

## SCHEDULE 8

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART 1

#### THE ESMQO 1995 AND THE VOCATIONAL TRAINING REGULATIONS

##### *Interpretation*

**1.** In this Part—

- (a) “old specialist register” means the register of specialists maintained by the GMC under article 8 of the ESMQO 1995 (the specialist register); and
- (b) “relevant date” means the date on which this Part comes into force.

##### *General practitioners*

**2.** Where the JCPTGP has approved training under regulation 6 or 8 of either the Vocational Training Regulations, the Vocational Training Regulations (Scotland) or the Vocational Training Regulations (Northern Ireland) (which relate to prescribed medical experience and approval of training posts), the Board shall be deemed to have approved that training under article 4, and if that training is continuing immediately before the relevant date, the Board shall be deemed to have approved such training, until such time as the Board—

- (a) gives approval under article 4(5);
- (b) gives approval under article 4(5) subject to conditions under article 4(7); or
- (c) withdraws approval under article 4(8) or 9(4).

**3.** Where the JCPTGP has approved a GP Trainer under regulation 7 of either the Vocational Training Regulations, the Vocational Training Regulations (Scotland) or the Vocational Training Regulations (Northern Ireland) (which relate to approval of trainers), and that approval continues immediately before the relevant date, the Board shall be deemed to have approved that general practitioner under article 4, until such time as the Board—

- (a) gives approval under article 4(5);
- (b) gives approval under article 4(5) subject to conditions under article 4(7); or
- (c) withdraws approval under article 4(8) or 9(4).

**4.** Where an appeal is made against a decision of the JCPTGP which was made under regulation 7 of either the Vocational Training Regulations or the Vocational Training Regulations (Northern Ireland) (appeal against a decision to refuse to approve a GP Trainer)—

- (a) before the relevant date but where the appeal has not been determined by that date; or
- (b) on or after the relevant date within the time limit specified in regulation 7(5) or (6) of the Regulations specified above,

the appeal shall be dealt with in accordance with the relevant provisions of the Vocational Training Regulations or the Vocational Training Regulations (Northern Ireland) (as appropriate).

**5.** Where a person has applied to the JCPTGP for a certificate of equivalent experience or a certificate of prescribed experience before the relevant date, but the application has not been determined before that date—

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- (a) the Board shall determine that application in accordance with the relevant provisions of the Vocational Training Regulations, the Vocational Training Regulations (Scotland) or the Vocational Training Regulations (Northern Ireland) (as appropriate);
- (b) the time limit specified in regulation 12A of each of those Regulations (decisions relating to certificates of equivalent experience in respect of persons exercising a Community right) shall apply (where applicable), and the period of three months specified in regulation 12A(4) shall begin with the date on which the JCPTGP or, as the case may be, the Board received the application together with full supporting documentation; and
- (c) any appeal against a refusal of a certificate shall be made and determined in accordance with the relevant provisions of the Regulations specified in sub-paragraph (a) (including an appeal against a failure to notify the applicant of a decision within the time limit specified in regulation 12A),

save that nothing in this paragraph shall prevent such a person from withdrawing any such application and making a new application to the Board for a CCT pursuant to the provisions of this Order, or for a statement of eligibility for registration pursuant to article 11(3) (as the case may be).

**6.** Where an appeal is made against a decision of the JCPTGP pursuant to regulation 12A(3) or 13 of either the Vocational Training Regulations, the Vocational Training Regulations (Scotland) or the Vocational Training Regulations (Northern Ireland) (as appropriate) (which relate to decisions relating to certificates of equivalent experience in respect of persons exercising a Community right, and appeals against refusal of certificates)—

- (a) before the relevant date but where the appeal has not been determined by that date; or
- (b) on or after the relevant date within the time limit specified in regulation 13(1) of the Regulations specified above,

the appeal shall be dealt with in accordance with the relevant provisions of the Vocational Training Regulations, the Vocational Training Regulations (Scotland) or the Vocational Training Regulations (Northern Ireland) (as appropriate).

**7.** In determining any application to the Board made by a person to whom the JCPTGP has, before the relevant date, given written advice in relation to his training, the Board shall take that advice into account in determining that person's application.

**8.** In paragraph 4, 5 and 6, if the relevant provisions have been repealed, they shall be treated for the purposes of those paragraphs as if they remained in force with such modifications as necessary, including as if references to the "Joint Committee" were to the Board.

### *Specialists*

**9.—(1)** The Registrar of the GMC shall ensure that all specialists whose names are included in the old specialist register immediately before the relevant date are, on the relevant date, transferred to the Specialist Register.

(2) Any application made to the GMC for inclusion in the old specialist register that is made before, but is not finally dealt with by the relevant date shall be determined—

- (a) in accordance with the relevant provisions of the ESMQO 1995, but if the application is successful, the applicant's name shall be included in the Specialist Register instead of the old specialist register; and
- (b) within the time limit specified in article 8(3A) or 8(A) of the ESMQO 1995 (which relate to decisions in respect of persons exercising a Community right and the specialist register), where applicable, the time period beginning with the date on which the GMC received the application for inclusion in the old specialist register together with full supporting documentation,

and any appeal against the GMC's decision to refuse such an application pursuant to article 8(3D) of the ESMQO 1995, shall be dealt with in accordance with that article, or, where applicable, article 8(3B) together with article 8(3D) (which relate to the specialist register), and if that appeal is successful, the applicant's name shall be included in the Specialist Register.

