
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 13

GENERAL MEDICAL SERVICES

**Medical Practitioners (Vocational Training)
Regulations (Northern Ireland) 1998**

Made - - - - *21st January 1998*

Coming into operation *30th January 1998*

The Department of Health and Social Services being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to training in medical practice, the issue and/or recognition of diplomas or certificates or other evidence of qualifications in relation to medical practice, the titles used by those in medical practice, and the exercise of medical practice, and in exercise of powers conferred by that section and by Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978⁽³⁾, and of all other powers enabling it in that behalf, after consultation with such organisations as appeared to the Department to be representative of the medical profession as required by Article 8(5), hereby makes the following Regulations:

Part I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998 and shall come into operation on 30th January 1998.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Personal Social Services (Northern Ireland) Order 1978;

“appeal body” means the body appointed by the Department under regulation 14;

⁽¹⁾ S.I.1994/2791

⁽²⁾ 1972 c. 68

⁽³⁾ S.I. 1978/1907 (N.I. 26)

“certificate of prescribed experience” means a certificate issued pursuant to regulation 10 and, for the purposes of regulation 4 includes a certificate of prescribed experience issued under the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979⁽⁴⁾;

“certificate of equivalent experience” means a certificate issued pursuant to regulation 12 and, for the purposes of regulation 4, includes a certificate of equivalent experience issued under the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979;

“General Practice (GP) Registrar” has the meaning assigned to it in regulation 2 of the General Medical Services Regulations, regulation 2(1) of the National Health Service (General Medical Services) Regulations 1992⁽⁵⁾ and regulation 2(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995⁽⁶⁾, and also includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

“the General Medical Services Regulations” means the General Medical Services Regulations (Northern Ireland) 1997⁽⁷⁾;

“Health and Social Services Board” includes an HSS Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991⁽⁸⁾ and any person responsible for the management of a hospital which is not vested in either the Department or an HSS Trust;

“the Joint Committee” means the Joint Committee on Postgraduate Training for General Practice;

“Medical Directive” means Council Directive [93/16/EEC](#) of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications⁽⁹⁾, as amended by Council Directive [97/50/EC](#) of 6th October 1997⁽¹⁰⁾;

“the medical list” means a list maintained under regulation 4 of the General Medical Services Regulations;

“practitioner” means a fully registered medical practitioner except for the purposes of regulation 6(4) where it also includes a medical practitioner with limited registration under section 22 of the Medical Act 1983⁽¹¹⁾;

“satisfactory completion”, in relation to the period of training in any employment has the meaning assigned to it in regulation 9(1);

“summative assessment” has the meaning assigned to it in regulation 9(2); and

“trainer” has the meaning assigned to it in regulation 7(1).

Power of direction

3.—(1) Subject to paragraph (2), the Department may give directions to the Joint Committee in connection with—

- (a) their functions under these Regulations or the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽¹²⁾, in so far as those functions relate to the Community obligations contained in Title IV of the Medical Directive; and

(4) [S.R. 1979 No. 460](#)

(5) [S.I. 1992/635](#) as amended by [S.I. 1997/2468](#), regulation 3

(6) [S.I. 1995/416](#) as amended by [S.I. 1998/4](#), regulation 2(2)

(7) [S.R. 1997 No. 380](#) as amended by [S.R. 1998 No. 9](#)

(8) [S.I. 1991/194 \(N.I. 1\)](#)

(9) [O.J. No. L165](#), 7.7.93, p. 1

(10) [O.J. No. L921](#), 24.10.97, p. 35

(11) [1983 c. 54](#) section 22 was amended by [S.I. 1996/1591](#), regulation 6(5) and (6)

(12) [S.I. 1994/3130](#)

(b) any other functions of theirs which arise from Community obligations and which relate to specific training in general medical practice;

and it shall be the duty of the Joint Committee to comply with any such directions.

(2) Directions given under paragraph (1) may be as to matters of administration only.

Experience and certificates required

4.—(1) Subject to paragraph (2), a Health and Social Services Board shall not arrange under Article 56 of the principal Order with a practitioner for him to provide general medical services for persons in its area unless he is suitably experienced within the meaning of Article 8(2) of the 1978 Order.

