
STATUTORY INSTRUMENTS

1994 No. 3130

The Vocational Training for General Medical Practice (European Requirements) Regulations 1994

PART I
GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 and shall come into force on 1st January 1995.

(2) This Part, Part II, and the Schedule extend to the whole of the United Kingdom.

(3) Part III and regulations 11(3) and 14 extend to England and Wales and to Scotland, but not to Northern Ireland.

(4) Regulations 11(1) and 12 extend to England and Wales only.

(5) Regulations 11(2) and 13 extend to Scotland only.

Interpretation

2. In these Regulations—

“the 1974 Regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(1),

“the 1979 Regulations” means the National Health Service (Vocational Training) Regulations 1979(2),

“the 1979 Northern Ireland Regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(3),

“the 1980 Regulations” means the National Health Service (Vocational Training) (Scotland) Regulations 1980(4),

“the 1992 Regulations” means the National Health Service (General Medical Services) Regulations 1992(5),

“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,

(1) [S.I.1974/506](#); relevant amending instruments are [S.I.1978/1762](#), [1985/1625](#) and [1989/1990](#).

(2) [S.I.1979/1644](#), amended by [S.I.1980/1900](#), [1981/1790](#), [1984/215](#), [1985/1353](#), [1986/1642](#) and [1991/406](#).

(3) [S.R.1979 No.460](#); relevant amending instruments are [S.R.1986 No. 69](#) and [1986 No.309](#).

(4) [S.I.1980/30](#); relevant amending instruments are [S.I.1986/1657](#) and [1991/576](#).

(5) [S.I.1992/635](#), to which there are amendments not relevant to these 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,

“EEA State” means a State which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein,

“FHSA” means Family Health Services Authority,

“JCPTGP” 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⁽⁶⁾, certain provisions of which (as they had effect on the date these Regulations were made) are set out in the Schedule to those Regulations,

“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

SPECIFIC TRAINING IN GENERAL MEDICAL PRACTICE

Competent Authority

3.—(1) The JCPTGP is the competent authority in the United Kingdom for all the purposes of Title IV of the Medical Directive (which relates to specific training in general medical practice) except as mentioned in paragraph (2).

(2) For the purposes of article 37 of the Medical Directive (recognition of certificates), the General Medical Council⁽⁷⁾ is responsible for recognising vocational training certificates and certificates of acquired rights issued in EEA States other than the United Kingdom.

Vocational training certificate

4. For the purposes of article 30 of the Medical Directive (which requires member States to institute specific training in general medical practice), the vocational training certificates issued in the United Kingdom are —

- (a) a certificate of prescribed experience issued by the JCPTGP in connection with training completed after 31st December 1994 under —
 - (i) regulation 6 (certificate of prescribed experience) or 10 (procedure on appeal) of the 1979 Regulations or of the 1980 Regulations, or
 - (ii) regulation 5 (certificate of prescribed experience) or 9 (procedure on appeal) of the 1979 Northern Ireland Regulations;
- (b) a certificate of equivalent experience, annotated to the effect that the medical experience in respect of which the certificate was issued complied with all the requirements of the Medical Directive relating to specific training in general medical practice, issued by the JCPTGP in connection with training completed after 31st December 1994 under —
 - (i) regulation 7 (certificate of equivalent experience) or 10 (procedure on appeal) of the 1979 Regulations or of the 1980 Regulations, or

⁽⁶⁾ OJNo. L 165, 7.7.1993, p. 1.

⁽⁷⁾ See the Medical Act 1983 (c. 54), section 1.

- (ii) regulation 6 (certificate of equivalent experience) or 9 (procedure on appeal) of the 1979 Northern Ireland Regulations.

