

## SCHEDULE 2

Article 5(1)

### Transitional, transitory and saving provisions

#### Interpretation

1.—(1) In this Schedule—

“the appointed day” means the day on which article 3 of this Order comes into force;

“the Board” means the Postgraduate Medical Education and Training Board established by article 3 of the 2003 Order;

“the 2003 Order” means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(1).

(2) Any term which is defined for the purpose of the 1983 Act has the same meaning for the purpose of this Schedule.

#### Education and training leading to the award of a CCT

2.—(1) Sub-paragraph (2) applies in respect of each of the following, as in force immediately before the appointed day—

(a) any standards of education and training established by the Board under article 4(1) of the 2003 Order; and

(b) any additional requirements or higher standards which the Board may have established under article 4(2) of that Order.

(2) Standards or requirements referred to in sub-paragraph (1) shall have effect on and after the appointed day as if they were established by the General Council under section 34H of the 1983 Act.

(3) Any approval given by the Board under article 4(5) of the 2003 Order and in force immediately before the appointed day shall have effect on and after that day, as if given by the General Council under section 34I(1) of the 1983 Act.

(4) Applications to the Board for approval of postgraduate medical education and training under article 4(6) of the 2003 Order which were made before the appointed day but not determined by that day, shall be determined by the General Council under section 34I of the 1983 Act.

(5) Conditions attached by the Board to any approval by virtue of article 4(7) of the 2003 Order shall be deemed to have been attached by the General Council under section 34I(3) of the 1983 Act.

#### Visiting panels

3.—(1) Sub-paragraph (2) applies in respect of any visits made on or after the appointed day by a visiting panel appointed by the Board by virtue of article 7 of the 2003 Order before the appointed day.

(2) Notwithstanding the revocation of article 7 of the 2003 Order, those visits and the reports on them shall be conducted and prepared in accordance with the rules made under article 7(5) of that Order as in force immediately before the appointed day.

(3) In the application of article 7(3) and (4) of the 2003 Order for the purposes of this paragraph, references to the Board are to be read as references to the General Council.

#### Information to be provided to the General Council

4.—(1) For the purpose of enabling the General Council or the Registrar to discharge functions—

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(1) [S.I.2003/1250](#).

- (a) under the 1983 Act as amended by this Order; and
- (b) under the provisions of this Schedule,

the Board must supply such information and documentation which is in its possession or under its control, to the General Council or, as the case may be, to the Registrar, as is relevant to the discharge of those functions.

(2) Where the Board has made a request for information under article 9(2) of the 2003 Order before the appointed day and that information has not been supplied by that day, that information shall be supplied to the General Council.

(3) In the application of article 9(3) and (4) of the 2003 Order for the purposes of this paragraph, in article 9(4) of that Order—

- (a) the reference to the Board in the second place where it occurs is to be read as a reference to the General Council;
- (b) the reference to article 4(5) of the 2003 Order is to be read as a reference to section 34I(1) of the 1983 Act.

### **Award and withdrawal of a Certificate of Completion of Training**

**5.—**(1) Applications to the Board for a CCT under article 8(1) of the 2003 Order which were made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar under section 34L(1) of the 1983 Act.

(2) A CCT awarded by the Board before the appointed day shall be treated as having been awarded by the Registrar under section 34L(1) of the 1983 Act.

### **Requests for certificates of acquired rights**

**6.** Requests to the Board for a certificate of acquired rights under article 12(3) of the 2003 Order which were made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar under section 34G(2) of the 1983 Act.

### **Eligibility for entry in the General Practitioner Register and the Specialist Register**

**7.—**(1) Applications to the Board for a person to be considered to be—

- (a) an eligible general practitioner for the purposes of article 10(2)(b) of the 2003 Order;
- (b) an eligible specialist for the purposes of article 13(2)(b) of that Order,

made before the appointed day but not determined by that day, shall be treated as having been made to the Registrar in accordance with regulations under section 34E(1) of the 1983 Act.

(2) Applications referred to in sub-paragraph (1) shall be determined in accordance with the relevant provisions of the 2003 Order as in force immediately before the appointed day.

(3) In determining the applications referred to in sub-paragraph (1), the Registrar shall take into account—

- (a) the outcome of any previous application made by the applicant to the Board for inclusion in those registers; and
- (b) any review of, or appeal against, that decision.

### **Fees**

**8.—**(1) Fees payable to the Board or the General Council by virtue of rules under article 24(5) of the 2003 Order in respect of services provided in performing functions under the 2003 Order before the appointed day but not paid by that day, shall be payable to the General Council.

- (2) Rules under article 24 of the 2003 Order which are in force on the appointed day shall—
- (a) have effect as if the fees chargeable by the Board by virtue of those rules were chargeable by the General Council;
  - (b) have effect as if the fees chargeable by virtue of those rules in respect of functions performed under the 2003 Order, were chargeable in respect of functions performed under the corresponding provisions of the 1983 Act; and
  - (c) remain in force until such time as the General Council has made regulations under section 34B(2) or, as the case may be, 34O(1) of the 1983 Act.