(2) A practitioner who, in pursuance of Article 56 of the principal Order, applies to a Health and Social Services Board to be included in the medical list shall produce evidence that he is suitably experienced.

(3) The written evidence required to be produced pursuant to paragraph (2) shall be in the form of—

- (a) a certificate of prescribed experience; or
- (b) a certificate of equivalent experience; or
- (c) a statement of the grounds (with evidence in support thereof) upon which the practitioner claims exemption from the need to have the prescribed experience by virtue of regulation 5.

Exemptions

5.—(1) A practitioner shall be exempt from the need to have acquired the prescribed experience—

- (a) if on the 15th February 1981 his name was included on the medical list;
- (b) if on the 15th February 1981 an application pursuant to Article 56 of the principal Order had not been finally determined, but in consequence of its final determination his name was later included in the medical list⁽¹³⁾;
- (c) if his name was included in the medical list by virtue of his having made an application within 9 years after 15th February 1981 in a case where his name was not included in such a list on 15th February 1981, but had been so included before that day;
- (d) in respect of an application for his name to be included in the medical list for the provision of general medical services limited to—
 - (i) child health and surveillance services only;
 - (ii) contraceptive services only;
 - (iii) maternity medical services only;
 - (iv) minor surgery services only; or
 - (v) any combination of the services mentioned in paragraphs (i) to (iv);

but only if the practitioner's name was included in the medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;

- (e) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under regulations made under section 32 of the National Health Service Act 1977⁽¹⁴⁾ or under section 22 of the National Health Service (Scotland) Act 1978⁽¹⁵⁾ or

⁽¹³⁾ See S.R. 1979 No. 460, regulation 7

⁽¹⁴⁾ 1977 c. 49

⁽¹⁵⁾ 1978 c. 29

is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations;

(f) if he—

(i) is entitled to be registered under section 3 of the Medical Act 1983⁽¹⁶⁾ as a fully registered medical practitioner by virtue of subsection (1)(b) or (2) of that section, and

(ii) was established in the United Kingdom on 31st December 1994 by virtue of the primary European qualification⁽¹⁷⁾ giving rise to that entitlement; or

(g) if he holds a vocational training certificate or a certificate of acquired rights issued in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement) or by virtue of any enforceable Community right.

(2) In this regulation—

“certificate of acquired rights” means a certificate issued under Article 36(4) of the Medical Directive, to the effect that its holder has an acquired right to practise as a general medical practitioner under the national social security scheme of the issuing State without a vocational training certificate⁽¹⁸⁾;

“child health surveillance services”, “maternity medical services” and “minor surgery services” have the meaning assigned by regulation 2 of the General Medical Services Regulations;

“contraceptive services” has the meaning assigned by regulation 3(1)(c) of the General Medical Services Regulations;

“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⁽¹⁹⁾;

“EEA State” means a state which is a contracting party to the EEA Agreement; and

“vocational training certificate” means a diploma, certificate or other evidence of formal qualifications awarded on completion of a course of specific training in general medical practice and referred to in Article 30 of the Medical Directive.

Part II

PRESCRIBED EXPERIENCE

Prescribed Medical experience

6.—(1) Subject to regulation 12(9), the medical experience prescribed for the purposes of Article 8(2) of the 1978 Order is the satisfactory completion of a period or periods of training amounting to at least three years employment, and meeting the other requirements of this regulation.

(2) The reference in paragraph (1) to three years employment, and the references in paragraphs (3) and (4) to other periods of employment, are to periods of whole-time employment; but, subject to paragraph (8), the requirements of this regulation may be satisfied by periods of part-time employment of equivalent duration.

⁽¹⁶⁾ 1983 c. 54. Section 63 was substituted by S.I. 1996/1591, regulation 3

⁽¹⁷⁾ See section 17 of the Medical Act 1983, substituted by S.I. 1996/1591 regulation 4

⁽¹⁸⁾ See for the issue of certificates of acquired rights by the Joint Committee, S.I. 1994/3130, regulation 5(3)

⁽¹⁹⁾ Cm. 2183 and O.J. No. L1, 3.1.1994, p. 572

(3) The training shall include a period or periods amounting to at least 12 months employment as a General Practice (GP) Registrar with a trainer who falls within regulation 7(1).

