

2010 No. 475

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

**The General Medical Council (Applications for General Practice
and Specialist Registration) Regulations 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

The General Medical Council have made the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010, which are set out in the Schedule to this Order, in exercise of the powers conferred by section 34E(1) and (3) of the Medical Act 1983(a).

By virtue of section 34E(6) of that Act, such Regulations shall not come into force until approved by Order of the Privy Council

Their Lordships, having taken these Regulations into consideration, are pleased to and do approve them.

This Order may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010 and comes into force on 1st April 2010.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010

Arrangement of Regulations

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The General Medical Council make the following Regulations in exercise of powers conferred by section 34E(1) and (3) of the Medical Act 1983.

Citation and commencement

1. These Regulations may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 and come into force on 1st April 2010.

Interpretation

2.—(1) In these Regulations—

“the 2010 Order” means the Postgraduate Medical Education and Training Order of Council 2010(a);

“the Act” means the Medical Act 1983;

“application” means an application for inclusion in the General Practitioner Register under section 34C of the Act or the Specialist Register under section 34D of the Act, and the term “applicant” shall be construed accordingly;

“Fees provisions” means rules made under article 24(5) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(b) or regulations made under section 34O(1) of the Act(c);

“previous legislation” means—

(a) the European Specialist Medical Qualifications Order 1995(d); and

(b) the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003;

“primary medical qualification” means—

(a) S.I.2010/473.

(b) S.I.2003/1250. That instrument is revoked by S.I.2010/234, article 7 and Part 3 of Schedule 3 but rules under article 24(5) remain in force by virtue of paragraph 8 of Schedule 2 to S.I.2010/234.

(c) Section 34O is inserted by S.I.2010/234.

(d) S.I.1995/3208. This instrument is revoked by S.I.2003/1250.

- (c) a primary United Kingdom qualification as defined in section 4(3) of the Act(a);
- (d) a primary European qualification as defined in section 17 of the Act(b); or
- (e) an acceptable overseas qualification as defined in section 21B(2) of the Act(c);

“provider” means any hospital, general practitioner, or other body or person in the United Kingdom or elsewhere by whom, or under whose direction or management, any postgraduate education or training, or sub-specialty training, has been given, non-training posts have been undertaken or other experience has been provided;

“statement of eligibility” means a statement issued by the Registrar under regulation 7.

(2) In these Regulations, “relevant authority” means—

- (a) in relation to medical education and training conducted in the United Kingdom, a Medical Royal College, Faculty, Postgraduate Deanery, or other body, or any committee, council or grouping of such bodies, which administer or implement a curriculum approved by the competent authority or authorities of the United Kingdom under Article 56 of the Directive(d);
- (b) in relation to medical education and training conducted in a relevant European State other than the United Kingdom, the competent authority or authorities of that State under Article 56 of the Directive; and
- (c) in relation to medical education and training conducted in any other country, any body, institution or authority in that country responsible for the supervision, accreditation, certification or approval of courses, programmes, training posts, examinations, assessments or other tests of competence in postgraduate medical education and training.

(3) The reference to a competent authority in paragraph (2)(a) is a reference to an authority which was a competent authority at the time the approval was given.

(4) The reference to a competent authority in paragraph (2)(b) includes references to authorities which are no longer competent authorities of that European State but which were a competent authority of that State at the time the medical education and training was conducted.

Form and content of applications

3.—(1) An application must be made in writing to the Registrar in accordance with the following paragraphs of this regulation.

(2) An application must include the following—

- (a) the applicant’s name, date of birth and, where applicable, General Council reference number;
- (b) the applicant’s registered address or, where applicable, any postal or electronic mail address to which the Registrar is able to send to the applicant written communication relating to the application;
- (c) information regarding whether the application is for inclusion in the General Practitioner Register or the Specialist Register;
- (d) if the application is for inclusion in the Specialist Register, information regarding whether the applicant wishes the Registrar to indicate in that register the name, or a description of, a field within the relevant specialty in accordance with section 34D(9)(b) of the Act(e); and
- (e) any evidence required to be submitted in accordance with regulation 5.

(a) Section 4(3) is amended by the Medical Qualifications (Amendment) Act 1991 (c.38), section 1.

(b) Section 17 is substituted by S.I.1996/1591 and amended by S.I.2004/1947 and 2007/3101.

