

## SCHEDULE 6

Article 10(2)(c) and 12

### ACQUIRED RIGHTS OF GENERAL PRACTITIONERS IN THE UNITED KINGDOM

1. For the purposes of article 12(1), a person has an acquired right if—
  - (a) on 31st December 1994 his name was included in a medical list kept by a 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 1977 Act (requirement of suitable experience), section 21 of the 1978 Act (requirement of suitable experience), or Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978 (requirement of suitable experience) other than by virtue of—
    - (i) regulation 8(1)(e) of the 1979 Regulations, regulation 8(1)(e) of the 1980 Regulations 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 Regulations, regulations 8(1)(h) of the 1980 Regulations or regulation 7(1)(g) of the 1979 Northern Ireland Regulations (exemption for doctors who are EC nationals)even if on that date he had yet to obtain a certificate of prescribed or 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 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 (registration by virtue of primary United Kingdom or primary European qualifications) 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 a 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. In this Schedule—
  - (a) “the 1979 Regulations” means the National Health Service (Vocational Training) Regulations 1979(1);
  - (b) “the 1979 Northern Ireland Regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(2);

(1) S.I. 1979/1644. Relevant amendments were made by S.I. 1980/1900, 1981/1790, 1984/215, 1985/1353, 1986/1642 and 1991/406.

(2) S.R. 1979 No. 460. Relevant amendments were made by S.R. 1986 No. 69 and 1986 No. 309.

**Status:** This is the original version (as it was originally made).

- (c) “the 1980 Regulations” means the National Health Service (Vocational Training) (Scotland) Regulations 1980<sup>(3)</sup>;
- (d) “the 1992 Regulations” means the National Health Service (General Medical Services) Regulations 1992<sup>(4)</sup>;
- (e) “medical list” means the same as in the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974<sup>(5)</sup>, the 1992 Regulations or the General Medical Services Regulations (Northern Ireland) 1997<sup>(6)</sup>, as the case may be; and
- (f) “FHSA” means Family Health Services Authority.

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<sup>(3)</sup> S.I. 1980/30. Relevant amendments were made by S.I. 1986/1657 and 1991/576.

<sup>(4)</sup> S.I. 1992/635.

<sup>(5)</sup> S.I. 1974/506. Relevant amendments were made by S.I. 1978/1762, 1985/1625 and 1989/1990.

<sup>(6)</sup> S.R. 1997 No. 380.