(4) The remainder of the training—

- (a) shall be spent as a practitioner in posts falling within regulation 8;
- (b) shall include a period or periods amounting to not less than 6 months nor more than 12 months employment in each of two specialties mentioned in different paragraphs below—

- (i) General Medicine;

- (ii) Geriatric Medicine;

- (iii) Paediatrics;

- (iv) Psychiatry;

- (v) One of—

- Accident and Emergency Medicine; or

- General Surgery; or

- Accident and Emergency Medicine together with either

- General Surgery or Orthopaedic Surgery;

- (vi) One of—

- Obstetrics; or Gynaecology; or

- Obstetrics and Gynaecology.

(5) Where training is spent in employment in specialties which are not mentioned in paragraph (4) (b), not more than six months in any one such specialty may be taken into account in calculating, for the purposes of paragraph (1), the period or periods of training undertaken.

(6) The Joint Committee shall supervise training and shall in particular secure that it complies with the requirements of Article 31(1) of the Medical Directive, or (in the case of part-time training) Article 31(1) as appropriately modified together with Article 34 (the text of Articles 30, 31(1) and 34 as they had effect on the date these Regulations were made is reproduced at Schedule 1).

(7) The prescribed experience must be acquired within the period of seven years ending on the day on which a practitioner makes an application for a certificate of prescribed experience under regulation 10.

(8) In relation to periods of part-time employment—

- (a) in computing any period of training which began on or before 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the practitioner employed occupied less than half of the time usually occupied by the duties of practitioners employed whole-time in similar employment; and

- (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 practitioner employed, taken week by week, occupied less than 60% of the time usually occupied by the duties of practitioners employed whole-time in similar employment;

and in relation to any period of training which began after 31st December 1994 employment which is not whole-time shall not be regarded as equivalent to whole-time employment unless it includes at least two periods of whole-time employment, each lasting not less than one week, one such period falling within paragraph (3) and one within paragraph (4).

(9) For the purposes of this regulation, a “month” includes a period which begins on the first Wednesday of the month (whether or not that is the first day of the month) and ends on the last day of the month.

Approval of trainers

7.—(1) A practitioner falls within this paragraph for the purposes of regulation 6(3) if—

- (a) his name is included in the medical list;
- (b) he is, for the time being, approved by the Joint Committee for the purposes of regulation 6(3).

(2) An approval under paragraph (1) may be withdrawn by the Joint Committee at any time before it expires.

(3) The Joint Committee must, before approving a practitioner under paragraph (1), be satisfied that the characteristics and qualities of the practitioner and his practice are such that he is suitable to provide the experience referred to in regulation 6(3).

(4) A practitioner whose name is included in the medical list may appeal to the Department against a refusal by the Joint Committee to approve him under this regulation, or to withdraw his approval, but that decision shall continue to have effect until the appeal has been determined.

(5) An appeal under paragraph (4) shall be made by sending to the Department, within the period of 28 days beginning with the day on which the decision of the Joint Committee is given to him, or (subject to paragraph (6)) such longer period as the Department may allow, a notice of appeal containing a concise statement of the facts and contentions upon which the practitioner relies.

(6) The Department may allow a longer period only when it is satisfied that there was reasonable cause for failing to send the notice of appeal within the period of 28 days referred to in paragraph (5).

(7) The Department shall consider the appeal and may confirm the decision of the Joint Committee, require the Joint Committee to reconsider the matter, or substitute its own decision for that of the Joint Committee.

(8) Where the Department has required the Joint Committee to reconsider a decision, paragraphs (4) to (7) shall apply in relation to a second or subsequent decision by the Joint Committee to refuse to approve a practitioner under paragraph (1) or, as the case may be, to withdraw his approval, as they apply in relation to the first such decision.

Approval of training posts

8.—(1) A post falls within this regulation for the purposes of regulation 6(4) if it is—

- (a) a post which is, on 30th September immediately before the start of employment in that post, approved by the Joint Committee in accordance with paragraph (2);
- (b) a post which is an educationally approved post for the purpose of acquiring prescribed experience under regulations made under section 32 of the National Health Service Act 1977⁽²⁰⁾; or
- (c) a post which is an educationally approved post for the purpose of acquiring prescribed experience under regulations made under section 22 of the National Health Service (Scotland) Act 1978⁽²¹⁾.