(3) For the purpose of sub-paragraph (2)(b), fees chargeable in respect of requests made to the Board to issue the statements of eligibility for registration referred to in article 11(7) or 14(11) of the 2003 Order shall be treated as chargeable in respect of requests made to the Registrar for written statements that a person is eligible for inclusion in the General Practitioner Register or, as the case may be, the Specialist Register.

### **EU functions**

9. Functions under Part 2 of Schedule 7A to the 2003 Order which the Board had been requested to carry out as at the day before the appointed day but had not yet been carried out, shall be carried out by the General Council.

### **Appeals**

10.—(1) Persons or bodies falling within article 21(2)(a) or (b) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons or bodies in respect of whom the General Council has formed a provisional opinion under the appropriate provision of section 34I(5) of the 1983 Act.

(2) Persons falling within article 21(2)(c) or (d) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons in respect of whom an appealable registration decision has been made under the appropriate provision of paragraph 2A(1)(e) and (f) of Schedule 3A to the 1983 Act.

(3) Persons falling within article 21(2)(e) to (k) of the 2003 Order immediately before the appointed day shall, subject to sub-paragraph (4), be treated as persons in respect of whom an appealable registration decision has been made under the appropriate provision of paragraph 2A(1)(a) to (d) of Schedule 3A to the 1983 Act.

(4) Persons or bodies shall only be so treated pursuant to sub-paragraphs (1) to (3) where they have appealed against the decision within the period prescribed by rules made by the Board under article 21(6) and (7)(a) of the 2003 Order.

(5) Decisions of the Registrar referred to in article 23 of the 2003 Order which have not been referred to a Registration Appeals Panel as at the appointed day may be referred to that Panel if notice of appeal against the decision is given to the Registrar before the end of the period of 28 days beginning with the day on which notice of the decision was given.

(6) Where notice of appeal is given under sub-paragraph (5), Schedule 3A to the 1983 Act shall apply as if the decision were an appealable registration decision referred to in paragraph 2A(1)(a) or (b), or, as the case may be, 3(3), of that Schedule.

(7) Sub-paragraph (8) applies—

- (a) in respect of persons who have, as at the appointed day, appealed against a decision referred to in article 21(2)(c) to (k) of the 2003 Order within the period prescribed by rules made by the Board under article 21(6) and (7)(a) of that Order; and
- (b) where the Appeal Panel had not determined that appeal as at the appointed day.

(8) An appeal referred to in sub-paragraph (7) shall be determined by a Registration Appeals Panel as if it were an appeal made to that Panel under paragraph 4 of Schedule 3A to the 1983 Act in respect of an appealable decision by virtue of paragraph 2A of that Schedule to that Act.

(9) Sub-paragraph (10) applies—

- (a) in respect of persons to whom sub-paragraph (7)(a) applies; and
- (b) where the Appeal Panel had determined that appeal as at the appointed day.

(10) Paragraph 5 of Schedule 3A to the 1983 Act applies in respect of determinations of the Appeal Panel referred to in sub-paragraph (9) as it applies in respect of determinations of a Registration Appeals Panel made under paragraph 4 of that Schedule.

(11) Schedule 3A to the 1983 Act shall have effect in relation to the decisions, acts or omissions of the Board referred to in this paragraph as if they were decisions, acts or omissions of the Registrar or, as the case may be, the General Council.

(12) In determining the appeals referred to it in accordance with this paragraph, a Registration Appeals Panel or, as the case may be, a relevant court, shall have regard to the applicable standards prescribed by, or established in accordance with, the relevant provisions of the 2003 Order as were in force on the date of the application.

### **Application of TUPE**

**11.** The transfer of the functions of the Board to the General Council by virtue of this Order is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006(2), whether or not, apart from this paragraph, it would be considered such a transfer.

### **Transfer of property, rights and liabilities**

**12.—**(1) The Privy Council may by order provide for the transfer from the Board to the General Council of any—

- (a) property and rights; and
- (b) liabilities.

(2) Before making an order under sub-paragraph (1)(b), the Privy Council must consult the General Council.

### **Financial and audit matters**

**13.—**(1) The General Council—

- (a) must prepare a statement of the Board's accounts in respect of a period ending immediately before the appointed day;
- (b) must submit a report on the performance of the Board for the period since the last report under article 27(1) of the 2003 Order; and
- (c) may do anything else that appears to the General Council to be necessary or expedient in consequence of the abolition of the Board.

(2) Notwithstanding their revocation, articles 27(2) to (4) and 29(2) to (9) of the 2003 Order apply in respect of the accounts or report prepared or submitted in accordance with sub-paragraph (1) as if they had been prepared by the Board and references in those articles to the Board shall be read as references to the General Council.

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**Draft Legislation:** *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 No. 1250*