
STATUTORY INSTRUMENTS

2010 No. 473

**HEALTH CARE AND
ASSOCIATED PROFESSIONS**

DOCTORS

**The Postgraduate Medical Education
and Training Order of Council 2010**

Made - - - - 24th February 2010

Laid before Parliament 1st March 2010

Coming into force - - 1st April 2010

At the Council Chamber, Whitehall, the 24th day of February 2010

By the Lords of Her Majesty's Most Honourable Privy Council

Their Lordships make the following Order in exercise of the powers conferred by sections 34C(2) (c), 34D(2)(c) and (3), 34F(2), 34G(1) and 34K(1)(c) of the Medical Act 1983(1).

Citation and commencement

1. This Order may be cited as the Postgraduate Medical Education and Training Order of Council 2010 and shall come into force on 1st April 2010.

Interpretation

2. In this Order—

“the Act” means the Medical Act 1983;

“previous legislation” means—

- (a) the European Specialist Medical Qualifications Order 1995(2); and
- (b) the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(3).

(1) 1983 c.54. Sections 34C to 34O are inserted by [S.I.2010/234](#), article 4 and Schedule 1, paragraph 10.
(2) [S.I.1995/3208](#). This instrument is revoked by [S.I.2003/1250](#).
(3) [S.I.2003/1250](#). This instrument is revoked by [S.I.2010/234](#).

Persons eligible to be registered in, and liable to removal from, the General Practitioner Register

3.—(1) Persons are eligible to be registered in the General Practitioner Register for the purposes of section 34C(2)(c) of the Act if they are—

- (a) eligible general practitioners as specified in article 4;
- (b) eligible general systems general practitioners as specified in article 5; or
- (c) persons who are—
 - (i) registered in the list of visiting medical practitioners from relevant European States mentioned in section 30(1)(d) of the Act; and
 - (ii) providing services in the United Kingdom as a general practitioner on a temporary and occasional basis, in exercise of entitlement under Schedule 2A to the Act.

(2) If a person whose name is included by virtue of paragraph (1)(c) in the General Practitioner Register ceases to satisfy any of the conditions specified, the Registrar may remove that person's name from that register.

General practitioners eligible for entry in the General Practitioner Register

4.—(1) Persons are eligible general practitioners for the purposes of article 3(1)(a) if they are exempt persons and hold any of the following issued in a relevant European State other than the United Kingdom—

- (a) a qualification in general practice listed in Annex V, point 5.1.4 of the Directive, together with the corresponding professional title;
- (b) a certificate of acquired rights; or
- (c) a qualification in general practice which is not listed in Annex V, point 5.1.4 of the Directive, if that qualification—
 - (i) is accompanied by a certificate of a competent authority of the relevant European State in which the qualification was obtained, to the effect that the qualification is evidence of training which satisfies the requirements of Article 28 of the Directive, and
 - (ii) is treated by that State as if it were a qualification listed in relation to that State in Annex V, point 5.1.4 of the Directive.

(2) Persons are also eligible general practitioners for the purposes of article 3(1)(a) if they hold—

- (a) a certificate of prescribed experience; or
- (b) a certificate of equivalent experience,

which was issued under previous legislation, either by the Postgraduate Medical Education and Training Board or by the Joint Committee on Postgraduate Training for General Practice.

(3) Persons are also eligible general practitioners for the purposes of article 3(1)(a) if they were exempt from the need to have acquired the prescribed experience by virtue of paragraph (1)(a), (b), (c), (d) or (f) of regulation 5 (exemptions) of—

- (a) the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(4);
- (b) the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(5); or

(4) S.I.1997/2817; relevant amendments made by S.I.1998/669. Those Regulations are revoked by S.I.2003/1250.

(5) S.I.1998/5; relevant amendments made by S.I.1998/669 and S.S.I.2000/23. Those Regulations are revoked by S.I.2003/1250.

(c) the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(6).

