking to provide general medical services pursuant to any regulations made under Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972 (arrangements for general medical services),

merely because of that acquired right.

(5) A restricted services principal whose name is included in the General Practitioner Register by virtue of—

- (a) an acquired right by virtue of paragraph 1(a) of Schedule 6; or
- (b) an exemption from the need to have the prescribed experience under regulation 5(1)(d) of the Vocational Training Regulations, regulation 5(1)(d) of the Vocational Training Regulations (Scotland) or regulation 5(1)(d) of the Vocational Training Regulations (Northern Ireland) (which relate to exemptions),

shall not be entitled to practise otherwise than in accordance with the restriction which applies in his case.