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STATUTORY INSTRUMENTS

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**1996 No. 1591**

**MEDICAL PROFESSION**

**The European Primary Medical Qualifications Regulations 1996**

<i>Made</i>	- - - -	<i>19th June 1996</i>
<i>Laid before Parliament</i>		<i>19th June 1996</i>
<i>Coming into force</i>	- -	<i>10th July 1996</i>

The Secretary of State, being designated<sup>(1)</sup> for the purposes of, and in exercise of the powers conferred by, section 2(2) of the European Communities Act 1972<sup>(2)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**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>(3)</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.

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(1) *See* S.I. 1995/3207.

(2) 1972 c. 68. By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51), regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(3) 1983 c. 54.

(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(4), 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

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

- 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(5), as adjusted by the Decision 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(6);”.

### **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

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

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

- (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.
- (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.

*Stephen Dorrell*  
One of Her Majesty’s Principal Secretaries of  
State (Department of Health)

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## SCHEDULE 1

### Primary European qualifications

1. Schedule 2 to the Act (primary European qualifications) is amended as follows.
2. At the beginning there is inserted—

*“Austria*

“Doktor der gesamten Heilkunde”(diploma of doctor of medicine) awarded by a university faculty of medicine and “Diplom über die spezifische Ausbildung in der Allgemeinmedizin”(diploma of specialist training in general medicine), or “Facharzt Diplom”(diploma as a specialist doctor) issued by the competent authority.”

3. After the entry relating to Denmark there is inserted—

*“Finland*

“Todistus lääketieteen lisensiaatin tutkinnosta/bevis om medicine licentiat examen”(certificate of the degree of licentiate in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.”

4. For paragraph 2 of the entry relating to Germany there is substituted—

“(2) Zeugnis über die ärztliche Staatsprüfung’ (the State examination certificate in medicine) awarded by the competent authorities after 30th June 1988 and the certificate attesting to the practice of medicine during a period of practical training (“Arzt im Praktikum”).”

5. For the entry relating to Greece there is substituted—

*“Greece*

“Πτυχίο Ιατρικής”(degree in medicine) awarded by—

- (a) the faculty of medicine of a university; or
- (b) the faculty of health sciences, department of medicine, of a university.”

6. After that entry there is inserted—

*“Iceland*

“Próf í læknisfræði fra læknadeild Háskóla Íslands”(diploma from the medical faculty of the University of Iceland) and a certificate of practical training in a hospital of at least 12 months issued by the chief medical doctor.”

7. For the entry relating to Italy there is substituted—

*“Italy*

“Diploma di laurea in medicina e chirurgia”(diploma of graduate in medicine and surgery) awarded by a university, accompanied by a “diploma di abilitazione all’ esercizio della medicina e chirurgia”(diploma conferring the right to practise medicine and surgery) awarded by the State Examining Commission.”

8. After that entry there is inserted—

*“Liechtenstein*

The diplomas, certificates and other titles awarded in another State to which Directive [93/16/EEC](#) applies and listed in article 3 of that directive, accompanied by a certificate on the completed practical training issued by the competent authorities.”



9. In the entry relating to Luxembourg, paragraphs 2 and 3 are omitted.

10. After the entry relating to The Netherlands there is inserted—

*“Norway*

*“Bevis for bestått medisinsk embetseksamen”(diploma of the degree cand. med.) awarded by a university faculty of medicine and a certificate of practical training issued by the competent public health authorities.”*

11. In the entry relating to Spain, after “Science” there is inserted “or the rector of a university”.

12. At the end there is inserted—

*“Sweden*

*“Läkarexamen”(university diploma in medicine) awarded by a university faculty of medicine and a certificate of practical training issued by the National Board of Health and Welfare.”*

## SCHEDULE 2

### Minor and consequential amendments of act

1. In section 2 of the Act (registration of medical practitioners), in subsection (2)(d), for “EEC practitioners” there is substituted “EEA practitioners”.

2. In section 4 of the Act(7) (qualifying examinations and primary United Kingdom qualifications), after subsection (4) there is inserted—

“(5) Where more than one year of the training for a primary United Kingdom qualification took place outside the EEA, any document certifying possession of such a qualification shall make clear that this was so, and shall state the length (in aggregate) of such training.”

3. In section 11 of the Act (provisions supplementary to section 10, which relates to experience required for full registration by virtue of primary United Kingdom qualifications), for subsection (5) there is substituted—

“(5) In making regulations under subsection (2) of section 10 above, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC; and such regulations shall not have effect until approved by order of the Privy Council.”

4. In section 12 of the Act (special provisions as to employment in health centres), after subsection (3) there is inserted—

“(4) In making regulations under subsection (3) above, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC.”

5. In section 14 of the Act (alternative requirements as to experience in certain cases), after subsection (2) there is inserted—

“(3) In giving directions under subsection (1) above in the case of applicants falling within paragraph (b) of subsection (2) above, the General Council shall have regard to the requirements of article 23 of Directive 93/16/EEC.”

