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STATUTORY INSTRUMENTS

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**1996 No. 1591**

**The European Primary Medical Qualifications Regulations 1996**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the European Primary Medical Qualifications Regulations 1996 and shall come into force on 10th July 1996.

(2) In these Regulations—

- (a) “the Act” means the Medical Act 1983<sup>(1)</sup>; and
- (b) expressions which are used in the Act have the same meanings as in the Act.

**The competent authority for certain EEA purposes**

2.—(1) In relation to primary United Kingdom and primary European qualifications and to registration under the Act by virtue of such qualifications, the General Council shall be the competent authority in the United Kingdom for the purposes of—

- (a) Title II (mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine) of Directive [93/16/EEC](#); and
- (b) Title III (coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors) of that Directive.

(2) Accordingly, in relation to such qualifications and to persons registered or seeking registration under the Act by virtue of such qualifications, the General Council shall as respects the United Kingdom perform (in addition to any functions provided for elsewhere) the following functions conferred by Directive [93/16/EEC](#) (the relevant article of that Directive being referred to in brackets where it is not otherwise mentioned)—

- (a) the function of issuing in respect of practice in the United Kingdom the certificate of effective and lawful practice referred to in article 9(1);
- (b) where the United Kingdom is the host State, the function of providing, where the General Council think fit, the information referred to in the first paragraph of articles 11(3) and 12(2);
- (c) where the General Council receive such information, the function of verifying the accuracy of the facts, of deciding on the nature and extent of the investigation to be made and of informing the host State of action taken (as mentioned in the second paragraph of articles 11(3) and 12(2)), such information to be provided within the period of three months beginning with the date on which the request for information was received (as mentioned in article 15(2));
- (d) the function of receiving or (as the case may be) forwarding the information referred to in article 12(1);
- (e) the function of ensuring the confidentiality of information forwarded under articles 11 and 12 (articles 11(4) and 12(3));

- (f) the function of supplying the certificates referred to in the second and third indents of article 17(3) in the case of a person established in the United Kingdom, and of withdrawing the former in the circumstances referred to in article 17(5); and
  - (g) the function of requiring, in the event of justified doubts, confirmation of authenticity of diplomas, certificates and other evidence of formal qualifications granted by another EEA State and confirmation that a national of an EEA State seeking registration under this Act by virtue of a primary European qualification not granted in the United Kingdom has fulfilled the Directive's training requirements (article 22).
- (3) In addition, in relation to primary United Kingdom qualifications and to registration under the Act, the General Council shall as respects the United Kingdom have the functions of a competent authority referred to in the following articles of Directive 93/16/EEC—
- (a) article 9(5) (issue of certificates of fulfilment of Directive training requirements in respect of qualifications which do not conform with the designations set out in the Directive);
  - (b) article 11(2) (issue of certificates of good standing);
  - (c) article 13 (issue of certificates of physical or mental health); and
  - (d) article 22 (function of confirming authenticity of qualifications and of confirming that a person has fulfilled the Directive's training requirements).
- (4) The General Council is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with article 42 of Directive 93/16/EEC (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).
- (5) Subject to paragraph (6) below, the Secretary of State may give directions to the General Council in connection with—
- (a) their functions under or by virtue of this regulation, and
  - (b) any other functions of theirs which arise from Community obligations and which relate to primary United Kingdom or European qualifications, or to registration under the Act by virtue of any qualifications;
- and it shall be the duty of the General Council to comply with any such directions.
- (6) Directions given under paragraph (5) above may be as to matters of administration only.

### **Registration by virtue of primary United Kingdom or primary European qualifications**

3.—(1) For section 3 of the Act there is substituted—

#### **“3 Registration by virtue of primary United Kingdom or primary European qualifications.**

- (1) Subject to the provisions of this Act any person who—
  - (a) holds one or more primary United Kingdom qualifications and has passed a qualifying examination and satisfies the requirements of this Part of this Act as to experience; or
  - (b) being a national of any EEA State, holds one or more primary European qualifications,
 is entitled to be registered under this section as a fully registered medical practitioner.
- (2) Any person who—
  - (a) is not a national of an EEA State; but

(b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68(2), or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State, shall be treated for the purposes of subsection (1)(b) above as if he were such a national.