Acquired rights

5.—(1) For the purposes of article 36(2) of the Medical Directive (which requires each member State to specify the acquired rights that it recognises for the purpose of exercising general medical practice under its national social security scheme without a vocational training certificate), a doctor has an acquired right to practise as a general medical practitioner providing general medical services⁽⁸⁾ in the United Kingdom if —

- (a) on 31st December 1994 his name was included in a medical list kept by an FHSA or in any corresponding list kept by a Health Board in Scotland or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland;
- (b) on 31st December 1994 he was suitably experienced within the meaning of section 31 of the National Health Service Act 1977⁽⁹⁾, section 21 of the National Health Service (Scotland) Act 1978, or Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978⁽¹⁰⁾ (other than by virtue of —
- (i) regulation 8(1)(e) of the 1979 or of the 1980 Regulations⁽¹¹⁾ or regulation 7(1)(d) of the 1979 Northern Ireland Regulations (exemption for applications to be a restricted services principal), or
- (ii) regulation 8(1)(h) of the 1979 or of the 1980 Regulations⁽¹²⁾ or regulation 7(1)(g) of the 1979 Northern Ireland Regulations⁽¹³⁾ (exemption for doctors who are EC nationals)),

even if on that date he had yet to obtain a certificate of prescribed or of equivalent experience under any of those Regulations;

- (c) on 31st December 1994 he was established in the United Kingdom by virtue of a qualification in medicine awarded in an EEA State other than the United Kingdom which had in his case to 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, as entitling him to be registered, or to practise as if he were registered, under section 3 of the Medical Act 1983⁽¹⁴⁾ as a fully registered medical practitioner; or
- (d) (subject to paragraph (2)) on at least 10 days in the period of 4 years ending with 31st December 1994, or on at least 40 days in the period of 10 years ending with that date, he had —
- (i) been engaged as a deputy by, or provided as a deputy to, a doctor whose name was included in the medical list of an FHSA or in any corresponding list kept by a Health Board in Scotland or by the Northern Ireland Central Services Agency for the Health and Social Services in Northern Ireland, or

⁽⁸⁾ See the National Health Service Act 1977 (c. 49), section 29; the National Health Service (Scotland) Act 1978 (c. 29), section 19; and the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I.1972/1265 (N.I.14)), Article 56. Amendments to section 29 of the 1977 Act and section 19 of the 1978 Act are noted above. Article 56 of the 1972 Order was amended by S.I.1978/1907 (N.I.26), S.I. 1986/2229 (N.I.24), S.I.1988/2249 (N.I.24) and S.I.1991/194 (N.I.1).

⁽⁹⁾ Section 31 was amended by S.I. 1985/39, article 7(5).

⁽¹⁰⁾ S.I. 1978/1907 (N.I. 26).

⁽¹¹⁾ Paragraph (e) of regulation 8(1) of the 1979 Regulations was amended by S.I.1991/406; paragraph (e) of regulation 8(1) of the 1980 Regulations was amended by S.I.1991/576.

⁽¹²⁾ Paragraph (h) of regulation 8(1) of the 1979 Regulations was inserted by S.I.1986/1642; paragraph (h) of regulation 8(1) of the 1980 Regulations was inserted by S.I.1986/1657.

⁽¹³⁾ Paragraph (g) of regulation 7(1) was inserted by S.R. 1986 No. 309.

⁽¹⁴⁾ 1983 c. 54.

(ii) been employed as an assistant (other than as a trainee general practitioner) by such a doctor.

(2) For the purposes of paragraph (1)(d), engagement or provision as a deputy for a period of less than 24 hours beginning before but ending after midnight counts as engagement or provision on the second day only.

(3) The JCPTGP shall, if a doctor so requests in writing, issue a certificate of acquired rights to him if it is satisfied that he has an acquired right specified in paragraph (1).

(4) It is hereby declared that —

(a) a restricted services principal is not entitled to practise otherwise than in accordance with the restriction which applies in his case merely because he has the acquired right specified in paragraph (1)(a); and

(b) a doctor is not entitled to be considered as suitably experienced for the purposes of section 31 of the National Health Service Act 1977, section 21 of the National Health Service (Scotland) Act 1978, or Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 merely because he has the acquired right specified in paragraph (1)(d).

(5) In this regulation, “medical list” and “restricted services principal” mean the same as in the 1974 Regulations, the 1992 Regulations or the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973⁽¹⁵⁾, as the case may be.

PART III

AMENDMENT OF VOCATIONAL TRAINING REGULATIONS

Interpretation of the 1979 Regulations and of the 1980 Regulations

6. In regulation 2(1) of the 1979 Regulations and of the 1980 Regulations (interpretation), after the definition of “the Joint Committee” insert—

““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⁽¹⁶⁾”.

