
STATUTORY INSTRUMENTS

2003 No. 3148

**The European Qualifications (Health
Care Professions) Regulations 2003**

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the European Qualifications (Health Care Professions) Regulations 2003 and—

(a) regulation 10(4) shall come into force—

(i) for the purposes of article 8A(1)(b)(ii) and (2) of the European Specialist Medical Qualifications Order⁽¹⁾,

(ii) for the purposes of article 8A(3) in so far as it relates to article 8A(1)(b)(ii) and (2) of the European Specialist Medical Qualifications Order, and

(iii) for the purposes of article 8A(6) of the European Specialist Medical Qualifications Order,

immediately after the coming into force of the first rules made under paragraph 3 of Schedule 3B to the Medical Act⁽²⁾;

(b) regulation 14 (3) shall come into force for the purposes of regulation 3A(2)(b)(ii), (4) and (5) inserted into the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 by that regulation, immediately after the coming into force of the first rules made under paragraph 3 of Schedule 3B to the Medical Act; and

(c) the remainder shall come into force on the 31st December 2003.

(2) In these Regulations—

“the Dentists Act” means the Dentists Act 1984⁽³⁾;

“the Medical Act” means the Medical Act 1983⁽⁴⁾;

“the Nurses, Midwives and Health Visitors Act” means the Nurses, Midwives and Health Visitors Act 1997⁽⁵⁾;

“the Pharmacy Act” means the Pharmacy Act 1954⁽⁶⁾;

“the Health Professions Order” means the Health Professions Order 2001⁽⁷⁾;

“the Nursing and Midwifery Order” means the Nursing and Midwifery Order 2001⁽⁸⁾.

(3) The extent of any amendment made by these Regulations is the same as that of the enactment amended.

(1) [S.I.1995/3208](#), amended by [S.I.1997/2928](#), [1999/1373](#), [1999/3154](#) and [2002/849](#).

(2) This Schedule was inserted by article 11 of the Medical Act 1983 (Amendment) Order 2002, [S.I. 2002/3135](#).

(3) [1984 c. 24](#); as amended by [S.I.1996/1496](#) and [1998/811](#). There are other amendments to the Act not relevant to these Regulations.

(4) [1983 c. 54](#); as amended by [S.I. 1996/1591](#) and [2002/3135](#). There are other amendments to the Act not relevant to these Regulations.

(5) [1997 c. 24](#). The Act has been partially repealed by [S.I. 2001/1985](#) and [2002/1167](#).

(6) [1954 c. 61](#); as amended by [S.I. 1987/2202](#) and [1996/1405](#). There are other amendments to the Act not relevant to these Regulations.

(7) [S.I. 2002/254](#).

(8) [S.I.2002/253](#).

NURSES

Amendment of Nurses, Midwives and Health Visitors Act

2.—(1) Until its repeal by virtue of section 60(3) of the Health Act 1999, section 21 of the Nurses, Midwives and Health Visitors Act (visiting EEA nurses and midwives) is to have effect as if it were amended in accordance with this regulation.

(2) In subsection (6)—

(a) in the definition of—

- (i) “Nursing Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive [2001/19/EC](#) and the Swiss Agreement”;
- (ii) “Midwifery Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive [2001/19/EC](#) and the Swiss Agreement”;

(b) after the definition of “Midwifery Directive”, insert the following definitions—

““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 and as amended, so far as relevant to this Act, by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002;”;

““EEA State” means a Contracting Party to the EEA Agreement or Switzerland;”;

““national”, in relation to an EEA State, means the same as it does for the purposes of the Community Treaties but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.”; and

(c) omit the words “and ‘EEA Agreement’, ‘EEA State’ and ‘national’ shall be construed in accordance with section 8(8)”.

(3) In subsection (7), after the definition of “the Accession of Austria, Finland and Sweden Act”, add the following definition—

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21 June 1999.”.

Performance of functions under the Nursing and Midwifery Order and subordinate legislation

3.—(1) The Nursing and Midwifery Council shall in performing its functions under Schedule 2 to the Nursing and Midwifery Order (transitional provisions), apply the provisions of the Nurses, Midwives and Health Visitors Act as if they had effect as modified by virtue of regulation 2.

(2) The Council shall perform its functions under the Schedule to the Nurses, Midwives and Health Visitors Approval Order 1983(9) (Nurses, Midwives and Health Visitors Rules 1983) as if—

- (a) in rules 7(1) and (2)(a), 8(5)(a) and (b), and 44(1)(c), references to “EEA State” included Switzerland;
- (b) in rule 7 (admission to part or parts of the register following professional qualification in an EEA State other than the United Kingdom), after paragraph (1), there were inserted—

(9) S.I. [1983/873](#) as amended by S.I. [1986/786](#), [1989/1456](#), [1996/3103](#), [1997/1723](#) and [2000/2554](#).

“(1A) If the Council refuses to admit a person who makes an application mentioned in paragraph (1)(a) to the relevant Part or Parts of the register, it shall within the period referred to in section 8(7) of the Act, give the applicant notice of that decision and the reasons for it.”;

- (c) in rule 8 (admission to part or parts of the register following successful completion of training, as a nurse, a midwife or a health visitor, and original registration outside the United Kingdom), after paragraph (3B), there were inserted—

“(3C) In the case of an applicant who is as described in sub-paragraph (a) or (b) of paragraph (5), the Council shall, within the specified period, give her—

- (a) notice of the action to be taken under paragraph (3)(a) or (aa); or
- (b) the information mentioned in paragraph (3)(b) or (c); and
- (c) the reasons for—
 - (i) her admittance being made subject to conditions as mentioned in paragraph (3)(aa),
 - (ii) the requirement that she obtain training or experience as mentioned in paragraph (3)(b), or
 - (iii) the rejection of her application.

(3D) In paragraph (3C), “the specified period” means the period of three months beginning with the date on which the Council receives the application together with full supporting documentation.”;

- (d) in rules 14A(13) and 18(4), after “89/595/EEC”, there were added “and Directive [2001/19/EC](#)(**10**)”;
- (e) in rule 14B(11)(a)—
- (i) “as amended by 89/595/EEC” were omitted, and
 - (ii) after “for general care”, there were added “as amended by Council Directive [89/595/EEC](#) and Directive [2001/19/EC](#)”; and
- (f) in rule 27, in the definition of “Midwives Directive”, after “[89/594/EEC](#)”, there were added “and Directive [2001/19/EC](#)”.