(2) The Joint Committee may approve a post for the purposes of paragraph (1) if—

- (a) it is approved by the Specialist Training Authority of the Medical Royal Colleges (“the STA”) pursuant to Article 7 of the European Specialist Medical Qualifications Order 1995⁽²²⁾; or

(20) 1977 c. 49

(21) 1978 c. 29

(22) S.I. 1995/3208

- (b) it is not so approved and the post is one for which there is no relevant Royal College or Faculty which is entitled to appoint a member of the STA pursuant to Article 3(3) and Part I of Schedule 1 to that Order.

Satisfactory completion of prescribed experience

9.—(1) In these regulations, in relation to a period of training in any employment, “satisfactory completion” means the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

(2) Satisfactory completion of the period or periods of training prescribed by regulation 6(3) shall, if the whole of that training was undertaken after the day on which these regulations come into operation, be assessed by means of summative assessment, which for the purposes of these regulations means reports, examinations, interviews, written submissions and other forms of assessment all designed to test the competencies specified in Schedule 2.

(3) Subject to paragraph (1) and Schedule 2, the procedure for carrying out summative assessment and the curriculum to be followed by the General Practice (GP) Registrar shall be determined and published by the Joint Committee from time to time.

(4) A practitioner may elect to be assessed on the curriculum which was current at the time he started training as a General Practitioner (GP) Registrar and under the summative assessment procedure which was applicable at the time, or on the curriculum which was current and under the procedure which was applicable at any other time during the period of his training.

(5) Subject to regulation 10(1), satisfactory completion of training shall be evidenced—

- (a) in relation to the period or periods prescribed in regulation 6(3), by a statement containing information specified in Part I of Schedule 3, which is completed by the trainer with whom the training took place and signed by that person and authorised by the Regional Advisor for Postgraduate General Practice Education or a person authorised by him to act on his behalf for that purpose; and
- (b) in relation to a period or periods prescribed by regulation 6(4), by a statement containing the information specified in Part II of Schedule 3, which is completed by the practitioner who has supervised the training and signed by him and authorised by the Regional Advisor for Postgraduate General Practice Education or a person authorised by him to act on his behalf for that purpose.

Certificate of prescribed experience

10.—(1) A practitioner who claims to have acquired the prescribed experience may apply to the Joint Committee for a certificate of prescribed experience and shall include with his application the statements mentioned in regulation 9(5) or, if he does not have those statements, such evidence as the Joint Committee may require of satisfactory completion of his period of training.

(2) If the Joint Committee are satisfied that the practitioner has acquired the prescribed experience, they shall issue to him a certificate of prescribed experience.

(3) A certificate of prescribed experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983 and where those qualifications were awarded.

(4) If the Joint Committee are not satisfied that the practitioner has acquired the required medical experience, they shall issue to him a statement setting out the reasons why they are not satisfied.

Part III

EQUIVALENT EXPERIENCE

Meaning of equivalent experience

11. A practitioner's training and other experience shall be regarded as equivalent to the prescribed experience if it has given the practitioner the level of knowledge and skill in general medical practice which he could reasonably be expected to have attained if he had acquired the prescribed experience.

Certificate of equivalent experience

12.—(1) A practitioner who does not claim to have acquired the prescribed experience, but who considers that the medical experience which he has acquired is, or ought to be regarded as, equivalent to the prescribed experience may apply to the Joint Committee for a certificate of equivalent experience.

(2) The Joint Committee shall publish the criteria by which they will assess whether medical experience is equivalent to the prescribed experience.

(3) An application to the Joint Committee for a certificate of equivalent experience shall include particulars of the practitioner's medical experience, together with such evidence of that experience as the Committee may require.

(4) A practitioner whose experience includes that referred to in regulation 6(3) shall, if the whole of that experience was undertaken after the day on which these regulations come into operation, produce to the Joint Committee the statement referred to in regulation 9(5)(a), or other evidence that he has passed summative assessment (but no other practitioner applying for a certificate of equivalent experience may be required to undertake summative assessment).