Prescribed experience

7.—(1) Regulation 5 of the 1979 Regulations and regulation 5 of the 1980 Regulations (prescribed experience) are each amended as follows.

(2) After paragraph (2) insert—

“(2A) For the purposes of paragraph (1)(b), employment which is not whole-time cannot count 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 (i) and one within paragraph (ii).”.

(3) In paragraph (3), for “occupied less than half” substitute “, taken week by week, occupied less than 60%”.

(4) After paragraph (3) insert—

⁽¹⁵⁾ S.R.1973 No.421; the relevant amending instrument is S.R.1989 No. 454.

⁽¹⁶⁾ OJ No. L 165, 7.7.1993, p. 1.

“(3A) The Joint Committee shall supervise the training referred to in paragraph (1) (b), 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.”.

(5) Paragraphs (2) and (3) of this regulation, and paragraph (4) so far as the amendment it makes refers to article 34 of the Medical Directive, have effect only in relation to a period of training begun after 31st December 1994.

Certificate of prescribed experience

8. After regulation 6(2) of the 1979 Regulations and of the 1980 Regulations (certificate of prescribed experience) insert—

“(2A) 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.”.

Certificate of equivalent experience

9. After regulation 7(2) of the 1979 Regulations and of the 1980 Regulations (certificate of equivalent experience) insert—

“(2A) 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.

(2B) If they are satisfied that the medical experience in respect of which a certificate of equivalent experience is to be issued complies with all the requirements of the Medical Directive relating to specific training in general medical practice, the Joint Committee shall annotate the certificate to that effect.”.

Exemptions from vocational training

10.—(1) Regulation 8 of the 1979 Regulations and regulation 8 of the 1980 Regulations (exemptions) are each amended as follows.

(2) In paragraph (1)(e), at the end insert “but only if the applicant’s name was included in a medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;”.

(3) For paragraph (1)(h) substitute—

“(h) if he has a qualification in medicine awarded 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, as entitling him to be registered, or to practise as if he were registered, under section 3 of the Medical Act 1983 (which provides for registration by virtue of primary United Kingdom or primary European qualifications) as a fully registered medical practitioner, and he was established in the United Kingdom on 31st December 1994 by virtue of that qualification,

(i) 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.”.

(4) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1)—

“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,

“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,

“EEA State” means a State which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein,

“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.”.

(5) Paragraph (2) has effect only in relation to applications made after 31st December 1994.

PART IV

GENERAL MEDICAL SERVICES

Temporary provision of general medical services

11.—(1) In regulation 25 of the 1992 Regulations (temporary provision of services), after paragraph (6) insert—

“(6A) No doctor may be appointed under paragraph (2) or (6) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 31 of the Act.”.

(2) In regulation 20 of the 1974 Regulations (temporary provision of general medical services)(**17**), after paragraph (7) insert—

“(7A) No doctor may be appointed under paragraph (2) or (7) unless he is suitably experienced (other than by virtue of being a restricted services principal) within the meaning of section 21 of the Act.”.

(3) This regulation is without prejudice to any appointment subsisting when these Regulations come into force.

Assistants and deputies England and Wales

12.—(1) This regulation is subject to regulation 14.

(2) Schedule 2 to the 1992 Regulations (terms of service for doctors) is amended as follows.

(3) In paragraph 22 (which provides that a doctor must obtain the consent of the FHSA before entering into arrangements with a deputising service)—

(a) in sub-paragraph (1), for “obtain the consent of the FHSA” substitute—

“(a) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of section 31 of the Act (other than by virtue of being a restricted services principal) or will have the acquired right specified in regulation 5(1)(d) of

(17) Regulation 20 was substituted by [S.I.1985/1625](#) and amended by [S.I. 1988/1990](#).

