

EXPLANATORY MEMORANDUM TO
THE GENERAL MEDICAL COUNCIL (APPLICATIONS FOR GENERAL PRACTICE AND SPECIALIST REGISTRATION) REGULATIONS ORDER OF COUNCIL 2010

2010 No. 475

1. This Explanatory Memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The Regulations scheduled to this Order make provision for the procedures to be followed in relation to applications for inclusion in the General Medical Council's (GMC) General Practitioner (GP) Register and Specialist Register.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I.2010/234)(the '2010 Order') provides for the statutory functions relating to the regulation of medical education and training which were previously undertaken by the Postgraduate Medical Education and Training Board (PMETB) to be transferred to the GMC. By virtue of that Order, PMETB is to be abolished. Those transferred functions include the keeping of the GP and Specialist Registers.
 - 4.2 The GMC's statutory functions are set out in the Medical Act 1983, as amended ("the 1983 Act"). The 2010 Order inserts a new section 34E into the 1983 Act which requires the GMC to make regulations as to the procedure to be followed by, or in relation to, persons applying to be included in one or other of those registers.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to all of the United Kingdom.
6. **European Convention on Human Rights**
 - 6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- **What is being done and why**

7.1 The GMC is the independent regulator for doctors in the UK. Its statutory purpose is to protect, promote and maintain the health and safety of the public by ensuring proper standards in the practice of medicine. The current Regulations Order relates to its procedures for maintaining the GP Register and the Specialist Register.

7.2 In order to practice medicine in the UK, a doctor must be both registered and licensed with the GMC. In addition, in order to be eligible for consideration for appointment as a consultant in the NHS, a doctor's name must be included in the GMC's Specialist Register. To be eligible to work as an NHS GP, a doctor must be included in the GP Register.

7.3 The purpose of these Regulations is to prescribe the procedures to be followed in respect of applications for inclusion in the GP Register or the Specialist Register.

- **Details of the proposed Regulations**

Regulation 1

7.4 This contains the citation and commencement for the Regulations.

Regulation 2

7.5 This provides definitions of the various terms used in the Regulations.

Regulation 3

7.6 This describes the form that an application for inclusion in the GP Register or Specialist Register must take and the information to be provided. This regulation also enables doctors seeking specialist registration to state whether they also wish to apply for the registration of a sub-specialty.

Regulation 4

7.7 This requires the Registrar of the GMC to acknowledge receipt of the application as soon as reasonably practicable and, in any event, within one month. In that time the Registrar must also inform the applicant of any missing documents that may be required in support of the application.

Regulation 5

7.8 This describes the different types of evidence that a doctor must provide in order to demonstrate eligibility for inclusion in the GP Register or the Specialist Register. This includes a copy of any Certificate of Completion of Training (CCT) or certificate of acquired rights. Regulation 5 also describes

the alternative forms of evidence required from doctors who have not completed UK specialty or GP training leading to a CCT.

Regulation 6

7.9 This provides for the Registrar of the GMC to seek further information or advice to assist in determining the application. This includes taking advice from a GMC Registration Panel.

Regulation 7

7.10 This provides for the Registrar to issue an applicant with a statement of eligibility for inclusion in the GP Register or Specialist register. Where the Registrar is not satisfied of the applicant's eligibility the Registrar is required to notify the applicant and inform him of any further training, experience, qualifications or assessment required.

Regulation 8

7.11 This states that in deciding whether to grant or refuse an application for inclusion in the GP Register or Specialist Register the Registrar must have regard to the standards and requirements established by the GMC for general practice or specialist training and to any failure by the applicant to provide the evidence or information required under regulations 5 or 6. This does not apply where the applicant has already been issued with, or refused, a statement of eligibility under regulation 7 or the applicant does not wish to proceed with an application for inclusion in the GP Register or the Specialist Register.

7.12 Regulation 8 also requires the Registrar to notify the applicant of the Registrar's decision as soon as reasonably practicable.

7.13 It is to be noted that if the application is unsuccessful, the applicant can appeal to a GMC Registration Appeals Panel by virtue of Schedule 3A to the 1983 Act.

Regulation 9

7.14 This provides that where there is an error in a statement of eligibility awarded by the Registrar under regulation 7, a new statement can be issued.

8. Consultation outcome

8.1 Between 27 October 2009 and 5 January 2010, the GMC consulted on a package of draft Regulations necessary as a result of the transfer of functions from PMETB to the GMC. This package included a draft of these Regulations.

8.2 Details of the consultation were sent to 90 organisations. They included organisations representing doctors, the NHS and other healthcare providers, medical schools, deaneries and medical Royal Colleges and

Faculties. Details of the consultation were also published on the GMC's website. One month before the consultation closed, reminder letters were sent to those organisations that had not submitted comments.

8.3 The GMC received 27 responses to the consultation overall, of which 20 commented specifically on the draft of these Regulations. These included responses from each of the key interest groups referred to above, as well as from individual doctors and the public.

8.4 Three quarters of all respondents unequivocally supported the Regulations as drafted. Of those who did not, several raised general issues which fell outside the scope of the Regulations.

8.5 The GMC has concluded that no changes are required to the draft Regulations arising from the consultation responses. A detailed report of the consultation and the GMC's response to the issues raised will be published on the GMC's website from 16 February 2010.

9. Guidance

9.1 The Department of Health has not issued any guidance in relation to this Order.

9.2 The GMC will publish supplementary guidance to assist doctors applying for inclusion in the GP Register or Specialist Register. This will cover operational matters which fall outside the legal rights and responsibilities described in the Regulations.

10 Impact

10.1 There is minimal impact to business, charities or voluntary bodies.

10.2 There is no negative impact on equality issues. Under section 52A(1)(a) of the 1983 Act, the GMC is required, in any event, when reporting on the exercise of their functions, to include a description of the arrangements they have put in place to ensure they adhere to good practise in relation to equality and diversity.

10.3 There is no impact on the public sector.

11. Regulating small business

11.1 The legislation does not relate to small businesses.

12. Monitoring & review

12.1 These Regulations will enable the GMC to carry out its new functions in relation to the GP and Specialist Registers as soon as they are transferred from PMETB. The new procedures will be subject to monitoring and review

to assess whether further changes are required in the light of operational experience of the procedures.

13. Contact

13.1 Matthew Fagg at the Department of Health (Tel: 0113 254 6365 or email Matthew.Fagg@dh.gsi.gov.uk) can answer any queries regarding the instrument.