Amendment of the Nursing and Midwifery Order

4.—(1) The Nursing and Midwifery Order is amended in accordance with this regulation.

(2) In Schedule 4 to the Nursing and Midwifery Order (interpretation)—

- (a) for the definition of “EEA Agreement”, substitute—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992(**11**) as adjusted by the Protocol signed at Brussels on 17 March 1993(**12**) and as amended by Decision of the EEA Joint Committee No. 84/2002 of 25 June 2002(**13**)”;

- (b) in the definition of—

- (i) “EEA State”, after “Agreement”, add “or Switzerland”,

(10) O.J. L206, 31.7.2001, p.1.

(11) Cm. 2073 and O.J. No. L 1, 3.1.1994, p.3.

(12) Cm.2183 and O.J. No. L 1, 3.1.1994, p.572.

(13) O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions not relevant to this Order.

- (ii) “Midwifery Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act and the Swiss Agreement”;
 - (iii) “national” after “Treaties”, add “but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.”;
 - (iv) “Nursing Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act and the Swiss Agreement”; and
- (c) insert the following definition at the appropriate place—
- ““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21 June 1999(14);”.

Amendment of the European Nursing and Midwifery Qualifications Designation Order 1996

- 5.—(1) In the European Nursing and Midwifery Qualifications Designation Order 1996(15)—
- (a) in paragraph (1) of article 2 (interpretation)—
 - (i) in the definition of “the First Nursing Directive” and the definition of “the First Midwifery Directive”, for “and the accession of Austria, Finland and Sweden Act”, substitute, “, the Accession of Austria, Finland and Sweden Act, Directive 2001/19/EC and the Swiss Agreement”;
 - (ii) in the definition of “the Second Nursing Directive”, after “89/595/EEC”, add “and Directive 2001/19/EC”;
 - (iii) in the definition of “the Second Midwifery Directive”, after “89/594/EEC”, add “and Directive 2001/19/EC”, and
 - (iv) insert the following definition at the appropriate place—

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons signed at Luxembourg on 21st June 1999”.
 - (b) in article 6 (qualifications in respect of which a diploma not specified in Schedule 2 is awarded in respect of training which complies with Directive requirements), in paragraph (2)(b)(ii), for “Article 3 of” in both places, substitute “the Annex to”;
 - (c) in Schedule 1 (table showing implementation dates etc.), after the entry for Sweden, insert—

“Switzerland	1st June 2002	1st June 2002	1st June 2002”
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- (d) for Schedule 2 (diplomas listed in the First Nursing Directive, article 3, and the First Midwifery Directive, article 3), substitute the Schedule 2 set out in Schedule 1, to these Regulations.

(14) O.J. No. L 114, 30.04.2002, p.6.

(15) S.I. 1996/3102.

DENTISTS

Amendment of Dentists Act

- 6.—(1) The Dentists Act is amended in accordance with this regulation.
- (2) In section 15 (qualification for registration in the dentists register)—
- (a) in subsection (4A), for “EEC” substitute “EEA”;
 - (b) in subsection (7), in the definition of—
 - (i) “the EEA Agreement”, after “1993”, add “and as amended, so far as relevant to this Act, by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002”;
 - (ii) “EEA State”, after “Agreement”, add “or Switzerland”.
- (3) In section 16 (supplementary provisions as to registration of holders of overseas diplomas), in subsection (2A) for paragraphs (a) and (b) substitute—
- “(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision;
 - (b) if the person holds a dental qualification granted outside the EEA which has been accepted by another EEA State as qualifying him to practise as a dentist in that State, shall take that acceptance into account; and”.
- (4) In section 17 (temporary registration), in subsection (3A)—
- (a) for “any professional dental experience or knowledge that he has acquired in another EEA State”, substitute “all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to that decision”; and
 - (b) for “such a State”, substitute “another EEA State”.
- (5) In section 21A (notification of result of application for registration by an EEA national), in subsection (1), after “for registration under section 15(1)(b)”, insert “or (c)”.
- (6) In Schedule 2 (European dental qualifications), Part I (appropriate European diplomas) is amended as follows—
- (a) in paragraph 1(1), in the definition of—
 - (i) “Community Council Directive No 78/686/EEC”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive 2001/19/EC and the Swiss Agreement”;
 - (ii) “the Dental Training Directive”, after “Act”, add “and Directive 2001/19/EC”;
 - (iii) “the implementation date”, omit “and” the end of paragraph (d) and after paragraph (d) insert—
 - “(da) in the case of Switzerland, 1st June 2002; and”;
 - (b) in paragraph 1(2), after the definition of “the Accession of Austria, Finland and Sweden Act”, add the following definition—
 - ““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”;
 - (c) after paragraph 6, insert—
 - “6A.—(1) A diploma in medicine awarded in Italy to a person who began medical training at a university on or after 28th January 1980 but not later than 31st December 1984 is an appropriate European diploma for the purposes of section 15(1)(b) of this Act where,

subject to sub-paragraph (2) below, that person produces to the registrar a certificate issued by the competent authority in Italy certifying that—

- (a) he has passed the specialist aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification listed for Italy in Part II of this Schedule;
- (b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and
- (c) he is authorised to practise dentistry under the same conditions as a holder of the qualification listed for Italy in Part II of this Schedule.

(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (1)(a) above if he satisfies the registrar that he has successfully completed three years of study which are certified by the competent authority of Italy as being equivalent to the training referred to in Article 1 of the Dental Training Directive.”.

(7) For Part II of Schedule 2 (scheduled European diplomas), substitute the Part II of that Schedule set out in Part I of Schedule 2 to these Regulations.