(4) Subject to paragraph (5), persons are also eligible general practitioners for the purposes of article 3(1)(a) if they do not fall within paragraph (1), (2) or (3) but have—

- (a) undertaken training in general practice; or
- (b) been awarded qualifications in general practice,

and the Registrar is satisfied that that training is, or those qualifications are, or both when considered together are, equivalent to a CCT in general practice.

(5) If a person falling within paragraph (4)(a) or (b) is an exempt person and holds a qualification in general practice which—

- (a) was granted otherwise than in a relevant European State, and
- (b) has not previously been accepted by a relevant European State as qualifying that person to practise as a general practitioner in that State,

the Registrar must, before determining that the qualification is equivalent to a CCT in general practice, also be satisfied that the qualification in general practice is evidence of training that meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 28 of the Directive.

(6) If a person falling within paragraph (4)(a) or (b)—

- (a) is an exempt person and holds a qualification in general practice which—
 - (i) was granted otherwise than in a relevant European State, but
 - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying that person to practise as a general practitioner in that State; or
- (b) has acquired experience or knowledge in general practice, wherever obtained,

the Registrar shall take account of that acceptance or of that experience or knowledge, when determining the equivalence of the training or qualifications to a CCT in general practice for the purposes of paragraph (4).

(7) In paragraph (1)(b), “certificate of acquired rights” means a certificate issued under Article 30(1) of the Directive to the effect that its holder has an acquired right to practice as a general practitioner under the national social security scheme of the issuing State without the evidence of formal qualifications of a general practitioner referred to in Annex V, point 5.1.4 of the Directive.

General systems general practitioners eligible for entry in the General Practitioner Register

5. A person is an eligible general systems general practitioner for the purposes of article 3(1)(b) if—

- (a) their case falls within regulation 3(9)(e) of the General Systems Regulations;
- (b) regulations 20 to 26 of those Regulations apply to that person by reason of the operation of regulation 3(4) of those Regulations; and
- (c) that person has a right to practise as a general practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period that that person may be required to complete pursuant to that Part of those Regulations).

(6) [S.R. 1998 No.13](#). Those Regulations are revoked by [S.I.2003/1250](#).

Persons with acquired rights

6.—(1) For the purposes of section 34G(1) of the Act, a person has an acquired right to practise as a general practitioner in the United Kingdom if they fall within any of the categories of persons specified in paragraphs (2), (3), (5) and (6).

(2) A person has an acquired right if, on 31st December 1994, their name was included in a medical list kept by an FHSA or in any corresponding list kept by a Health Board in Scotland or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland.

(3) Subject to paragraph (4), a person has an acquired right if, on 31st December 1994, they were suitably experienced within the meaning of—

- (a) section 31 of the National Health Service Act 1977(7) (requirement of suitable experience);
- (b) section 21 of the National Health Service (Scotland) Act 1978 (8) (requirement of suitable experience); or
- (c) Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(9) (requirement of suitable experience).

(4) Paragraph (3) does not apply where the person was suitably experienced by virtue of—

- (a) regulation 8(1)(e) or (h) of the National Health Service (Vocational Training) Regulations 1979(10) (exemptions for applications to be a restricted services principal and for doctors who are EC nationals);
- (b) regulation 8(1)(e) or (h) of the National Health Service (Vocational Training) (Scotland) Regulations 1980(11) (exemptions for applications to be a restricted services principal and for doctors who are EC nationals); or
- (c) regulation 7(1)(d) or (g) of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(12) (exemptions for applications to be a restricted services principal and for doctors who are EC nationals),

even if on that date that person had yet to obtain a certificate of prescribed experience or a certificate of equivalent experience under any of those Regulations.

(5) A person has an acquired right if, on 31st December 1994, they were established in the United Kingdom by virtue of a qualification in medicine awarded in a relevant European State other than the United Kingdom which had, in their case, to be recognised in the United Kingdom by virtue of the Directive as entitling that person to be registered under section 3(1)(b) of the Act as a fully registered person.