(c) Section 21B is inserted by S.I.2006/1914 and amended by S.I.2007/3101.

(d) The Directive as defined in section 55(1) of the Act is Directive 2005/36/EC, 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 L 311, 21.11.2008, p.1.

(e) Section 34D is inserted by S.I.2010/234.

(3) An application must be accompanied by any fee payable under the Fees provisions.

Acknowledgment of applications

4. The Registrar must, as soon as reasonably practicable, and in any event within one month of receipt of an application—

- (a) acknowledge receipt of the application; and
- (b) inform the applicant of any missing document which is required for the purposes of the application.

Evidence

5.—(1) The applicant must submit the following evidence, in support of an application, of their eligibility for inclusion in the General Practitioner Register or the Specialist Register, including, as applicable—

- (a) evidence verifying the identity of the applicant;
- (b) evidence, where relevant, that the applicant is a national of a relevant European State or is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of a relevant European State;
- (c) evidence that the applicant is, or will be at the time the application is determined (if granted), a registered medical practitioner;
- (d) a copy of any CCT awarded under section 34L of the Act^(a) or of any CCT or equivalent qualification awarded under the corresponding provisions of previous legislation;
- (e) a copy of any certificate of acquired rights issued in accordance with section 34G(2) of the Act or in accordance with previous legislation;
- (f) a copy of any certificate of equivalent experience or certificate of prescribed experience issued under previous legislation by the Postgraduate Medical Education and Training Board or by the Joint Committee on Postgraduate Training for General Practice;
- (g) evidence that the applicant fulfils the criteria set out in any scheme published under section 34D(6) of the Act;
- (h) subject to paragraphs (2) and (3), a statement of eligibility, or a statement of eligibility for registration issued in accordance with article 11(7) or 14(11) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003; or
- (i) evidence that the applicant's specialist qualification is evidence of training that meets, or under Article 22(a) of the Directive is treated as meeting, the requirements of Article 25 of the Directive and, where applicable, Article 34 of the Directive.

(2) Paragraph (3) applies where an applicant does not provide evidence under paragraph (1)(h) but is applying for inclusion in the General Practitioner Register or the Specialist Register on the basis that—

- (a) their training is, or qualifications are, or both when considered together are, equivalent to a CCT in general practice for the purposes of article 4(4) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register);
- (b) their specialist training is, or specialist qualifications in a recognised specialty are, or both when considered together are, equivalent to a CCT in the relevant specialty for the purposes of article 8(3) of the 2010 Order (specialists eligible for entry in the specialist register);
- (c) their level of knowledge and skill are consistent with practise as a consultant in any of the UK health services for the purposes of article 8(4) of the 2010 Order; or

(a) Section 34L is inserted by S.I.2010/234.

- (d) they are an eligible general systems general practitioner under article 5 of the 2010 Order or an eligible general systems specialist under article 9 of the 2010 Order.
- (3) Where this paragraph applies, an applicant must submit with their application—
- (a) evidence of qualifications awarded to the applicant, provided or authenticated by the provider or relevant authority awarding such qualifications, including—
 - (i) certificates in respect of any primary medical qualification;
 - (ii) certificates in respect of any specialist qualification whether obtained in the United Kingdom, another European State or elsewhere; and
 - (iii) evidence that any qualification was awarded after examination or on the basis of evaluation of course work, or after a programme of specialist medical training or training in general practice;
 - (b) evidence of training including, where appropriate, sub-specialty training, completed by the applicant, which is provided or authenticated by the provider or relevant authority providing or supervising such training, including—
 - (i) evidence of the courses followed and the methods, frequency and outcomes of assessment and evaluation;
 - (ii) evidence that the training was supervised, accredited, approved or certified by a relevant authority;
 - (iii) certificates confirming the completion of training, including any certificate issued by a competent authority pursuant to the requirements of the Directive;
 - (iv) log books, portfolios or other training materials, and
 - (v) evidence of the applicant’s continuing professional development;
 - (c) evidence of experience obtained by the applicant, provided or authenticated by the provider or relevant authority responsible for providing, monitoring or supervising such experience, including—
 - (i) details of each post, including the nature of the post or workplace and the dates of attendance;
 - (ii) evidence as to satisfactory completion of any posts, authenticated by a designated representative of the institution responsible for the post;
 - (iii) certificates confirming experience obtained, including any certificate issued by a competent authority pursuant to the requirements of the Directive; and
 - (d) personal or professional references.