Amendment of European Primary and Specialist Dental Qualifications Regulations 1998

7.—(1) The European Primary and Specialist Dental Qualifications Regulations 1998⁽¹⁶⁾ are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) in the definition of—

““the Dental Training Directive”, after “Act”, add “and Directive [2001/19/EC](#)”;

“EEA”, after “Area”, add “and shall be read as including Switzerland”;

“EEA Agreement”, after “1993”, add “and as amended by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002⁽¹⁷⁾”;

“EEA State”, after “Agreement”, add “or Switzerland”;

“the Recognition Directive”, for “and the Accession of Austria, Finland and Sweden Act”, substitute “, the Accession of Austria, Finland and Sweden Act, Directive [2001/19/EC](#) and the Swiss Agreement””; and

(b) after the definition of “EEA State”, insert—

““exempt person” means a person—

(a) who is a national of an EEA State who is exercising an enforceable Community right; or

(b) is not a national of an EEA State but is, by virtue of a right conferred by article 11 of Council Regulation ([EEC](#)) No. [1612/68](#) or any other enforceable Community right, entitled to be treated, for the purposes of access to the profession of dentistry, no less favourably than a national of such a State;”.

(3) In regulation 2(3), omit “and” the end of sub-paragraph (b), and after sub-paragraph (c) add—
“; and

⁽¹⁶⁾ S.I. 1998/811.

⁽¹⁷⁾ O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions not relevant to these Regulations.

- (d) “the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”
- (4) In paragraph (2) of regulation 4 (the competent authority)—
- (a) in sub-paragraph (a)(ii), for the words “training already undertaken abroad”, substitute “additional training already undertaken and professional experience etc. already acquired”;
- (b) for sub-paragraph (b)(ii), substitute—
- “(b) (ii) article 6(3) (requirement to assess content and duration of training, to take into account professional experience etc. and to communicate what additional training is required);”;
- (c) after sub-paragraph (b)(ii), insert—
- “(iia) article 6(4) (requirement to give a decision within four months of receipt of an application together with full supporting documentation);”.
- (5) In regulation 9 (eligible specialists)—
- (a) for paragraph (3), substitute—
- “(3) In the case of a person falling within paragraph (2) who is an exempt person the GDC shall, when considering whether it is satisfied as mentioned in paragraph (2)(a) or (b), take into account—
- (a) all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to its determination; and
- (b) where the person has specialist qualifications in orthodontics or (as the case may be) oral surgery awarded outside the EEA which have been accepted by another EEA State as qualifying him to practise as a specialist in that State, that acceptance.”; and
- (b) after paragraph (4), add—
- “(5) In the case of an exempt person, the GDC shall, within the specified period, give the applicant notice—
- (a) of its decision as to whether it is satisfied that he is an eligible specialist in accordance with paragraph (2), (3) or (4); and
- (b) where it is not so satisfied, of the reasons for its decision and of the applicant’s right to appeal under regulation 14(1)(b).
- (6) Failure to notify an applicant who is an exempt person of a decision within the specified period shall be treated as a decision from which an applicant may appeal under regulation 14(1)(b).
- (7) In paragraphs (5) and (6), “the specified period” means—
- (a) the period of three months beginning with the date on which the GDC receives the application together with full supporting documentation; or
- (b) such longer period as is permitted by article 13 of the Recognition Directive.”.
- (6) In regulation 10 (recognised specialist dental qualifications)—
- (a) in paragraph (1)(a), for “article 5(1) (orthodontics) or (as the case may be) article 5(2) (oral surgery) of”, substitute “Annex B, Part 1 (orthodontics) or (as the case may be) Annex B, Part 2 (oral surgery) to”;
- (b) in paragraph (1)(c)(ii) and (iii) and paragraph (2)(b), for “article 5(1) or (2) of”, substitute “Annex B, Part 1 or Part 2, to”;

(c) in paragraph (3), omit “or” at the end of sub-paragraph (c), and after sub-paragraph (c) insert—

“(ca) 1st June 2002, in the case of Switzerland; or”.

(7) For regulation 13 (other specialties), substitute—

“**13.**—(1) If the GDC exercises its powers under section 26(3) and (4) of the Act so as to prescribe specialist titles or provide for specialist lists in any branch of dentistry other than orthodontics or oral surgery, it shall secure that—

(a) in assessing the entitlement of an exempt person—

(i) to use the specialist title in question; or

(ii) to have his name entered in any specialist list relating to that branch of dentistry; or

(b) in assessing what (if any) further training he must undergo for the purpose of obtaining a qualification in that branch of dentistry,

it takes into account the matters mentioned in paragraph (2).

(2) The matters are—

(a) if a specialist qualification in the branch of dentistry in question awarded to that person outside the EEA has been accepted by another EEA State as qualifying him to practise as a specialist in that State, that acceptance; and

(b) all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to its determination.”.

(8) In regulation 16(2)(g) (the competent authorities), for “EEC” substitute “EEA”.

(9) For Schedule 1 (specialist dental qualifications awarded in EEA States other than the United Kingdom in orthodontics and oral surgery), substitute the Schedule 1 set out in Schedule 2, Part II to these Regulations.

(10) In Schedule 2 (minimum training requirements for training leading to the award of primary dental qualifications in the United Kingdom—text of Article 1 of and the Annex to the Dental Training Directive), in paragraph 1 for “Article 3 of” substitute “Annex A to”.

PHARMACISTS

Pharmacy Act

8.—(1) The Pharmacy Act is amended in accordance with this regulation.

(2) In section 2 (the registers and registration), after subsection (2), insert—

“(2A) If a person who applies to have his name registered is a national of an EEA State exercising an enforceable Community right or a person of the description mentioned in section 4A(1A) of this Act, the registrar shall, within the specified period, give the applicant notice—

(a) of his decision on the application; and

(b) if he is not satisfied as mentioned in subsection (2)(a) of this section of the reasons for his decision and of the applicant’s right to appeal to the Council against the decision.

(2B) Failure to give the notice required by subsection (2A) of this section, within the specified period shall be treated as a decision against which an applicant may appeal to the Council.