(6) A person has an acquired right if, on at least 10 days in the period of 4 years ending with 31st December 1994, or on at least 40 days in the period of 10 years ending with that date, they had—

- (a) been engaged as a deputy by, or provided as a deputy to, a doctor whose name was included in the medical list of an FHSA or in any corresponding list kept by a Health Board in Scotland or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland; or
- (b) been employed as an assistant (other than as a trainee general practitioner) by such a doctor.

(7) 1977 c.49.

(8) 1978 c.29.

(9) S.I.1978 No.1907 (N.I.26).

(10) S.I.1979/1644; relevant amendments were made by S.I.1980/1900, 1981/1790, 1984/215, 1985/1353, 1986/1642 and 1991/406.

(11) S.I.1980/30; relevant amendments were made by S.I.1986/1657 and 1991/576.

(12) S.R.1979 No.460; relevant amendments were made by S.R.1986 No.69 and 1986 No.309.

(7) For the purposes of paragraph (6), engagement or provision as a deputy for a period of less than 24 hours beginning before but ending after midnight counts as engagement or provision on the second day only.

(8) In this article—

“an FHSA” means a Family Health Services Authority;

“medical list” has the same meaning as in—

- (a) the National Health Service (General Medical Services) Regulations 1992⁽¹³⁾;
- (b) the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974⁽¹⁴⁾; or, as the case may be,
- (c) the General Medical Services Regulations (Northern Ireland) 1997⁽¹⁵⁾.

Persons eligible to be registered in, and liable to removal from, the Specialist Register

7.—(1) Persons are eligible to be registered in the Specialist Register for the purposes of section 34D(2)(c) of the Act if they are—

- (a) eligible specialists as specified in article 8;
- (b) eligible general systems specialists as specified in article 9; or
- (c) persons—
 - (i) who are registered in the list of visiting medical practitioners from relevant European States mentioned in section 30(1)(d) of the Act; and
 - (ii) who are providing services in the United Kingdom as a specialist on a temporary and occasional basis, in exercise of entitlement under Schedule 2A to the Act.

(2) If a person whose name is included by virtue of paragraph (1)(c) in the Specialist Register ceases to satisfy any of the conditions specified, the Registrar may remove that person’s name from that register.

Specialists eligible for entry in the Specialist Register

8.—(1) Persons are eligible specialists for the purposes of article 7(1)(a) if they are exempt persons and hold a recognised specialist qualification granted outside the United Kingdom as specified in article 10.

(2) Subject to paragraph (4), a person (“S”) is an eligible specialist for the purposes of article 7(1)(a) if S does not fall within paragraph (1) but has—

- (a) undertaken specialist training; or
- (b) been awarded specialist qualifications,

in a recognised speciality and satisfies the Registrar that that specialist training is, or those qualifications are, or both when considered together are, equivalent to a CCT in the speciality in question.

(3) Subject to paragraph (4), a person (“T”) is an eligible specialist for the purposes of article 7(1)(a) if T does not fall within paragraph (1) but—

- (a) has—
 - (i) undertaken specialist training; or
 - (ii) been awarded specialist qualifications,

⁽¹³⁾ S.I.1992/635.

⁽¹⁴⁾ S.I.1974/506; relevant amendments were made by S.I.1978/1762, 1985/1625 and 1980/1990.

⁽¹⁵⁾ S.R.1997/380.

outside the United Kingdom in a medical specialty which is not a recognised specialty; or
 (b) has knowledge of, or experience in, any medical specialty derived from academic or research work,
 and the Registrar is satisfied that these give T a level of knowledge and skill consistent with practice as a consultant in any of the UK health services.

- (4) If S or, as the case may be, T, is an exempt person and holds a specialist qualification which—
- (a) was granted otherwise than in a relevant European State, and
 - (b) has not previously been accepted by a relevant European State as qualifying an exempt person to practise as a specialist in that State,

S is not an eligible specialist pursuant to paragraph (2) and T is not an eligible specialist pursuant to paragraph (3) unless the Registrar is satisfied that the specialist qualification is evidence of training that meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 25 of the Directive.

