
STATUTORY INSTRUMENTS

2005 No. 2361

**HEALTH CARE AND
ASSOCIATED PROFESSIONS
DOCTORS**

**The General and Specialist Medical Practice (Education,
Training and Qualifications) Transitional Provisions Order 2005**

Made - - - - *24th August 2005*
Laid before Parliament *2nd September 2005*
Coming into force - - *30th September 2005*

The Secretary of State, in exercise of the powers conferred upon her by article 31(6) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(1) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the General and Specialist Medical Practice (Education, Training and Qualifications) Transitional Provisions Order 2005 and shall come into force on 30th September 2005.

(2) In this Order—

“the Order” means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003;

“performers list” means a medical performers list, a primary medical services performers list or a primary medical services performers list (Scotland); and

“primary care organisation” means—

- (a) in England, a Primary Care Trust;
- (b) in Wales, a Local Health Board
- (c) in Scotland, a Health Board; and
- (d) in Northern Ireland, a Health and Social Services Board.

Article 16 of the Order

2.—(1) Until the coming into force of article 16 of the Order (decisions on inclusion in the Registers) in relation to general practitioners, paragraphs (2) and (3) shall apply in respect of decisions made by the Board under article 11(3) of the Order (general practitioners eligible for entry in the General Practitioner Register).

(2) The Board shall, within the time specified in paragraph (3), notify a person who has made an application to the Board under article 11(3) of the Order of the Board's decision as to whether it is satisfied that the person is an eligible general practitioner.

(3) The specified time for the purposes of paragraph (2) is—

- (a) the period of three months beginning with the date on which the Board receives the application with full supporting documentation; or
- (b) any additional time which is permitted by article 15 of the Directive.

The General Practitioner Register

3.—(1) Where a general practitioner is included in the performers list of a primary care organisation at any time between the coming into force of this Order and 1st April 2006, the GMC may include his name in the General Practitioner Register from 1st April 2006 if the GMC is satisfied that—

- (a) by virtue of information it has requested of, and received from, the primary care organisation in whose performers list that general practitioner is included, the general practitioner is eligible to be included in the General Practitioner Register by virtue of article 10(2) of the Order; and
- (b) he is a registered medical practitioner,

unless the general practitioner has, prior to 1st April 2006, notified the GMC in writing that he does not wish his name to be so included.

(2) Paragraph (1) shall only apply in relation to a general practitioner whom the GMC proposes to include in the General Practitioner Register pursuant to that paragraph if the GMC has sent a written request to him to confirm that the information it has obtained by virtue of paragraph (1)(a) in respect of that practitioner is accurate.

(3) Where a primary care organisation receives a request for information from the GMC in relation to general practitioners included in its performers list for the purpose of paragraph (1), it shall, unless it has good reason for not doing so, supply the information requested.

24th August 2005

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order makes transitional provision in respect of the time in which the Board has to make a decision where a person has applied to the Board under article 11(3) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (“the 2003 Order”): article 11(3) concerns determinations of the Board as to whether a person’s training, qualifications and experience are equivalent to a Certificate of Completion of Training in general practice. This transitional provision is necessary because aspects of the 2003 Order concerning the General Practitioner Register are not due to be brought into force until 1st April 2006, and therefore article 16 (which is the provision in the 2003 Order itself that makes provision as to time limits for decisions), in its application to general practitioners, will not be brought into force until that date.

Article 3 of this Order makes transitional provision in relation to the General Practitioner Register to be maintained by the General Medical Council under article 10 of the 2003 Order. It permits the General Medical Council to utilise information obtained from primary care organisations in determining whether a general practitioner is eligible for inclusion in the General Practitioner Register where the general practitioner was already working as a general practitioner in the National Health Service prior to 1st April 2006 but only if the General Medical Council has taken steps to verify with each general practitioner that the information it has obtained from the primary care organisation is accurate and the general practitioner does not object. It also requires primary care organisations to supply information requested by the General Medical Council unless they have good reason for not doing so.