(2C) In subsections (2A) and (2B), “the specified period” means—

- (a) the period of three months beginning with the date on which the registrar receives the application with full supporting documentation; or
 - (b) such longer period as is permitted by Article 12 of the Pharmacists Recognition Directive.”.
- (3) In section 4 (qualification by degree, diploma, etc. for registration)—
 - (a) in subsection (1), for “Byelaws”, substitute “Subject to subsection (4) below, byelaws”;
 - (b) in subsection (3), for “a diploma by which a person is qualified by virtue of section 4A(2)(a)”, substitute “an appropriate European diploma by which a person is qualified by virtue of section 4A”;
 - (c) after subsection (3), add—
 - “(4) Byelaws under subsection (1) above shall provide that in relation to a national of an EEA State exercising an enforceable Community right, or a person of the description mentioned in section 4A(1A), who—
 - (a) holds or has held a diploma granted in respect of pharmacy in any place outside the United Kingdom (other than an appropriate European diploma); or
 - (b) has passed the examinations necessary for obtaining such a diploma,the registrar, or on appeal the Council, shall take the matters mentioned in subsection (5) below into account when deciding whether he is qualified to have his name registered under subsection (1) above.
 - (5) The matters are—
 - (a) if the diploma, or the passing of the examinations necessary for obtaining it, has been accepted by another EEA State as qualifying him to practise pharmacy in that State, that fact; and
 - (b) all his qualifications, or knowledge or experience, in pharmacy, wherever acquired, which are relevant to the question of whether his name should be registered.”.
- (4) In section 4A (qualification by appropriate European diploma for registration)—
 - (a) for “a member State” in each place it occurs, substitute “an EEA State”;
 - (b) in the expression “the member State”, “any member State” or “that member State” in each place it occurs, for “member State”, substitute “EEA State”;
 - (c) in subsection (2)—
 - (i) for “(5)”, substitute “(4)”; and
 - (ii) after paragraph (c), add—
 - “(d) any diploma in pharmacy granted in an EEA State which is not specified in Schedule 1A to this Act and which does not fall within paragraph (b) or (c) above.”;
 - (d) in subsection (3), in paragraph (a), after “Act” insert “(except one falling within subsection (3C) of this section)”;
 - (e) after subsection (3A), insert—
 - “(3B) A diploma such as is mentioned in subsection (2)(d) of this section is not an appropriate European diploma for the purposes of this section unless the competent authorities of the EEA State in which it was awarded have certified—
 - (a) that the diploma is evidence of training which satisfies the requirements of Article 2 of the Pharmacists Training Directive; and

- (b) that it is treated by the competent authorities of the EEA State in which it was awarded as equivalent to a diploma specified in respect of that State in Schedule 1A to this Act.
- (3C) A diploma specified in Schedule 1A to this Act in respect of Italy which is not evidence of training which satisfies the requirements of the Pharmacists Training Directive and which was awarded in respect of training which began before 1st November 1993 (but not before 1st October 1987) and finished before 1st November 2003 is not an appropriate European diploma for the purposes of this section unless the competent authorities of Italy have certified—
- (a) that the holder of the diploma has been effectively and lawfully engaged in Italy in one of the activities referred to in Article 1(2) of the Pharmacists Training Directive;
- (b) that he was so engaged for at least three consecutive years during the five years preceding the date of the certificate; and
- (c) that the activity in question was at all relevant times regulated in Italy.”;
- (f) in subsection (4)—
- (i) after “conditions specified in subsection (3)”, insert “, (3A), (3B) or (3C)”;
- (ii) for paragraph (b), substitute—
- “**(b)** the satisfaction of the condition specified in—
- (i) paragraph (a)(ii) or (b)(ii) of subsection (3);
- (ii) paragraph (b) of subsection (3A);
- (iii) paragraph (a) or (b) of subsection (3B); or
- (iv) paragraph (a), (b) or (c) of subsection (3C),
- shall be established by the production of the relevant certificate, and not otherwise.”;
- (g) omit subsection (5);
- (h) in subsection (6)—
- (i) for the definition of “competent authorities”, substitute—
- ““competent authorities”, in relation to an EEA State, means any authority or body designated by that EEA State in accordance with the Pharmacists Recognition Directive;”,
- (ii) omit the definitions of “national” and “the period of the Greek derogation”, and
- (iii) in the definition of “the Pharmacists Training Directive”, after “pharmacy”, add “as amended by Directive [2001/19/EC](#)”.
- (5) After section 4A, insert—

“Appeals by a national of an EEA State

4B.—(1) A national of an EEA State who is exercising an enforceable Community right, or a person of the description mentioned in section 4A(1A), whose appeal under section 2(2) or (2B) is dismissed by the Council may appeal to the relevant court.

- (2) In this section, the “relevant court” is—
- (a) a county court; or
- (b) in the case of a person whose address in the register, if he were registered, would be in Scotland, the sheriff in whose sheriffdom the address is situated.

- (3) On an appeal under subsection (1) above, the relevant court may—
- (a) dismiss the appeal;
 - (b) allow the appeal and quash the decision appealed against; or
 - (c) remit the case to the Council to dispose of the case in accordance with the court’s directions,

and may make such order as to costs (or, in Scotland, expenses) as it thinks fit.”.

(6) In section 8 (control of registrations by Statutory Committee), in subsection (1B), in paragraph (a), for “a member State”, substitute “an EEA State”.

(7) In section 24 (interpretation), in subsection (1) insert each of the following definitions at the appropriate place—

““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 and as amended by Decision of the EEA Joint Committee No. 84/2002 of 25th June 2002;”;

““EEA State” means a Contracting Party to the EEA Agreement or Switzerland;”;

““national”, in relation to an EEA State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;”;

““the Pharmacists Recognition Directive” means Council Directive [85/433/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy as amended by—

- (a) Council Directives [85/584/EEC](#) and [90/658/EEC](#);
- (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union;
- (c) Directive [2001/19/EC](#); and
- (d) the Swiss Agreement;”;

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;”;

(8) For Schedule 1A (qualifying European diplomas), substitute the Schedule 1A set out in Schedule 3 to these Regulations.

DOCTORS—MEDICAL ACT

Amendment of the Medical Act

9.—(1) The Medical Act is amended in accordance with this regulation.

(2) In section 3 (registration by virtue of primary United Kingdom or primary European qualifications), in subsection (3)—

- (a) in the definition of “the EEA Agreement”, after “1993”, add “and as amended, so far as relevant to this Act, by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/99 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002”;
- (b) in the definition of “EEA State”, after “Agreement”, add “or Switzerland”.