(5) If the Joint Committee are satisfied that the applicant's medical experience is equivalent to the prescribed experience and, in cases to which paragraph (4) applies, that he has passed summative assessment, they shall issue to him a certificate of equivalent experience.

(6) A certificate of equivalent experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983, and where those qualifications were awarded.

(7) If the Joint Committee are satisfied that the medical experience in respect of which a certificate of equivalent experience is to be issued complies with all of the requirements of the Medical Directive relating to specific training in general medical practice, they shall annotate the certificate to that effect.

(8) If the Joint Committee are not satisfied that the applicant's medical experience is equivalent to the prescribed experience, they shall issue to him a statement setting out the reasons why they are not satisfied.

(9) A practitioner who holds a certificate of equivalent experience shall be treated as having acquired the prescribed medical experience, but shall not be entitled to obtain a certificate of prescribed experience.

Part IV

APPEALS AGAINST REFUSAL OF CERTIFICATES

Appeals against refusal of certificates

13.—(1) A practitioner may appeal against a refusal of the Joint Committee to issue to him a certificate of prescribed experience or a certificate of equivalent experience, by sending a notice of appeal to the Department within a period of 28 days beginning with the day on which the decision of the Joint Committee is given to him, or (subject to paragraph (2)) such longer period as the Department may allow.

(2) The Department may allow a longer period only where it is satisfied that there was reasonable cause for failing to send the notice of appeal within the period of 28 days referred to in paragraph (1).

(3) A notice of appeal shall contain a concise statement of the facts and contentions on which the practitioner intends to rely.

Appeal bodies

14.—(1) An appeal under regulation 13 shall be determined by an appeal body appointed by the Department.

(2) The Department may appoint—

- (a) a separate appeal body to determine each appeal as it arises (in which case it shall be appointed on receipt of the notice of appeal); or
- (b) a single appeal body to determine all appeals;

and in the case of an appeal body falling within sub-paragraph (b) it may with effect from a specified date rescind the appointment and appoint a differently constituted appeal body.

(3) An appeal body shall consist of four persons of whom—

- (a) one shall be a legally qualified person who shall be appointed to be the Chairman;
- (b) one shall be nominated by the Northern Ireland Faculty of the Royal College of General Practitioners;
- (c) one shall be nominated by the General Medical Services Committee of the Northern Ireland Branch of the British Medical Association; and
- (d) one shall be a practitioner of consultant status employed in clinical practice by a Health and Social Services Board which provides substantial facilities for undergraduate or postgraduate clinical training and who is nominated by the Northern Ireland Branch of the British Medical Association.

(4) Any nomination for the purposes of paragraph (3) may be made either specially or generally.

(5) The Department shall appoint a person to act as secretary of the appeal body and may appoint such other officers as it considers necessary.

Power of the Department to make new appointments

15.—(1) Where a member of an appeal body dies or resigns or is unable to carry out his duties, the Department may appoint a new member in accordance with regulation 14 and may rescind the appointment of the member who is unable or refuses to carry out his duties.

(2) A member of an appeal body shall not be deemed to be unable to carry out his duties or to have refused to do so, if he has indicated to the other members how he casts his vote for the purposes of regulation 17(1).

(3) Where a new member is appointed after a notice of appeal has been transmitted to the appeal body but before the body has reached a decision, the appeal body shall, notwithstanding any hearing or consideration which has already taken place, consider the appeal afresh in accordance with regulation 16.

(4) An appeal body shall be deemed to have reached a decision when a sufficient number of the members have given such indications to constitute a majority for the purposes of the provision, notwithstanding that any document embodying the decision has not been drawn up or signed by all or any of the members, or issued by the appeal body.

Procedure on appeal

16.—(1) Subject to the provisions of these Regulations, the procedure of the appeal body shall be determined by that body.

(2) The Department shall transmit a notice of appeal to the appeal body which is to determine the appeal.

(3) Before the appeal body considers the appeal, it may—

- (a) require the practitioner to submit further particulars and documents in support of his appeal; and
- (b) make inquiries of such persons as it may think fit in connection with the appeal.

