
STATUTORY INSTRUMENTS

1994 No. 3130

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

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⁽¹⁾ 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
 - (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

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

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(2) 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(3), 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(4) (other than by virtue of —
 - (i) regulation 8(1)(e) of the 1979 or of the 1980 Regulations(5) 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(6) or regulation 7(1)(g) of the 1979 Northern Ireland Regulations(7) (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(8) 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
 - (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 —

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- (2) 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).
 - (3) Section 31 was amended by S.I. 1985/39, article 7(5).
 - (4) S.I. 1978/1907 (N.I. 26).
 - (5) 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.
 - (6) 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.
 - (7) Paragraph (g) of regulation 7(1) was inserted by S.R. 1986 No. 309.
 - (8) 1983 c. 54.

- (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⁽⁹⁾, as the case may be.

⁽⁹⁾ S.R.1973 No.421; the relevant amending instrument is S.R.1989 No. 454.