(3) In section 5 (general functions of the Education Committee in relation to medical education in the United Kingdom), in subsection (4), in the definition of “Directive 93/16/EEC”, for paragraph (b), substitute—

“(b) as amended by—

- (i) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union,
- (ii) Council Directive 97/50/EC, Commission Directive 98/21/EC, Commission Directive 98/63/EC, Commission Directive 1999/46/EC and Directive 2001/19/EC, and
- (iii) the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;”.

(4) In section 17 (primary qualifications obtained in other EEA States)—

- (a) in subsection (3)(b), for “article 3 of”, substitute “Annex A to”;
- (b) in subsection (6), omit “and” at the end of paragraph (d), and after paragraph (d) insert—
“(da) in the case of Switzerland, 1st June 2002; and”.

(5) For Schedule 2 (primary European qualifications), substitute the Schedule 2 set out in Part I of Schedule 4 to these Regulations.

DOCTORS—SPECIALISTS

Amendment of the European Specialist Medical Qualifications Order 1995

10.—(1) The European Specialist Medical Qualifications Order 1995⁽¹⁸⁾ is amended in accordance with this regulation.

(2) In article 2 (interpretation)—

- (a) in the definition of “the Directive”, for paragraph (1)(b), substitute—

“(b) as amended by—

- (i) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on the 24th June 1994⁽¹⁹⁾, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union⁽²⁰⁾,
- (ii) Council Directive 97/50/EC of 6th October 1997⁽²¹⁾, Commission Directive 98/21/EC of 8th April 1998⁽²²⁾, Commission Directive 98/63/EC of 3rd September 1998⁽²³⁾, Commission Directive 1999/46/EC of 21st May 1999⁽²⁴⁾ and Directive 2001/19/EC of 14th May 2001⁽²⁵⁾, and

⁽¹⁸⁾ S.I. 1995/3208, amended by S.I. 1997/2928, 1999/1373, 1999/3154 and 2002/849.

⁽¹⁹⁾ O.J. No. C241, 29.8.1994, p.21. Norway did not ratify the Treaty.

⁽²⁰⁾ O.J. No. L 1, 1.1.1995, p.1.

⁽²¹⁾ O.J. No. L 291, 24.1.1997, p.35.

⁽²²⁾ O.J. No. L 119, 22.4.1998, p.15.

⁽²³⁾ O.J. No. L 253, 15.9.1998, p.24.

⁽²⁴⁾ O.J. No. L 139, 2.6.1999, p.25.

⁽²⁵⁾ O.J. No. L 206, 31.7.2001, p.1.

- (iii) the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”;
- (b) in paragraph (2), in the definition of—
 - (i) “EEA”, after “Area”, add “which shall be read as including Switzerland”,
 - (ii) “EEA Agreement”, after “1993”, add “and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994⁽²⁶⁾, 190/1999 of 17th December 1999⁽²⁷⁾, 89/2000 of 27th October 2000⁽²⁸⁾, and 84/2002 of 25th June 2002⁽²⁹⁾”,
 - (iii) “EEA State”, after “Agreement”, add “or Switzerland”.
- (3) In article 3 (the competent authorities), in paragraph (4)—
 - (a) in sub-paragraph (b)(ii), for “requirement to verify content and duration of foreign specialist training”, substitute “requirement to assess content and duration of training, to take account of professional experience etc.”;
 - (b) in sub-paragraph (c)(ii), for “training already undertaken abroad”, substitute “additional training already undertaken and professional experience etc. already acquired”; and
 - (c) after sub-paragraph (c)(ii), insert—
 - “(iia) article 8(4) (requirement to give a decision within four months of receipt of an application together with full supporting documentation).”.
- (4) After article 8 (the specialist register), insert—
 - “**8A.**—(1) In the case of an exempt person, the Registrar of the GMC shall, within the specified period, give the applicant notice—
 - (a) of the decision on the application referred to in paragraph (3); and
 - (b) where the decision is that the Registrar is not satisfied as mentioned in paragraph (3), of—
 - (i) the reasons for the decision, and
 - (ii) the applicant’s right to appeal under paragraph (6).
 - (2) Failure to notify an applicant who is an exempt person of a decision within the specified period shall be treated as a decision from which the applicant may appeal under paragraph (6).
 - (3) In paragraphs (1), (2) and (5), “the specified period” means—
 - (a) the period of three months—
 - (i) beginning with the date on which the Registrar of the GMC receives the application together with full supporting documentation, or
 - (ii) if earlier, in a case mentioned in paragraph (4), beginning with the date on which the STA receives all the documents enabling it to determine whether the applicant is an eligible specialist; or
 - (b) such longer period as is permitted by article 15 of the Directive.
 - (4) Where an exempt person must satisfy the STA as to matters referred to in article 9(2) or (3) before the Registrar of the GMC is able to give a decision under article 8(3), the

⁽²⁶⁾ O.J. No. L 160, 28.6.1994, p.1.

⁽²⁷⁾ O.J. No. L 74, 15.3.2001, p.26.

⁽²⁸⁾ O.J. No. L 7, 11.1.2001, p.9.

⁽²⁹⁾ O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions which are not relevant to the Directive.

STA shall deal expeditiously with the matters before it to enable the GMC Registrar to give notice under paragraph (1) within the specified period.

- (5) In calculating the period of three months referred to in paragraph (3), the period—
- (a) beginning with the date on which the STA gives the applicant notice under article 9(5); and
 - (b) ending with the date on which the Registrar of the GMC receives all the documents enabling him to be satisfied of the applicant's entitlement to have his name included in the specialist register in accordance with article 8(3),

shall be disregarded.

(6) If the Registrar of the GMC decides in respect of an exempt person that he is not satisfied as mentioned in article 8(3), the applicant may appeal against the decision to a Registration Appeals Panel and Schedule 3A to the Medical Act 1983 shall apply to such an appeal, with the necessary modifications, as if the appeal were an appeal under paragraph 4 of that Schedule.

- (7) In this Part, "exempt person" means a person who—
- (a) is a national of an EEA State who is exercising an enforceable Community right; or
 - (b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State."