- (5) If S or, as the case may be, T—
- (a) is an exempt person who holds a specialist qualification which—
 - (i) was granted other than in a relevant European State; but
 - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying that person to practise as a specialist in that State; or
 - (b) has acquired specialist medical experience or knowledge, wherever obtained,

the Registrar shall take account of that acceptance or of that experience or knowledge, when determining the adequacy of the training or qualifications under paragraph (2) or (3).

- (6) A person is also an eligible specialist for the purposes of article 7(1)(a) if that person—
- (a) was included in the specialist register maintained by the General Council under previous legislation;
 - (b) had been determined by the Registrar to be an eligible specialist for the purposes of previous legislation; or
 - (c) holds a Certificate of Completion of Specialist Training awarded under, or by virtue of, previous legislation.

- (7) In paragraphs (2) and (3), “specialist training” means specialist medical training that—
- (a) comprises 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.

General systems specialists eligible for entry in the Specialist Register

9. A person is an eligible general systems specialist for the purposes of article 7(1)(b) if—
- (a) their case falls within regulation 3(9)(a), (c) or (e) of the General Systems Regulations;
 - (b) regulations 20 to 26 of those Regulations apply to that person by reason of the operation of regulation 3(4) of those Regulations, and
 - (c) that person has a right to practise as a specialist in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period that that person may be required to complete pursuant to that Part of those Regulations).

Recognised specialist qualifications granted outside the United Kingdom

10.—(1) The following are, for the purpose of article 8(1), recognised specialist qualifications granted outside the United Kingdom—

- (a) a specialist qualification listed in Annex V, point 5.1.2 of the Directive which was awarded—
 - (i) in a relevant European State other than the United Kingdom;
 - (ii) on or after the reference date, not being evidence of training commenced by the holder before that date; and
 - (iii) in a recognised specialty;
- (b) a specialist qualification listed in Annex V, point 5.1.2 of the Directive—
 - (i) which was awarded in a relevant European State other than the United Kingdom;
 - (ii) which was awarded following training commenced by the holder before the reference date;
 - (iii) which was awarded in a recognised specialty; and
 - (iv) where the holder of the qualification satisfies the Registrar (by means of a certificate of a competent authority of the relevant European State in which it was awarded or otherwise) that it accords with the standards laid down by Article 25 of the Directive;
- (c) a specialist qualification which—
 - (i) was awarded in a relevant European State other than the United Kingdom;
 - (ii) was awarded in a recognised specialty;
 - (iii) does not satisfy all the minimum training requirements laid down by Article 25 of the Directive;
 - (iv) was awarded following training commenced by the holder before the reference date; and
 - (v) is accompanied by a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully been engaged in the practice of the specialty in that State for at least three consecutive years during the five years preceding the date of the certificate;
- (d) a specialist qualification in a recognised specialty which—
 - (i) has been obtained at any time in a relevant European State other than the United Kingdom;
 - (ii) does not correspond to the titles listed in Annex V, points 5.1.2 and 5.1.3 of the Directive; and
 - (iii) is accompanied by a certificate of a competent authority of that State to the effect that the qualification is evidence of training which satisfies the requirements of Article 25 of the Directive and is treated by that State as if it were a qualification listed in respect of the relevant specialty in relation to that State in Annex V, points 5.1.2 and 5.1.3 of the Directive;
- (e) a specialist qualification which—
 - (i) was awarded in Spain to doctors who completed their specialist training before 1st January 1995, even if that training does not satisfy the requirements of Article 25 of the Directive;
 - (ii) was awarded in a recognised specialty; and
 - (iii) is accompanied by a certificate issued by a competent authority in Spain attesting that the person concerned has passed the examination in specific professional

competence held in accordance with Article 27(2) of the Directive with a view to ascertaining that the person concerned possesses a level of knowledge and skill comparable to that of doctors who possess a specialist qualification listed in respect of the relevant specialty in relation to Spain in Annex V, points 5.1.2 and 5.1.3 of the Directive;