(4) The appeal body shall—

- (a) send to the practitioner a copy of any comments made in reply to inquiries under paragraph (3)(b);
- (b) if a hearing is not to be held, give the practitioner a period of 21 days beginning with the day on which the comments were sent to him to reply in writing to the comments; and
- (c) give notice to the practitioner that he may, within a period specified in the notice, require the appeal body to give him an opportunity of appearing before and being heard by it.

(5) The appeal body may, or shall if so required by the practitioner, hold a hearing for the purpose of considering the appeal and shall, before the beginning of the period of 21 days ending with the date on which the hearing is to be held, send notice to the practitioner and to the Joint Committee of that date, and of the time and place of hearing.

(6) The proceedings of the appeal body shall be conducted in private, unless the practitioner requests a public hearing.

(7) At a hearing by the appeal body—

- (a) the practitioner may appear and be heard in person, or he may be represented by Counsel, a solicitor, or any other person; and
- (b) the Joint Committee may appear and be represented by Counsel, a solicitor, or any duly authorised member or officer of the Committee.

(8) The provisions of Schedule 8 to the principal Order (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Department) shall apply for the purposes of any appeal held under this regulation as if it was an inquiry caused to be held by the Department and as if, in paragraphs 2, 3 and 4 of that Schedule, for the words “the person appointed to hold the inquiry” there were substituted the words “the Chairman of an appeal body appointed for the purposes of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998”.

(9) Where the practitioner has required a hearing but does not appear and is not represented at the hearing, and the appeal body are not satisfied that there was good reason for the failure to appear or be represented, it may treat the requirement as having been withdrawn and either hold no hearing

or (if the Joint Committee are present or represented) proceed with the hearing in the absence of the practitioner.

(10) Where a hearing was to have been held in any case not falling within paragraph (9), and either the practitioner or the Joint Committee does not appear at the hearing and is not represented, the appeal body may hear the party present or represented or may decide that a hearing is not to be held.

(11) Where at a hearing neither the practitioner nor the Joint Committee appears or is represented, or in any case falling within paragraph (9) or (10), the appeal body may determine the appeal without further notice to the practitioner or to the Joint Committee.

(12) The appeal body may accept the withdrawal of an appeal at any time before a decision on the appeal is made on receipt of written notice of withdrawal from the practitioner.

(13) The appeal body may treat an appeal as having been withdrawn if—

- (a) it has not yet reached a decision on the appeal; and
- (b) it has tried to contact the practitioner but has not, after a reasonable interval, been successful in doing so, or a letter properly sent to the practitioner has been returned on the ground that it could not be delivered; and
- (c) it has sent notice to the practitioner that his appeal will be treated as withdrawn if the practitioner does not, within the period of 28 days beginning with the date on which the notice was sent, confirm that he wishes to proceed with his appeal.

Determination of appeals

17.—(1) In arriving at its decision on the appeal, whether or not a hearing has been held—

- (a) the decision of the appeal body shall be the decision of a majority; and
- (b) the Chairman shall not be entitled to vote, except in the case of an equality of votes.

(2) The appeal body shall send written notice to the practitioner and the Joint Committee of its decision and the reasons for its decision.

(3) If the decision of the appeal body is that the practitioner is entitled to a certificate of prescribed experience or a certificate of equivalent experience the Joint Committee shall issue the appropriate certificate to him.

Part V

MISCELLANEOUS

Revocations

18. The Regulations specified in column (1) of Schedule 4 are revoked to the extent specified in column (3) of that Schedule.

Existing circumstances

19.—(1) Where a practitioner who applies or has applied to the Joint Committee for a certificate of prescribed experience has undertaken a period of training which began before the date on which these regulations come into operation and which, at the date on which that period began, fell within regulation 4(1)(b)(i) of the 1979 Regulations, the Joint Committee shall treat that period of training as falling within regulation 6(3) of these regulations.

(2) Where such a practitioner has undertaken a period of training which began before the date on which these regulations come into operation and which, at the date on which that period began, fell within regulation 4(1)(b)(ii) of the 1979 Regulations—

- (a) the Joint Committee shall treat that period of training as falling within paragraph (4) of regulation 6 of these regulations, but as if the maximum period of employment which is specified in sub-paragraph (b) of that paragraph, in relation to specialties mentioned in that sub-paragraph, did not apply; and
- (b) where that training was in employment in a specialty which is not mentioned in that sub-paragraph, regulation 6(5) shall not apply.