- (5) In article 9 (eligible specialists), for paragraph (4) substitute—

"(4) In the case of an exempt person, the STA shall, when considering whether it is satisfied as mentioned in paragraph (2) or (3), take account of—

- (a) all his medical qualifications, knowledge or experience, wherever acquired, which are relevant to its determination; and
- (b) where 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, of that acceptance."

- (6) After article 9(4), add—

"(5) In the case of an exempt person who applies to the STA for a determination that he is an eligible specialist within paragraph (2) or (3), the STA shall give the applicant notice—

- (a) of the decision on the application; and
- (b) where it is not satisfied as mentioned in paragraph (2) or (3), of the reasons for the decision and the applicant's right to appeal under article 13."

- (7) In article 10 (recognised specialist medical qualifications), in paragraph (1)—

- (a) for sub-paragraph (a), substitute—

"(a) a qualification listed in Annex B to the Directive (which sets out the titles of specialist qualifications in EEA States) granted in an EEA State other than the United Kingdom (these qualifications are set out in Schedule 4) in a specialty listed in Annex C to the Directive in which the United Kingdom is shown as awarding qualifications;"

- (b) in sub-paragraph (c)—

(i) for "article 5(3) of the Directive or in a specialty referred to in article 7(2) of", substitute "Annex C to",

- (ii) in head (ii), for “article 5(2), 5(3) or 7(2) of”, substitute “Annex B or Annex C to”, and
 - (iii) in head (iii), for “article 5 or 7 of the Directive”, substitute “Annex B to the Directive in the appropriate specialty referred to in Annex C to the Directive”;
- (c) after paragraph (d), add—
- “(e) subject to compliance with paragraph (2A), any qualification which is evidence of training which did not accord with the standards laid down by articles 24 to 27 of the Directive, undertaken in Spain and completed before 1st January 1995.”.
- (8) In article 10(2)(a), for “article 5 or 7 of the Directive”, substitute “Annex B to the Directive in a specialty listed in Annex C to the Directive”.
- (9) After article 10(2), insert—
- “(2A) This paragraph is complied with where the holder of the qualification referred to in paragraph (1)(e) provides the GMC with—
 - (a) evidence of the qualification; and
 - (b) a certificate of the competent authorities in Spain certifying that he has passed the test of specific professional competence organised under the special regularisation measures contained in Royal Decree 1497/99 which demonstrates that he has a level of knowledge and competence comparable to that attested to by a qualification set out under the heading for Spain in Annex B to the Directive in the appropriate specialty referred to in Annex C to the Directive.”.
- (10) In article 10(3), omit “or” after paragraph (d), and after paragraph (d) insert—
- “(da) 1st June 2002, in the case of Switzerland; or”.
- (11) For Schedule 4 (specialist medical qualifications awarded in EEA States other than the United Kingdom), substitute the Schedule 4 set out in Part II of Schedule 4 to these Regulations.

DOCTORS—GENERAL MEDICAL PRACTICE

Amendments to the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998

11.—(1) The National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(**30**) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Medical Directive”, substitute—

““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(**31**) as adapted or amended by—

- (a) Annex VII to the EEA Agreement;
- (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994(**32**), as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the

(30) S.I. [1998/5](#) as amended by S.I. [1998/669](#) and S.S.I. [2000/23](#).

(31) O.J. No. L 165, 7.7.1993, p.1.

(32) O.J. No. C241, 29.8.1994, p.21. Norway did not ratify the Treaty.

- instruments concerning the accession of new Member States to the European Union⁽³³⁾;
- (c) Council Directive [97/50/EC](#) of 6th October 1997⁽³⁴⁾, Commission Directive [98/21/EC](#) of 8th April 1998⁽³⁵⁾, Commission Directive [98/63/EC](#) of 3rd September 1998⁽³⁶⁾, Commission Directive [1999/46/EC](#) of 21st May 1999⁽³⁷⁾, Directive [2001/19/EC](#) of 14th May 2001⁽³⁸⁾; and
- (d) the Swiss Agreement;”.
- (b) insert the following definitions at the appropriate place—
- ““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 and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994⁽³⁹⁾, 190/1999 of 17th December 1999⁽⁴⁰⁾, 89/2000 of 27th October 2000⁽⁴¹⁾ and 84/2002 of 25th June 2002⁽⁴²⁾;”;
- ““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland;”;
- ““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999⁽⁴³⁾.”.
- (3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.
- (4) In regulation 6 (prescribed medical experience)—
- (a) for sub-paragraph (b) of paragraph (8), substitute—
- (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 the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment;”;
- (b) after paragraph (8), insert—
- “(8A) For the purposes of paragraph (8)(b), the specified percentage is—
- (i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and
- (ii) for any training which takes place after 31st December 2002, 50 per cent.”.
- (5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—
- “(8A) In the case of an exempt person—

(33) O.J. No. L 1, 1.1.1995, p.1.

(34) O.J. No. L 291, 24.10.1997, p.35.

(35) O.J. No. L 119, 22.4.1998, p.15.

(36) O.J. No. L 253, 15.9.1998, p.24.

(37) O.J. No. L 139, 2.6.1999, p.25.

(38) O.J. No. L 206, 31.7.2001, p.1.

(39) O.J. No. L 160, 28.6.1994, p.1.

(40) O.J. No. L 74, 15.3.2001, p.26.

(41) O.J. No. L 7, 11.1.2001, p.9.

(42) O.J. No. L 266, 3.10.2002, p.36. The Agreement has been amended by other Decisions which are not relevant to these Regulations.

(43) O.J. No. L 114, 30.04.2002, p.6.

- (a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and
 - (b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.
- (8B) In this regulation an “exempt person” means a person who—
- (a) is a national of an EEA State who is exercising an enforceable Community right; or
 - (b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

Amendments to the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998

12.—(1) The Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998⁽⁴⁴⁾ are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Medical Directive”, substitute—

““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 as adapted or amended by—

- (a) Annex VII to the EEA Agreement;
- (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union;
- (c) Council Directive 97/50/EC of 6th October 1997, Commission Directive 98/21/EC of 8th April 1998, Commission Directive 98/63/EC of 3rd September 1998, Commission Directive 1996/46/EC of 21st May 1999, Directive 2001/19/EC of 14th May 2001; and
- (d) the Swiss Agreement;”.