- (f) a specialist qualification in a recognised specialty—
- (i) which is evidence of training which does not accord with the standards laid down by Article 25 of the Directive, undertaken on the territory of the former German Democratic Republic and begun before 3rd April 1992;
 - (ii) where the holder of the qualification satisfies the Registrar (by means of a certificate of a competent authority in Germany or otherwise) that they are entitled by virtue of that qualification to practise their specialty throughout the territory of Germany on the same conditions as the holder of a qualification awarded in Germany and listed in Annex V, point 5.1.2 of the Directive; and
 - (iii) where evidence of the qualification is accompanied by a certificate of a competent authority in Germany that the holder has effectively and lawfully been engaged in the practice of the specialty in Germany for at least three consecutive years during the five years preceding the date of the certificate; and
- (g) a specialist qualification which—
- (i) was awarded by, or which relates to training started in, the territory specified in column (a) of the table before the date specified in the corresponding entry in column (b) of that table;
 - (ii) is accompanied by an attestation by a competent authority of the relevant European State specified in the corresponding entry in column (c) in that table to the effect that that qualification has, on its territory, the same legal validity as regards access to, and practice of, specialised medicine as a qualification awarded in that specialty in that State and listed in Annex V, point 5.1.2 of the Directive in respect of that State; and
 - (iii) is accompanied by a certificate from that authority that the holder has effectively and lawfully been engaged in the activity in question in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
Former Czechoslovakia	1st January 1993	Czech Republic
Former Czechoslovakia	1st January 1993	Slovakia
Former Soviet Union	20th August 1991	Estonia
Former Soviet Union	21st August 1991	Latvia
Former Soviet Union	11th March 1990	Lithuania
Former Yugoslavia	25th June 1991	Slovenia

(2) In paragraph (1), “the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.1.2 of the Directive.

Recognised specialities within the United Kingdom

11.—(1) The specialties specified in the Schedule are those which are recognised within the United Kingdom for the purposes of the Act.

(2) The Schedule specifies both those specialties and the minimum training period relevant to those specialties.

(3) Nothing in the Schedule shall prevent the award of a Certificate of Completion of Training in medical microbiology and virology to a person who was undergoing the education and training necessary to obtain such an award on 28th August 2009.

Judith Simpson
Clerk of the Privy Council

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

SCHEDULE

Article 11

Recognised specialties within the United Kingdom

Minimum training period of five years

Emergency medicine (*also known as accident and emergency medicine*)

General (internal) medicine* (*formerly known as general medicine*)

General surgery*

Neurosurgery* (*also known as neurological surgery*)

Trauma and orthopaedic surgery* (*also known as orthopaedics, and formerly known as orthopaedic surgery*)

Paediatric surgery

Plastic surgery*

Cardio-thoracic surgery (*also known as thoracic surgery*)

Urology*

Minimum training period of four years

Cardiology (*formerly known as cardio-vascular disease*)

Chemical pathology (*also known as biological chemistry and as clinical biochemistry*)

Child and adolescent psychiatry (*also known as child psychiatry*)

Clinical neurophysiology

Clinical pharmacology and therapeutics (*also known as pharmacology*)

Infectious diseases (*also known as communicable diseases*)

Public health medicine (*also known as community medicine*)

Dermatology

Clinical radiology* (*also known as diagnostic radiology and formerly known as radiology*)

Gastro-enterology

Geriatric medicine (*formerly known as geriatrics*)

Immunology (*also known as immunopathology*)

Medical microbiology (*also known as microbiology and bacteriology*)

Medical virology

Neurology*

Nuclear medicine

Obstetrics and gynaecology*

Occupational medicine

Oral and maxillo-facial surgery (*also known as dental, oral and maxillo-facial surgery (basic medical and dental training)*)

Paediatrics*

General psychiatry* (*also known as psychiatry, as general adult psychiatry, and as mental illness*)

Clinical oncology (*also known as radiotherapy*)