6. In section 16 of the Act (registration of qualifications), in subsection (2), for “a member State of the Communities” there is substituted “an EEA State”.

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(7) Section 4 was amended by the Medical Qualifications (Amendment) Act 1991 (c. 38).

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7. In section 30 of the Act (the registers), in subsection (1)(d), for “EEC practitioners” there is substituted “EEA practitioners”.

8. In section 32 of the Act (registration fees), in subsection (5), for “EEC practitioner” there is substituted “EEA practitioner”.

9. In section 44 of the Act (effect of disqualification in another member State on registration in the United Kingdom)—

- (a) in subsection (1), for “a member State of the Communities” there is substituted “an EEA State”;
- (b) in subsection (2), for “the member State of the Communities” there is substituted “the EEA State”; and
- (c) in subsection (7), for “EEC practitioner” there is substituted “EEA practitioner”.

10. In section 45 of the Act (disciplinary provisions affecting practitioners who render services while visiting the United Kingdom)—

- (a) in subsection (1), for “a member State of the Communities” there is substituted “an EEA State”, and for “any member State” there is substituted “any EEA State”; and
- (b) in each of subsections (1) and (4), for “EEC practitioner” there is substituted “EEA practitioner”.

11. In section 46 of the Act (recovery of fees), in subsection (2), for “member State of the Communities” there is substituted “EEA State”.

12. In section 49 of the Act (penalty for pretending to be registered), in subsection (2), for “member State of the Communities” there is substituted “EEA State”.

13.—(1) Section 55 of the Act (interpretation) shall be renumbered as subsection (1) of that section.

(2) In that provision as so renumbered—

- (a) after the definition of “appointing body” there is inserted—  
““Directive [93/16/EEC](#)” has the meaning given by section 5(4) above;”;
- (b) after the definition of “disqualifying decision” there is inserted—  
““the EEA Agreement” and “EEA State” have the meanings given by section 3(3) above;”;
- (c) the definition of “the first Medical Directive” is omitted;
- (d) in the definition of “fully registered person”, for “EEC practitioner” there is substituted “EEA practitioner”;
- (e) in the definition of “national”, for “member State of the Communities” there is substituted “EEA State”; and
- (f) the definition of “the second Medical Directive” is omitted.

(3) After that provision as so renumbered there shall be inserted the following subsection—

“(2) In relation to anything done before the adoption by the Council of Directive [93/16/EEC](#), references in this Act to that Directive, or to any provision of that Directive, shall be construed as references to, or to the corresponding provision of, the following Directives as for the time being amended, namely—

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- (a) Council Directive No. [75/362/EEC](#) concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine<sup>(8)</sup>; and
- (b) Council Directive No. [75/363/EEC](#) concerning the coordination of provisions in respect of activities of doctors<sup>(9)</sup>.”

14.—(1) In paragraph 3 of Schedule 3 to the Act (registration: supplementary provisions), after sub-paragraph (2) there is inserted—

“(3) Where an application is made for registration under section 3(1)(b) of this Act (whether by a national of an EEA State or a person treated as such a national), the appropriate registrar shall take no account of any document issued in accordance with article 11 or 12 of Directive [93/16/EEC](#) which is received by him more than three months after the date of its issue.”

(2) In paragraph 5 of that Schedule, for sub-paragraph (1) there is substituted—

“(1) Subject to the foregoing provisions of this Schedule, on an application for the registration of a person under section 3 or 15 of this Act the appropriate registrar, if satisfied that the applicant is entitled to be registered in accordance with the application—

- (a) shall issue to the applicant the certificate of registration required by this paragraph; and
- (b) in the case of an application under section 3 made by virtue of subsection (1)(b) of that section (whether by a national of an EEA State or a person treated as such a national), shall do so before the end of the requisite period.

(1A) In sub-paragraph (1) above “the requisite period” means—

- (a) the period of three months beginning with the date on which the appropriate registrar received all the documents enabling him to be satisfied of the applicant’s entitlement to be registered in accordance with the application, or
- (b) such longer period as is permitted by article 15 of Directive [93/16/EEC](#).”

(3) In the heading to paragraph 7, and in paragraph 7(2), of that Schedule, for “EEC practitioners” there is substituted “EEA practitioners”.

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(8) Council Directive No. [75/362/EEC](#) was amended by the Act concerning the Conditions of Accession and Adjustments to the Treaties-Accession of the Hellenic Republic (OJ No L291, 19.11.1979, p. 90); Council Directive No [82/76/EEC](#) of 26 January 1982 (OJ No L43, 15.2.1982, p.21); the Act concerning the Conditions of Accession and Adjustments to the Treaties-Accession of the Kingdom of Spain and the Portuguese Republic (OJ No L302, 15.11.1985, p. 158); Council Directive No [89/594/EEC](#) of 30 October 1989 (OJ No L341, 23.11.1989, p.19); and Council Directive No [90/658/EEC](#) of 4 December 1990 (OJ No L353, 17.12.1990, p.73); and was extended by Council Directive No [81/1057/EEC](#) of 14 December 1981 (OJ No. L385, 31.12.1981, p.25).