(b) insert the following definitions at the appropriate place—

““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 and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/1999 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002⁽⁴⁵⁾;”;

““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland;”;

⁽⁴⁴⁾ S.R. 1998 No. 13.

⁽⁴⁵⁾ The Agreement has been amended by other Decisions which are not relevant to these Regulations.

““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”.

(3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.

(4) In regulation 6 (prescribed medical experience),

(a) for sub-paragraph (b) of paragraph (8), substitute—

“(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 the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment;”;

(b) after paragraph (8), insert—

“(8A) For the purposes of paragraph (8)(b), the specified percentage is—

(i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and

(ii) for any training which takes place after 31st December 2002, 50 per cent.”.

(5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—

“(8A) In the case of an exempt person—

(a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and

(b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.

(8B) In this regulation an “exempt person” means a person who—

(a) is a national of an EEA State who is exercising an enforceable Community right; or

(b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

Amendments to the National Health Service (Vocational Training for General Medical Practice) Regulations 1997

13.—(1) The National Health Service (Vocational Training for General Medical Practice) Regulations 1997(46) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

(a) for the definition of “Medical Directive”, substitute—

““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 as adapted or amended by—

(46) S.I. 1997/2817. There are no relevant amendments.

- (a) Annex VII to the EEA Agreement;
 - (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union;
 - (c) Council Directive [97/50/EC](#) of 6th October 1997, Commission Directive [98/21/EC](#) of 8th April 1998, Commission Directive [98/63/EC](#) of 3rd September 1998, Commission Directive [1999/46/EC](#) of 21st May 1999, Directive [2001/19/EC](#) of 14th May 2001; and
 - (d) the Swiss Agreement;”.
- (b) insert the following definitions at the appropriate place—
- ““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 and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/1999 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002(47);”;
- ““EEA State” means a State which is a Contracting Party to the EEA Agreement or Switzerland;”;
- ““the Swiss Agreement” means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999.”.
- (3) In regulation 5 (exemptions), in paragraph (2) omit the definitions of “EEA Agreement” and “EEA State”.
- (4) In regulation 6 (prescribed medical experience),
- (a) for sub-paragraph (b) of paragraph (8), substitute—
 - “(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 the specified percentage of the time usually occupied by the duties of persons employed whole-time in similar employment;”;
 - (b) after paragraph (8), insert—
 - “(8A) For the purposes of paragraph (8)(b), the specified percentage is—
 - (i) for any training which takes place after 31st December 1994 but before 1st January 2003, 60 per cent, and
 - (ii) for any training which takes place after 31st December 2002, 50 per cent.”.
- (5) In regulation 12 (certificate of equivalent experience), after paragraph (8), insert—
- “(8A) In the case of an exempt person—
 - (a) the Joint Committee shall issue the statement mentioned in paragraph (8) within three months beginning with the date on which they receive the application together with full supporting documentation; and

(47) The Agreement has been amended by other Decisions which are not relevant to these Regulations.

- (b) failure to issue such a statement within the period mentioned in sub-paragraph (a) shall be treated as a decision from which an applicant may appeal under regulation 13.
- (8B) In this regulation an “exempt person” means a person who—
 - (a) is a national of an EEA State who is exercising an enforceable Community right; or
 - (b) is not a national of an EEA State, but is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”.

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

14.—(1) The Vocational Training for General Medical Practice (European Requirements) Regulations 1994(48) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “EEA Agreement”, after “1993”, insert “and as amended by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994(49), 90/1999 of 17th December 1999(50), 89/2000 of 27th October 2000(51) and 84/2002 of 25th June 2002(52)”;
- (b) for the definition of “EEA State”, substitute—

““EEA State” means a State which is a contracting party to the EEA Agreement or Switzerland.”;
- (c) for the definition of “Medical Directive”, substitute—

““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(53) as adapted or amended by—

 - (a) Annex VII to the EEA Agreement;
 - (b) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden signed at Corfu on the 24th June 1994(54), as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union(55);
 - (c) Council Directive 97/50/EC of 6th October 1997, Commission Directive 98/21/EC of 8th April 1998, Commission Directive 98/63/EC of 3rd September 1998, Commission Directive 1999/46/EC of 21st May 1999, Directive 2001/19/EC of 14th May 2001; and
 - (d) the Swiss Agreement,

(48) S.I. 1994/3130. There are no relevant amendments.

(49) O.J. No. L 160, 28.6.1994, p.1.

(50) O.J. No. L 74, 15.3.2001, p.26.

(51) O.J. No. L 7, 11.1.2001, p.9.

(52) O.J. No. L 266, 3.10.2002, p.36.

(53) O.J. No. L 165, 7.7.1993, p.1.

(54) O.J. No. C241, 29.8.1994, p.21. Norway did not ratify the Treaty.

(55) O.J. No. L 1, 1.1.1995, p.1.

(certain provisions of the Medical Directive, as they had effect on the date these Regulations were made, are set out in the Schedule to these Regulations).”.

(3) After regulation 3 (competent authority), insert—

“Decisions on certificates issued by other EEA States

3A.—(1) This regulation applies where the General Medical Council is exercising the function referred to in regulation 3(2), except in cases where an application is made to the JCPTGP for a certificate of equivalent experience (to which the 1997 Regulations, the 1998 Regulations or the 1998 Northern Ireland Regulations, as the case may be, apply).

(2) The General Medical Council shall, within three months of receiving an application for recognition of a vocational training certificate, or an acquired rights certificate, together with full supporting documentation, give the applicant notice—

- (a) of its decision on the application; and
- (b) if it decides to refuse recognition of such a certificate—
 - (i) of the reasons for its decision, and
 - (ii) of the applicant’s right to appeal under paragraph (4).

(3) Failure to notify an applicant of a decision in accordance with paragraph (2) within the period specified in that paragraph, shall be treated as a decision from which an applicant may appeal under paragraph (4).

(4) Where the General Medical Council makes a decision refusing to recognise an applicant’s vocational training certificate or acquired rights certificate, the applicant may appeal against the decision to a Registration Appeals Panel and Schedule 3A to the Medical Act 1983 shall apply to such an appeal with the necessary modifications as if the appeal were an appeal under paragraph 4 of that Schedule.