Renal medicine (*also known as renal disease, and formerly known as nephrology*)

Respiratory medicine* (*also known as thoracic medicine*)

Rheumatology

Tropical medicine

Genito-urinary medicine (*also known as venereology*)

Minimum training period of three years

Anaesthetics*

Endocrinology and diabetes mellitus (*also known as endocrinology*)

Haematology (*also known as general haematology*)

Ophthalmology*

Otolaryngology* (*also known as otorhinolaryngology, and as ENT surgery*)

No minimum training period

Acute internal medicine

Allergy

Audiological medicine

Clinical genetics

Community sexual and reproductive health

Forensic psychiatry

Intensive care medicine

Medical oncology

Medical ophthalmology

Psychiatry of learning disability

Old age psychiatry

Paediatric cardiology

Palliative medicine

Pharmaceutical medicine

Psychotherapy

Rehabilitation medicine

Sport and exercise medicine

[Note: The specialties marked * above are those listed in Annex V, point 5.1.3 of the Directive which are common to all relevant European States. The remaining specialties are those in which the United Kingdom awards a qualification but which are peculiar to two or more relevant European States.]

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made as a consequence of the abolition of the Postgraduate Medical Education and Training Board (established by [S.I.2003/1250](#)) and the transfer of its functions in relation to such education and training to the General Medical Council. It is made under new powers in the Medical Act 1983 (c.54) which have been inserted into that Act by [S.I.2010/234](#).

This Order sets out the categories of registered medical practitioners, other than those who have been awarded a certificate of completion of training, who are eligible for entry in the General Practitioner Register and the Specialist Register kept by the General Medical Council. The eligibility criteria are largely based on the content of Directive [2005/36/EC\(16\)](#) concerning the recognition of professional qualifications.

Article 3(1) prescribes that the categories of registered medical practitioners who are eligible for inclusion in the General Practitioner Register are those set out in articles 4 and 5 and those practitioners who are on the list of visiting medical practitioners from the European Union and who are practising in this country as a general practitioner (article 3(1)(c)) on a temporary and occasional basis. Article 3(2) provides that persons falling within article 3(1)(c) may be removed from that register if they cease to meet the relevant conditions. Article 4 relates to exempt persons (i.e. those persons who seek entry to the medical profession in the United Kingdom by virtue of an enforceable European Community right) who are eligible general practitioners and article 5 relates to exempt persons who are eligible general systems general practitioners (i.e. those having the requisite qualifications and experience obtained in the European Economic Area or Switzerland to practise as a general practitioner in the United Kingdom).

Article 6 prescribes which registered medical practitioners who have acquired rights to practice as general practitioners in the United Kingdom, are eligible for entry in the General Practitioner Register.

Article 7(1) prescribes that the categories of registered medical practitioners who are eligible for inclusion in the Specialist Register are those set out in articles 8 and 9 and those practitioners who are on the list of visiting medical practitioners from the European Union and who are practising in this country as specialists on a temporary and occasional basis (article 7(1)(c)). Article 7(2) provides that persons falling within article 7(1)(c) may be removed from that register if they cease to be such a person. Article 8 relates to exempt persons who are eligible specialists and article 9 relates to exempt persons who are eligible general systems specialists (i.e. those having the requisite qualifications and experience obtained in the European Economic Area or Switzerland to practise as a specialist in the United Kingdom).

(16) OJ No L 255, 30.09.2005, p.22 as amended, so far as is relevant, by Council Directive [2006/100/EC](#) of 20th November 2006, OJ No L 363 of 20.12.2006, p.141 and Regulation (EC) No.1137/2008 of 22nd October 2008, OJ No L311, 21.11.2008, p.1.

Article 10 prescribes the qualifications granted outside the United Kingdom which must be recognised when determining whether or not a registered medical practitioner is eligible for inclusion in the Specialist Register. Article 11 and the Schedule prescribe the medical specialties which the UK recognises and the minimum training periods for those specialties where applicable.