
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the regulation of postgraduate medical education and training for specialist medical practice and general medical practice: the Order implements obligations under 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.

This Order is made under sections 60 and 62(4) of the Health Act 1999. Under paragraph 9(1) and (3) of Schedule 3 to the Health Act 1999, the Secretary of State and the Scottish Ministers jointly published a draft of the Order and invited representations to be made on it. A copy of the report about the consultation is available from the Department of Health's website (www.doh.gov.uk/medicaltrainingintheuk/pmetbreform.htm).

Part 1 of the Order makes provision for commencement and interpretation of the Order (articles 1 and 2 and Schedule 1).

Part 2 of the Order creates a body, the Postgraduate Medical Education and Training Board ("the Board"), which is required to set standards of postgraduate medical education and training and to put in place arrangements to ensure that they are met (article 3 and Part 1 of Schedule 2). The Order creates two statutory committees of the Board: the Training Committee and the Assessment Committee (article 3(7) and Part 2 of Schedule 2).

Part 3 of the Order provides for the Board to set standards and requirements that have to be satisfied before a doctor can be awarded a Certificate of Completion of Training ("CCT") as a general practitioner or a specialist (article 4). Any such standards or requirements established by the Board must comply with prescribed minimum requirements, which includes the requirements for general practice and specialist training set out in Directive [93/16/EEC](#) (articles 5 and 6, and Schedules 3, 4 and 5). The Board may award CCTs (article 8). The Board may appoint visiting panels to visit persons or institutions who are involved in the provision of postgraduate medical education and training (article 7). The Order also makes provision as to the information that such persons or institutions must provide to the Board (article 9).

Part 4 makes provision for the General Medical Council ("GMC") to maintain a General Practitioner Register (article 10) and a Specialist Register (article 13). The Order sets out the categories of doctors who are eligible for entry in each of the Registers (articles 11, 12 and 14 and Schedules 6 and 7). The Specialist Register replaces the register of specialists maintained by the GMC under the European Specialist Medical Qualifications Order 1995.

Provision is made for certain time limits to apply to the GMC when dealing with applications to it to be included in the Registers (article 16). Provision is also made for the GMC to publish the Registers and to provide certain information to persons making inquiries as to whether a doctor's name is included in the Registers (article 17). Provision is also made for the removal and suspension of doctors from the Registers in prescribed circumstances (article 18). In particular, provision is made for a doctor's name to be removed from either of the Registers if that doctor is no longer a registered medical practitioner. The Order provides that a doctor cannot work as a general practitioner or a consultant in the National Health Service in the United Kingdom unless his name is included in the appropriate register (articles 10(4) and 13(6)).

Part 5 designates the Board and the GMC as competent authorities for certain purposes required by Directive [93/16/EEC](#), and it confers specific functions on the GMC and the Board. The GMC is designated as the competent authority for the purposes of the recognition and registration of

specialist qualifications (article 20(1)(a)) and provision is made for the recognition of vocational training certificates and certificates of acquired rights (article 19(b)) issued in EEA States other than the United Kingdom.

Part 6 provides for appeals to an Appeal Panel against decisions of the Board (article 21(1)). An appeal from any decision of an Appeal Panel can be made to a county court or, in Scotland, a sheriff (article 22). A separate provision provides for a right of appeal under the Medical Act 1983 against a decision by the GMC not to include a person's name in the General Practitioner Register or the Specialist Register (article 23).

Part 7 contains provision on miscellaneous matters. Provision is made for the Board and the GMC to charge fees for services they provide when performing functions under the Order (article 24). Provision is also made for approval by the Secretary of State of certain rules made by the Board (in relation to fees and removal of members from the Board) and the procedure which applies (article 25). The Secretary of State is given default powers if he considers that the Board has failed to perform its functions (article 26). It is a requirement that the Secretary of State arranges a full review of the Board's exercise of its functions once every five years (article 28). The Board is required to produce annual reports (article 27) and to keep proper accounts (article 29).

Minor amendments are made to the Medical Act 1983 (article 30). The amendment in article 30(1) is made to ensure that section 40(9) of the Medical Act 1983 (which relates to costs arising in fitness to practise appeals), as amended by the Medical Act 1983 (Amendment) Order 2002, reflects the amendments made to that section by the National Health Service Reform and Health Care Professions Act 2002. Article 30(2) provides for amendments to paragraph 11(1) and (2) of Schedule 5 to the Medical Act 1983 to alter the definition of registered medical practitioner and similar expression in pre 1st January 1979 legislation as a result of the introduction of the licence to practise by virtue of the Medical Act 1983 (Amendment) Order 2002: as a result of this amendment it is no longer necessary to amend the Prison Act 1952 in paragraph 1 of Schedule 1 to the Medical Act 1983 (Amendment) Order 2002, and paragraph 1 is therefore omitted.

Transitional, transitory and saving provisions are made (article 31 and Schedule 8) and consequential amendments and revocations are made to primary and secondary legislation (article 31 and Schedules 9 and 10). Provision is made for the Order to extend to the whole of the United Kingdom (article 31) except in relation to certain consequential amendments to primary and secondary legislation provided for in Schedules 9 and 10 respectively.

A transposition note in relation to the implementation of Directive [93/16/EEC](#) has been placed in the libraries of both Houses of Parliament, and copies can be obtained from Department of Health, Room 2N35a, Quarry House, Quarry Hill, Leeds, West Yorkshire LS2 7UE.