(3) Where, pursuant to a specific recommendation of the Joint Committee in connection with an application or proposed application for a certificate of prescribed experience or a certificate of equivalent experience, a practitioner has, before the date on which these regulations come into operation, entered into an agreement to undertake a particular period of training which would, at the time at which he entered into that agreement, have fallen within regulation 4(1)(b)(ii) of the 1979 Regulations, sub-paragraphs (a) and (b) of paragraph (2) shall apply, notwithstanding that the training commenced after the date on which these regulations come into operation.

(4) A post which is, immediately before the day on which these regulations come into operation, an educationally approved post within the meaning of regulation 4(5)(a)(23) of the 1979 Regulations, shall be deemed to fall within regulation 8(1)(a) of these regulations until such time as approval of that post is withdrawn by the Joint Committee.

(5) Except for regulation 16(12), Part IV of these regulations shall not apply to any appeal against a refusal by the Joint Committee to issue a certificate of prescribed or equivalent experience in any case where notice of appeal has been given to the Department before the date on which these regulations come into operation and, notwithstanding the provisions of regulation 18, regulations 8 to 10 of the 1979 Regulations shall continue to apply in that case.

(6) In this regulation, “the 1979 Regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(24).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

21st January 1998.

J. McGrath
Assistant Secretary

(23) Regulation 4(5)(a) was amended by S.R. 1986 No. 69

(24) S.R. 1979 No. 460, amended by S.R. 1986 Nos. 69 and 309 and S.R. 1994 No. 499

SCHEDULE 1

Regulation 6(5)

Text of Articles 30, 31(1) and 34 of the Medical Directive

Article 30

Each member state which dispenses the complete training referred to in Article 23 within its territory shall institute specific training in general medical practice meeting requirements at least as stringent as those laid down in Articles 31 and 32, in such a manner that the first diplomas, certificates or other evidence of formal qualifications awarded on completion of the course are issued not later than 1st January 1990.

Articles 31(1)

The specific training in general medical practice referred to in Article 30 must meet the following minimum requirements:

- (a) entry shall be conditional upon the successful completion of a least six years' study within the framework of the training course referred to in Article 23;
- (b) it shall be a full-time course lasting at least two years, and shall be supervised by the competent authorities or bodies;
- (c) it shall be practically rather than theoretically based; the practical instruction shall be given, on the one hand, for at least six months in an approved hospital or clinic with suitable equipment and services and, on the other hand, for at least six months in an approved general medical practice or in an approved centre where the doctors provide primary care; it shall be carried out in contact with other health establishments or structures concerned with general medical practice; however, without prejudice to the aforesaid minimum periods, the practical instruction may be given for a maximum period of six months in other approved health establishments or structures concerned with general medical practice;
- (d) it shall entail the personal participation of the trainee in the professional activities and responsibilities of the persons with whom he works.

Article 34

1. Without prejudice to the principle of full-time training laid down in Article 31(1)(b), member states may authorise specific part-time training in general medical practice in addition to full-time training where the following particular conditions are met:

- the total duration of training may not be shortened because it is being followed on a part-time basis,
- the weekly duration of part-time training may not be less than 60% of weekly full-time training,
- part-time training must include a certain number of full-time training periods, both for the training conducted at a hospital or clinic and for the training given in an approved centre where doctors provide primary care. These full-time training periods shall be of sufficient number and duration as to provide adequate preparation for the effective exercise of general medical practice.

2. Part-time training must be of a level of quality equivalent to that of full-time training. It shall lead to a diploma, certificate or other evidence of formal qualification, as referred to in Article 30.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 9(2)

Competencies to be tested by Summative Assessment

The competencies to be tested by summative assessment are:

1. factual medical knowledge which is sufficient to enable the practitioner to perform the duties of a general practitioner;
2. the ability to apply factual medical knowledge to the management of problems presented by patients in general practice;
3. effective communication, both orally and in writing;
4. the ability to consult satisfactorily with general practice patients;
5. the ability to review and critically analyse the practitioner's own working practices and manage any necessary changes appropriately;
6. clinical skills; and
7. the ability to synthesise all of the above competencies and apply them appropriately in a general practice setting.