(5) In this regulation—

- (a) “the 1997 Regulations” means the National Health Service (Vocational Training for General Medical Practice) Regulations 1997;
- (b) “the 1998 Regulations” means the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998; and
- (c) “the 1998 Northern Ireland Regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998.”.

OSTEOPATHS

The General Osteopathic Council (Registration) Rules Order of Council 1998

15.—(1) The General Osteopathic Council (Registration) Rules Order of Council 1998⁽⁵⁶⁾ is amended in accordance with this regulation.

(2) In the Schedule to the Order (the General Osteopathic Council (Registration) Rules 1998), in rule 3 (the form of the register), in paragraph (4), in the definition of—

- (a) “European Economic Area State”, after “Agreement”, add “or Switzerland⁽⁵⁷⁾”;

⁽⁵⁶⁾ S.I. 1998/1328.

⁽⁵⁷⁾ Switzerland is added by virtue of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (O.J. No. L 114, 30.04.2002, p.6).

- (b) “European Economic Area Agreement”, after “1993”, add “and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2nd December 1994(58), 6/98 of 30th January 1998(59), 87/2000 of 27th October 2000(60), and 84/2002 of 25th June 2002(61)”.

The General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000

16.—(1) The General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000(62) is amended in accordance with this regulation.

(2) In the Schedule to the Order (the General Osteopathic Council (Application for Registration and Fees) Rules 2000), in rule 2 (interpretation), in paragraph (1), in the definition of—

- (a) “European Economic Area State”, after “Agreement”, add “or Switzerland”;
- (b) “European Economic Area Agreement”, after “1993”, add “and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2nd December 1994, 6/98 of 30th January 1998, 87/2000 of 27th October 2000, and 84/2002 of 25th June 2002(63)”.

CHIROPRACTORS

General Chiropractic Council (Registration During Transitional Period) Rules Order of Council 1999

17.—(1) The General Chiropractic Council (Registration During Transitional Period) Rules Order of Council 1999(64) is amended in accordance with this regulation.

(2) In the Schedule to the Order (the General Chiropractic Council (Registration During Transitional Period) Rules 1999), in rule 9 (fees), for paragraph (3), substitute—

“(3) In this Rule—

- (a) “European Economic Area State” means a State which is a contracting party to the European Economic Area Agreement or Switzerland(65);
- (b) “European Economic Area 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 the 17th March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2nd December 1994, 6/98 of 30th January 1998, 87/2000 of 27th October 2000, and 84/2002 of 25th June 2002(66).”.

(3) In the Schedule to the Rules (form of application for registration during transitional period), in section 11, for “or a state within the European Economic Area, in which case the fee is £100”, substitute “, a State within the European Economic Area or Switzerland, in which case the fee is £100. (The European Economic Area comprises the Member States of the European Union and Iceland, Norway and Liechtenstein)”.

(58) O.J. L 339, 29.12.1994, p.84.

(59) O.J. No. L 272, 8.10.98, p.8.

(60) O.J. No. L 7, 11.1.2001, p.3.

(61) O.J. No. L 266, 3.10.2002, p.36.

(62) S.I. 2000/1038.

(63) The Agreement has been amended by other Decisions not relevant to these Rules.

(64) S.I. 1999/1857.

(65) Switzerland is added by virtue of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons. O.J. No. L 114, 30.04.2002, p.6.

(66) The Agreement has been amended by other Decisions which are not relevant to these Rules.

The General Chiropractic Council (Registration) Rules Order of Council 1999

18.—(1) The General Chiropractic Council (Registration) Rules Order of Council 1999(**67**) is amended in accordance with this regulation.

(2) In the Schedule to the Order (the General Chiropractic Council (Registration) Rules 1999)—

(a) in Schedule 1 to the Rules (forms), in 9 of Form A (fees) and 9 of Form C (fees), for “or a State within the European Economic Area, in which case the fee is £100”, substitute “, a State within the European Economic Area or Switzerland, in which case the fee is £100. (The European Economic Area comprises the Member States of the European Union and Iceland, Norway and Liechtenstein)”;

(b) in Schedule 2 to the Rules (fees), for paragraph 6, substitute—

“6. In this Schedule—

(a) “European Economic Area State” means a State which is a contracting party to the European Economic Area Agreement or Switzerland(**68**);

(b) “European Economic Area 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 the 17th March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2nd December 1994, 6/98 of 30th January 1998, 87/2000 of 27th October 2000, and 84/2002 of 25th June 2002(**69**)

General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules Order of Council 2002

19.—(1) The General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules Order of Council 2002(**70**) is amended in accordance with this regulation.

(2) In the Schedule to the Order (General Chiropractic Council (Registration of Chiropractors with Foreign Qualifications) Rules), in rule 9 (application and interpretation of Part III), in paragraph (2), in the definition of “EEA State”, after “1993”, add “and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2nd December 1994, 6/98 of 30th January 1998, 87/2000 of 27th October 2000, and 84/2002 of 25th June 2002(**71**)”.

HEALTH PROFESSIONS

Health Professions Order

20.—(1) The Health Professions Order is amended in accordance with this regulation.

(2) In Schedule 3 (interpretation)—

(a) for the definition of “EEA Agreement”, substitute—

““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by the Protocol signed at Brussels on 17 March 1993 and as amended by Decisions of the EEA Joint Committee Nos. 25/94 of 2 December 1994, 22/97 of 30 April 1997, 6/98 of 30 January 1998, 87/2000 of 27 October 2000 and 84/2002 of 25 June 2002(**72**);”;

(b) in the definition of—

(67) S.I. 1999/1856.

(68) Switzerland is added by virtue of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, O.J. No. L 114, 30.04.2002, p.6.

(69) The Agreement has been amended by other Decisions which are not relevant to these Rules.

(70) S.I. 2002/2704.

(71) The Agreement has been amended by other Decisions which are not relevant to these Rules.

(72) The Agreement has been amended by other Decisions which are not relevant to this Order.

- (i) “EEA State”, after “Agreement”, add “or Switzerland”,
- (ii) “national”, after “Treaties”, add “but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services”.

Signed by authority of one of Her Majesty’s Principal Secretaries of State

4th December 2003

John Hutton
Minister of State,
Department of Health