- the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽¹⁸⁾; and
- (b) obtain the consent of the FHSA.”;
- (b) after sub-paragraph (1) insert—
- “(1A) The FHSA shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in sub-paragraph (1)(a).”;
- (c) in sub-paragraph (2), for “may impose such” substitute—
- “(a) shall impose the condition that the agreement referred to in sub-paragraph (1) (a) remain in force; and
- (b) may impose such other”;
- (d) after sub-paragraph (2), insert—
- “(2A) References below in this paragraph to refusing consent and to conditions do not include refusing consent under sub-paragraph (1A) or the condition set out in sub-paragraph (2)(a).”.
- (4) After paragraph 22 insert—
- “**22A.**—(1) A doctor shall not engage another doctor as a deputy, or employ one as an assistant (other than as a trainee general practitioner), unless the other doctor—
- (a) is suitably experienced within the meaning of section 31 of the Act (other than by virtue of being a restricted services principal); or
- (b) has the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽¹⁹⁾.
- (2) A doctor shall from time to time, and at any time when there are grounds for doing so, take reasonable steps to satisfy himself that a deputising service with which he has entered into arrangements for the provision of any deputy continues to comply with the agreement referred to in paragraph 22(1)(a).
- (3) If the FHSA so requests, a doctor shall furnish it with evidence that such a deputising service is continuing to comply with that agreement.”.
- (5) In paragraph 28 (employees), after paragraph (1) insert—
- “(1A) The duty imposed by paragraph (1) is in addition to the duty imposed by paragraph 22A(1) so far as it relates to assistants.”.

Assistants and deputies Scotland

- 13.**—(1) This regulation is subject to regulation 14.
- (2) Part 1 of Schedule 1 to the 1974 Regulations (terms of service for doctors) is amended as follows.
- (3) In paragraph 12A (which provides that a doctor must obtain the consent of the Board before entering into arrangements with a deputising service⁽²⁰⁾)—
- (a) in sub-paragraph (1), for “obtain the consent of the Board” substitute—
- “(a) obtain the written agreement of the deputising service that any doctor provided to him by the deputising service will be suitably experienced within the meaning of section 21 of the Act (other than by virtue of being a restricted

⁽¹⁸⁾ S.I. 1994/3130.

⁽¹⁹⁾ S.I. 1994/3130.

⁽²⁰⁾ Paragraph 12A was inserted by S.I. 1978/1762.

services principal) or will have the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽²¹⁾; and

(b) obtain the consent of the Board.”;

(b) after sub-paragraph (1) insert—

“(1A) The Board shall refuse its consent if the doctor has not obtained the written agreement of the deputising service as referred to in sub-paragraph (1)(a).”;

(c) in sub-paragraph (2), for “may impose such” substitute “shall impose the condition that the agreement referred to in sub-paragraph (1)(a) remain in force, and may impose such other”; and

(d) after sub-paragraph (2) insert—

“(2A) References below in this paragraph to refusing consent and to conditions do not include refusing consent under sub-paragraph (1A) or the condition set out in sub-paragraph (2).”.

(4) After paragraph 12A insert—

“**12AA.**—(1) A doctor shall not engage another doctor as a deputy, or employ one as an assistant (other than as a trainee general practitioner), unless the other doctor—

(a) is suitably experienced within the meaning of section 21 of the Act (other than by virtue of being a restricted services principal); or

(b) has the acquired right specified in regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994⁽²²⁾.

(2) A doctor shall from time to time, and at any time when there are grounds for doing so, take reasonable steps to satisfy himself that a deputising service with which he has entered into arrangements for the provision of any deputy continues to comply with the agreement referred to in paragraph 12A(1)(a).

(3) If the Board so requests, a doctor shall furnish it with evidence that such a deputising service is continuing to comply with that agreement.”.

(5) In paragraph 12B (employees)⁽²³⁾, after paragraph (1) insert—

“(1A) The duty imposed by paragraph (1) is in addition to the duty imposed by paragraph 12A(1) so far as it relates to assistants.”.

Existing circumstances

14.—(1) Nothing in regulation 12 or 13 requires a doctor to terminate or vary any existing contract of employment or contract for services, or any existing arrangement he has with a deputising service, before he has the right to do so under the terms of the contract or arrangement.

(2) In paragraph (1), “existing” means existing on the date these Regulations come into force.

8th December 1994

Virginia Bottomley
One of Her Majesty’s Principal Secretaries of
State (Department of Health)

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

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

(23) Paragraph 12B was inserted by [S.I.1989/1990](#) and renumbered by [S.I. 1990/883](#).

8th December 1994

Fraser of Carmyllie
Minister of State, The Scottish Office