SCHEDULE 3

Regulation 9(5)

Information to be contained in Statements of Satisfactory Completion of Training

Part I

INFORMATION TO BE CONTAINED IN A STATEMENT OF SATISFACTORY COMPLETION OF THE PRESCRIBED EXPERIENCE AS A GENERAL PRACTICE (GP) REGISTRAR

Practitioner's name and address

GMC Full Registration number

Dates between which training took place, and total duration of training in months

Whether training was full-time or part-time, and if part-time, what ratio to full-time

Name and practice address of trainer or trainers

Statement that the practitioner has passed summative assessment

Date of signatures required by regulation 9(5)(a)

Part II

INFORMATION TO BE CONTAINED IN A STATEMENT OF SATISFACTORY COMPLETION OF A PERIOD OF PRESCRIBED EXPERIENCE IN A POST FALLING WITHIN REGULATION 8

Practitioner's name and address

GMC Full Registration number

Dates between which training took place, and total duration of training in months

Whether training was full-time or part-time, and if part-time, what ratio to full-time

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Name and practice address of hospital or community post
 Number of hospital or community post or other reference, where available
 Name of post and hospital grade, if appropriate.
 Speciality of post.
 Name, grade and professional address of doctor supervising training
 Statement of satisfactory completion of training
 Date of signatures required by regulation 9(5)(b)

SCHEDULE 4

Regulation 18

Revocations

(1) <i>Regulations revoked</i>	(2) <i>References</i>	(3) <i>Extent of revocation</i>
General Medical Services Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979	S.R. 1979 No. 460	The whole Regulations
General Medical Services Medical Practitioners (Vocational Training) (Amendment) Regula-tions (Northern Ireland) 1986	S.R. 1986 No. 69	The whole Regulations
General Medical Services Medical Practitioners (Vocational Training) (Amendment No. 2) Regulations (Northern Ireland) 1986	S.R. 1986 No. 309	The whole Regulations
General Medical Services Medical Practitioners (Vocational Training) (Amendment) Regula-tions (Northern Ireland) 1994	S.R. 1994 No. 499	The whole Regulations

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EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations revoke and replace the General Medical Services Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979.

The Regulations prescribe the medical experience which, under Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978, a medical practitioner is required to have acquired before being included in a Health and Social Services Board's list of medical practitioners undertaking to provide general medical services (regulations 4 and 6). They also prescribe the circumstances in which medical practitioners are exempt from the need to have acquired the prescribed medical experience (regulation 5). They provide for the Joint Committee on Postgraduate Training for General Practice ("the Joint Committee") to approve practitioners as trainers (regulation 7) and to approve training posts (regulation 8) and for an appeal to the Department by a practitioner who has been refused approval as a trainer (regulation 7). The Regulations also introduce a procedure for summative assessment of experience gained during the prescribed training as a General Practice (GP) Registrar (regulation 9 and Schedule 2).

The Regulations require the Joint Committee to issue a medical practitioner with a certificate of prescribed experience or equivalent experience if they are satisfied that he has acquired the necessary experience (regulation 10), or a certificate of equivalent experience if they are satisfied that he has acquired experience which is equivalent to the prescribed experience (regulations 11 and 12).

The Regulations provide for the establishment and procedure of an appeal body to hear appeals against the refusal of a certificate of prescribed or equivalent experience (regulation 14) and for the procedure to be followed on appeal (regulations 16 and 17).

The Regulations give effect to Title IV of 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 (which is referred to in these Regulations as "the Medical Directive"), as read with the Agreement on the European Economic Area ("EEA") signed at Oporto on 2nd May 1992 (as adjusted). Title IV of the Medical Directive is about Vocational Training for doctors providing general medical services in the national social security schemes of Member States. The Regulations also make provision relating to a person who is not a national of a member state of the EEA, but who is entitled to be treated no less favourably than an EEA national by virtue of a right conferred by Article 11 of Council Regulation [\(EEC\) No. 1612/68](#) (O.J. No. L257, 19.10.1968, p. 1) or any other enforceable Community right (such as those derived from Articles 48 and 52 of the Treaty of Rome).