Collection of information, evidence and advice

- 6.—(1) The Registrar may, at any time whilst considering the application—
- (a) request the applicant to produce such further information, documents or reports;
 - (b) obtain from any person other than the applicant, provider, relevant authority, or other body, such information, documents or reports, including advice from one or more medical or lay advisers as to whether the applicant is eligible for inclusion in the General Practitioner Register or the Specialist Register;
 - (c) make such further investigations, and obtain such information, documents or reports; or
 - (d) refer any question or matter arising to a Registration Panel for advice,
- as in the Registrar’s opinion is appropriate to the determination of the application.
- (2) In paragraph (1)(b)—
- “lay” means a person who—
- (a) is not, and never has been, provisionally registered or fully registered;
 - (b) was at no time registered with limited registration; and

- (c) does not hold qualifications which would entitle an application to be made by that person for provisional or full registration, under the Act;
- “medical” means a registered medical practitioner.

Statements of eligibility

7.—(1) Where an applicant submits evidence under regulation 5(3) and the Registrar is satisfied of the applicant’s eligibility for inclusion in the General Practitioner Register or the Specialist Register, the Registrar must, before considering and determining the application under regulation 8, provide the applicant with a written statement confirming that the Registrar is so satisfied.

(2) Where the Registrar is not satisfied as to the applicant’s eligibility for inclusion in the General Practitioner Register or the Specialist Register, the Registrar must notify the applicant of this fact in writing, informing the applicant of the nature and extent of any further training, qualification, assessment, experience, examination or other test of competence the Registrar considers necessary in order to enable the Registrar to be so satisfied, including any necessary adaptation period pursuant to Part 3 of the General Systems Regulations(a).

Determination of applications

8.—(1) The Registrar must, subject to paragraph (2), grant or refuse an application and, in considering their decision, must take into account—

- (a) where appropriate, any standards and requirements established by the General Council under section 34H(1)(a) of the Act including any minimum requirements for general practice or specialist training under, respectively, sections 34J and 34K of the Act(b); and
- (b) any failure by the applicant to provide any evidence, information, document or report required under regulation 5 or 6.

(2) Paragraph (1) does not apply where—

- (a) a statement of eligibility has been issued under regulation 7(1) or refused under regulation 7(2); and
- (b) the applicant has informed the Registrar that they do not wish to proceed with the application.

(3) As soon as reasonably practicable after having determined an application, the Registrar must notify the applicant of the determination in accordance with paragraphs 3(1) and 6 of Schedule 3A to the Act.

Correction of errors

9. Where it comes to the attention of the Registrar that there is an error in any of the information contained in a statement of eligibility, the Registrar must—

- (a) request the original statement from the applicant;
- (b) provide a corrected statement to the applicant; and
- (c) notify such other persons or bodies as the Registrar considers appropriate, that the statement has been corrected, including details of the correction.

(a) The General Systems Regulations as defined in section 55(1) of the Act means the European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I.2007/2781).

(b) Sections 34H, 34J and 34K are inserted by S.I.2010/234.

Given under the official seal of the General Medical Council this 11th day of February 2010



Peter Rubin
Chair

Niall Dickson
Chief Executive and Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

The Regulations approved by this Order make provision in respect of the form of, and procedure relating to, applications for inclusion in the General Practitioner Register and the Specialist Register which fall to be made to the General Medical Council (“GMC”) by virtue of provisions in the Medical Act 1983 (c.54) which were inserted by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I.2010/234).

Regulation 3 makes provision in respect of the form and content of such applications.

Regulation 4 requires the Registrar of the GMC to acknowledge such applications within the period therein specified.

Regulation 5 sets out the evidence required in support of such applications.

Regulation 6 enables the Registrar to obtain evidence, information and advice relating to the application if considered necessary.

Regulation 7 enables the Registrar to provide a written statement of eligibility for inclusion in those Registers and requires notification to be given to the applicant if the Registrar is not satisfied as to such eligibility, such notification informing the applicant of any further education and training which must be undertaken in order to satisfy the Registrar of such eligibility.

Regulation 8 makes provision in respect of the determination of applications.

Regulation 9 allows for correction of errors in statements of eligibility.

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STATUTORY INSTRUMENTS

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