(3) In this Act—

“the 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.”

(2) After subsection (2) of section 5 of the Act (general functions of the Education Committee in relation to medical education in the United Kingdom) there is inserted—

“(2A) In making the determinations required by subsection (2) above, the Education Committee shall secure that the requirements of article 23 of Directive 93/16/EEC are satisfied.

(2B) The requirements of that article are that any person who fulfils the conditions mentioned in section 3(1)(a) above—

(a) will have acquired—

- (i) adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles of measuring biological functions, the evaluation of scientifically established facts and the analysis of data,
- (ii) sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being,
- (iii) adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction, and
- (iv) suitable clinical experience in hospitals under appropriate supervision; and

(b) will have undergone medical training comprising at least a six-year course, or 5,500 hours of theoretical and practical instruction, which—

- (i) was given in a university or under the supervision of a university, and
- (ii) was open only to persons holding qualifications adequate for admission to university for such training.”

(3) In subsection (4) of that section, immediately before the definition of “the prescribed knowledge and skill” there is inserted—

““Directive 93/16/EEC” 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—

- (a) as adapted by paragraph 4(a) of Annex VII to the EEA Agreement, in which the primary medical qualifications awarded in EEA States are set out; and
- (b) as amended by the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994(3), as adjusted by the Decision

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(2) The reference for Regulation (EEC) 1612/68 is OJ No L257, 19.10.68, p.1.

(3) OJ No C241, 29.8.94, p.21. Norway did not ratify the Treaty.

of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new member States to the European Union(4);”.

### **Primary qualifications obtained in other EEA States**

4.—(1) For section 17 of the Act there is substituted—

#### **“17 Primary qualifications obtained in other EEA States.**

(1) A primary European qualification for the purposes of this Part of this Act is any of the following obtained in an EEA State other than the United Kingdom, namely—

- (a) a European qualification listed in Schedule 2 to this Act which was obtained on or after the implementation date and is not evidence of training commenced before that date;
- (b) subject to compliance with subsection (2) below, a qualification obtained before the implementation date, or on or after that date where training of which it is evidence commenced before that date;
- (c) subject to compliance with subsection (3) below, a qualification not listed in Schedule 2 to this Act;
- (d) subject to compliance with subsection (4) below, a qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.

(2) For compliance with this subsection in the case of any qualification, either—

- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the medical authorities of the EEA State in which it was obtained or otherwise) that it accords with the standards laid down by Directive [93/16/EEC](#); or
- (b) evidence of it must be accompanied by a certificate of the medical authorities of any EEA State that the holder has effectively and lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.

(3) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate of the medical authorities of the EEA State in which it was obtained to the effect that—

- (a) it was awarded following training which satisfied the requirements of article 23 of Directive [93/16/EEC](#); and
- (b) it is treated by that State as if it were a qualification listed in relation to that State in article 3 of that Directive.

(4) For compliance with this subsection in the case of any qualification—

- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the German medical authorities or otherwise) that the holder is entitled by virtue of it to engage in medical practice throughout the territory of Germany on the same conditions as the holder of a German qualification listed in Schedule 2 to this Act; and
- (b) evidence of it must be accompanied by a certificate of the German medical authorities that the holder has effectively and lawfully been engaged in actual medical practice in Germany for at least 3 consecutive years during the 5 years preceding the date of the certificate.

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(4) OJ No L1, 1.1.95, p.1. See the Annex (XI)(D)(III)(1).

(5) In subsections (2) to (4) above, references to the medical authorities of an EEA State are references to the authorities and bodies designated in accordance with Directive [93/16/EEC](#).

