

**EXPLANATORY MEMORANDUM TO THE MEDICAL ACT 1983
(APPROVED MEDICAL PRACTICES AND CONDITIONS OF RESIDENCE)
REGULATIONS 2005**

2005 No. 2413

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order is made under section 11 of the Medical Act 1983 and it sets out the description of medical practice which may be approved for the purposes of employing a Pre-Registration House Officer pursuant to section 10 of that Act, as well as the conditions of residence with which a PRHO must comply throughout the period of such employment.
 - 2.2 It revokes the existing Regulations made under section 11, namely the Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Amendment) Regulations 1998 and the Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Scotland) (Amendment) Regulations 1998.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Sections 10 and 11 of the Medical Act concern the experience that a person needs to have obtained in order to gain full registration with the General Medical Council on the basis of his UK primary medical qualifications: the experience constitutes being engaged in employment in a resident medical practice for a prescribed period of time.
 - 4.2 Part of the experience required by section 10 may be gained in a medical practice (which essentially means a GP practice): section 11 requires that the meaning of “medical practice” is prescribed by Regulations. Regulation 2 therefore specifies what constitutes a “medical practice” for the purposes of sections 10 and 11.

4.3 Section 11(3)(b) requires that where a person is obtaining his experience in a medical practice, he must satisfy such conditions as to residence as may be prescribed. Regulation 3 therefore sets out those conditions.

5. Extent

5.1 This instrument applies to England, Wales and Scotland.

6. European Convention on Human Rights

6.1 Statement not required.

7. Policy background

7.1 The need for these Regulations arose because the terminology and definitions in the Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and National Health Service (General Medical Services) (Scotland) (Amendment) Regulations 1998 needed updating as a result of the introduction of the new arrangements for contracting for primary medical services in Scotland. It was convenient to revoke both sets of pre-existing Regulations and consolidate so that there is now a single set of Regulations for England, Wales and Scotland.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 **Paul Loveland** at the Department of Health Tel: 0113 254 5856 or e-mail: paul.loveland@dh.gsi.gov.uk can answer any queries regarding the instrument.