(9) Council Directive No [75/363/EEC](#) was amended by Council Directive No [82/76/EEC](#) of 26 January 1982 (OJ No L43, 15.2.1982, p.21); and Council Directive No [89/594/EEC](#) of 30 October 1989 (OJ No L341, 23.11.1989, p.19).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which apply to the United Kingdom) make provision in respect of primary medical qualifications and registration by virtue of those qualifications, and in particular amend the Medical Act 1983 (“the 1983 Act”).

Regulation 2 provides for the General Medical Council (“GMC”) to be the competent authority in the United Kingdom in relation to primary United Kingdom and primary European qualifications and registration under the 1983 Act by virtue of those qualifications, and in relation to the mutual recognition of European qualifications. This implements article 42 of Council Directive [93/16/EEC](#) (“the Medical Directive”). This Regulation also allows the Secretary of State to give directions as to matters of administration to the GMC in connection with related Community obligations.

Regulation 3 substitutes a new section 3 of the 1983 Act (registration by virtue of primary United Kingdom or primary European qualifications). The new section 3 expands upon the old one in that it provides for the full registration of any person who is not a national of a member state of the European Economic Area (“EEA”), but who holds a European qualification, if that person 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](#) (OJ No L 257, 19.10.68, p. 1) or any other enforceable Community right (such as those derived from articles 48 and 52 of the Treaty of Rome).

Regulation 3 also amends section 5 of the 1983 Act to require the GMC’s Education Committee to secure that medical training in the United Kingdom complies with the requirements of article 23 of the Medical Directive.

Regulation 4 substitutes a new section 17 of the 1983 Act (primary qualifications obtained in other EEA States). The new section 17 expands on the old one by providing for the recognition of further primary European qualifications. These are—

- (a) in implementation of article 9(5) of the Medical Directive, qualifications acquired in an EEA State but not listed in article 3 of that Directive or (for Iceland, Liechtenstein and Norway) in Annex VII to the EEA Agreement, provided they are treated by that State as if they were qualifications listed there (these lists together correspond to the list in Schedule 2 to the 1983 Act); and
- (b) in implementation of article 9(3) of the Medical Directive, qualifications awarded by the former German Democratic Republic and entitling the holder to practise throughout Germany.

Regulation 4 also introduces Schedule 1 to the Regulations, which—

- (a) amends Schedule 2 to the 1983 Act (primary European qualifications) in respect of the entries for Germany, Greece, Italy, Luxembourg and Spain (in implementation of article 3 of Directive [93/16/EEC](#)); and
- (b) adds to Schedule 2 entries for Austria, Finland, Iceland, Liechtenstein, Norway and Sweden (in implementation of paragraph 4 of Annex VII to the Agreement on the EEA and, as respects Austria, Finland and Sweden, to reflect their entry into the EEC).

Regulation 5 amends section 18 of the 1983 Act (visiting EEC practitioners) by making provision for a visiting EEA practitioner who provides services in an emergency to be exempt not only from the requirement to provide an advance declaration under section 18(2)(a) but also from the requirement to provide in advance the documents referred to in section 18(2)(b) (in accordance with article 17

of Directive 93/16/EEC). Section is also amended to extend it to those who are entitled to be treated no less favourably than nationals of EEA States.

Regulation 6 makes amendments to a number of provisions in the 1983 Act for two purposes relating to EEA nationals whose primary qualifications are from non-EEA States and other persons who are entitled to be no less favourably treated—

- (a) the requirement that they must show proficiency in English before being registered by the General Medical Council is removed; and
- (b) the General Medical Council is required, when considering an application for registration in the United Kingdom, to take account of the fact (if it is the case) that the applicant's primary qualification from a non-EEA State has been recognised by another EEA State or of any experience or knowledge which the applicant has acquired in another EEA State.

Regulation 7 introduces Schedule 2 to the Regulations, which makes further minor and consequential amendments to the 1983 Act. In particular—

- (a) section 4 of the 1983 Act is amended to require a certificate of a primary United Kingdom qualification to say if more than one year of the training undergone by its holder took place outside the EEA; and
- (b) paragraphs 3 and 5 of Schedule 3 to the 1983 Act are amended to insert a requirement that applications for registration under that Act by virtue of primary European qualifications must normally be dealt with by the end of three months from receipt of all necessary documentation, and to require the GMC to reject certain documents issued in accordance with article 11 or 12 of the Medical Directive if they are more than three months old when received.

The Regulations also replace references to the EEC throughout the 1983 Act by references to the EEA.