(6) In this section “the implementation date” means—

- (a) in the case of Greece, 1st January 1981;
- (b) in the case of Spain and Portugal, 1st January 1986;
- (c) in the case of Austria, Finland, Iceland, Norway and Sweden, 1st January 1994;
- (d) in the case of Liechtenstein, 1st May 1995; and
- (e) in the case of any other EEA State, 20th December 1976.”

(2) Schedule 1 shall have effect for amending Schedule 2 to the Act (which lists primary European qualifications).

### **Visiting EEA practitioners**

5.—(1) In subsection (1) of section 18 of the Act (visiting EEA practitioners)—

- (a) for “any member State of the Communities” there is substituted “any EEA State”; and
- (b) for “a member State of the Communities” there is substituted “an EEA State”.

(2) In subsection (2) of that section—

- (a) for “a member State” there is substituted “an EEA State”;
- (b) for “member States” there is substituted “EEA States”;
- (c) for “the first Medical Directive” there is substituted “Directive [93/16/EEC](#)”;
- (d) for “the member State” there is substituted “the EEA State”; and
- (e) for “Article 16(3)” there is substituted “Article 17(3)”.

(3) In subsection (3) of that section—

- (a) for “declaration to be provided under paragraph (a) of” there is substituted “documents to be provided under”; and
- (b) for “it is so provided it shall” there is substituted “they are so provided they shall”.

(4) In each of subsections (4) and (5) of that section, for “EEC practitioner” there is substituted “EEA practitioner”.

(5) After subsection (5) of that section there is inserted—

“(6) Any person who—

- (a) is not a national of an EEA State; but
- (b) is, by virtue of a right conferred by article 11 of Regulation ([EEC](#)) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,

shall be treated for the purposes of this section as if he were such a national.”

### **Registration of persons who do not have primary United Kingdom or primary European qualifications**

6.—(1) In subsection (1) of section 19 of the Act (full registration of persons by virtue of recognised overseas qualifications), at the end of paragraph (b) there is inserted “or is an exempt person”.

(2) After that subsection there is inserted—

“(1A) Subsection (1B) below applies where a national of an EEA State, or a person to whom subsection (4) below applies, makes an application for registration under this section and either—

- (a) he holds a qualification granted outside the European Economic Area which is not a recognised overseas qualification but which has been accepted by another EEA State as qualifying him to practise as a medical practitioner in that State; or
- (b) he has acquired medical experience or knowledge in another EEA State.

(1B) In determining the application, the General Council—

- (a) shall take the acceptance of the qualification, or the experience and knowledge, into account; and
- (b) in a case falling within subsection (1A)(a) above, may treat the qualification as if it were a recognised overseas qualification.”

(3) After subsection (2) of that section there is inserted—

“(3) In this section “exempt person” means—

- (a) a national of an EEA State other than the United Kingdom;
- (b) a national of the United Kingdom who is exercising an enforceable Community right; or
- (c) a person to whom subsection (4) below applies.

(4) This subsection applies to any person who—

- (a) is not a national of an EEA State, but
- (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State.”

(4) After subsection (2) of section 21 of the Act (provisional registration) there is inserted—

“(2A) Subsections (1A) and (1B) of section 19 above apply for the purposes of this section as they apply for the purposes of that section.”

(5) In subsection (1) of section 22 of the Act (limited registration of persons by virtue of overseas qualifications), at the end of paragraph (c) there is inserted “or is an exempt person (within the meaning of section 19 above)”.

(6) After that subsection there is inserted—

“(1A) Subsections (1A) and (1B) of section 19 above apply for the purposes of this section as they apply for the purposes of that section, but with the following modifications—

- (a) in subsection (1A), the insertion after the word “holds” of the words “, has held or has passed the examination necessary for obtaining”; and
- (b) in subsection (1B), the substitution for the words “a recognised” of the words “an acceptable”.”

### **Minor and consequential amendments to Act**

7. Schedule 2 shall have effect for making minor and consequential amendments to the Act.

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

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