(3) If, pursuant to paragraph 12, the Board or an appeal panel arranged in accordance with article 13 of the ESMQO 1995 (appeals) has determined that a person is an eligible specialist pursuant to article 9(2) or (3) of the ESMQO 1995 (eligible specialists), that person shall be treated as an eligible specialist pursuant to article 14(2) of this Order for the purposes of any subsequent application or request to be included in the Specialist Register.

**10.** Where the STA has approved specialist training under article 7 of the ESMQO 1995 (minimum requirements of specialist medical training), including any conditions under article 7(3) of the ESMQO 1995, the Board shall be deemed to have approved that training, or those conditions, under article 4 of this Order, and if such training is continuing immediately before the relevant date, the Board shall be deemed to approve that training until such time as the Board—

- (a) gives approval under article 4(5);
- (b) gives approval under article 4(5) subject to conditions under article 4(7); or
- (c) withdraws approval under article 4(8) or 9(4).

**11.** Where a person has applied to the STA for a CCST before the relevant date, but the application has not been determined by that date—

- (a) the Board shall determine that application in accordance with article 6 of the ESMQO 1995 (certificates of completion of specialist training), and, where applicable, within the time limit specified in article 3(4)(b)(iia) of that Order (the competent authorities); and
- (b) any appeal against a refusal to award a CCST shall be made and determined in accordance with article 13(1) of the ESMQO 1995 (appeals),

save that nothing in this paragraph shall prevent such a person from withdrawing such an application and making a new application to the Board for a CCT under the provisions in this Order.

**12.** Where a person has applied to the STA under article 9(2) or (3) of the ESMQO 1995 (eligibility for entry to the specialist register) before the relevant date but the application has not been determined by that date—

- (a) the Board shall determine that application in accordance with those provisions, and in accordance with the requirements of article 8A of the ESMQO 1995 (decisions in respect of persons exercising a community right) where applicable; and
- (b) any appeal against a decision of the Board shall be made and determined in accordance with article 13(1) of the ESMQO 1995 (appeals),

save that nothing in this paragraph shall prevent such a person from withdrawing any application he has made to the STA and making a new application to the Board under articles 14(4) or (5) of this Order (as appropriate).

**13.** Where the STA has received a request in relation to its competent authority functions under article 3(4)(b)(i), (ii), (iii), (iv) or (v), or (c)(i) or (ii) of the ESMQO 1995 (the competent authorities) that was received before, but not finally dealt with by, the relevant date, the Board shall deal with the request in accordance with the relevant provisions of the ESMQO 1995.

**14.** Where an appeal is made pursuant to article 13(1) of the ESMQO 1995 (appeals) against a decision of the STA before the relevant date but it has not been determined by that date, the appeal shall be determined in accordance with that article.

**15.** Where—

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- (a) a person's name has, before the relevant date, been removed from the old specialist register pursuant to article 14(1) of the ESMQO 1995 (removal and suspension from specialist register); and
- (b) on or after the relevant date, it comes to the notice of the Registrar of the GMC that a person removed from the old specialist register pursuant to article 14(1) of the ESMQO 1995, is a registered medical practitioner, or in the case of an oral and maxillo-facial surgeon, a registered medical practitioner and a registered dentist,

the Registrar shall, if requested to do so by that person, include that person's name in the Specialist Register and shall send him notice of having done so.

**16. Where—**

- (a) a person's name has been removed from the old specialist register pursuant to article 14(3) of the ESMQO 1995 (removal and suspension from specialist register) before the relevant date and notice has been served on that person pursuant to paragraph 2 of Schedule 6 to the ESMQO 1995; and
- (b) that person, on or after the relevant date, appeals against that removal within any relevant time limits,

that appeal shall be determined in accordance with article 18(6) and (7) of this Order as if the decision to remove that person's name had been taken under article 18(5), and if that appeal is successful, that person's name shall be included in the Specialist Register.

**17. Where—**

- (a) a person's name has, before the relevant date, been removed from the old specialist register pursuant to article 14(4) of the ESMQO 1995 (removal and suspension from specialist register); and
- (b) on or after the relevant date, it comes to the notice of the Registrar of the GMC that a person removed from the old specialist register pursuant to article 14(4) of the ESMQO 1995, is no longer subject to suspension,

the Registrar shall, if he is satisfied that that person is a registered medical practitioner, or in the case of an oral and maxillo-facial surgeon, a registered medical practitioner and a registered dentist include that person's name in the Specialist Register and shall send him notice of having done so.

**18.** In any case falling within paragraphs 15 to 17, paragraph 8 of Schedule 4 to the Medical Act (service of notifications of decisions) shall apply to notices required by those paragraphs to be sent to any person by the Registrar of the GMC as it applies to the notifications referred to in that paragraph.

**19.** In determining any application made to the Board by a person to whom the STA has, before the relevant date, given written advice in relation to his training, the Board shall take that advice into account in determining that person's application.

**20.** In paragraphs 9, 11, 12, 13 or 14, if the relevant provisions of the ESMQO 1995 have been repealed, they shall be treated for the purposes of those paragraphs as if they remained in force with such modifications as necessary, including as if references to the STA were to the Board.