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STATUTORY INSTRUMENTS

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**2007 No. 3101**

The European Qualifications (Health and  
Social Care Professions) Regulations 2007

PART 2

MEDICAL PRACTITIONERS: MEDICAL ACT 1983

**Amendment of Medical Act 1983**

2. The Medical Act 1983(1) is amended in accordance with this Part.

**Amendment of section 2**

3. In section 2(2) (registration of medical practitioners), for subsection (2)(d) substitute—  
“(d) the list of visiting medical practitioners from relevant European States”.

**Amendment of section 3**

4. In section 3(3) (registration by virtue of primary United Kingdom or primary European qualifications)—

- (a) in subsection (1)(b), for “any EEA State” substitute “any relevant European State”;
- (b) in subsection (2)—
  - (i) in paragraph (a), for “an EEA State” substitute “a relevant European State”, and
  - (ii) for paragraph (b) substitute—
    - “(b) is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State,”; and
- (c) omit subsection (3).

**Amendment of section 5**

5. In section 5(4) (general functions of the Education Committee in relation to medical education in the United Kingdom)—

- (a) in subsection (2A), for “article 23 of Directive 93/16/EEC” substitute “article 24 of the Directive (basic medical training)”;
- (b) omit subsection (2B); and
- (c) in subsection (4), for the definition of “Directive 93/16/EEC” substitute—

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(1) 1983 c.54.

(2) Section 2 was amended by S.I. 1996/1591, 2002/3135 and 2006/1914.

(3) Section 3 was substituted by S.I. 1996/1591 and amended by S.I. 2003/3148, 2004/1947 and 2006/1914.

(4) Section 5 was amended by S.I. 1996/1591, 2003/3148, 2004/1947 and 2006/1914.

““the Directive” means Directive [2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJNo. L255, 30.09.2005, p.22)<sup>(5)</sup>, and any reference in this Act to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision of the Directive, as amended from time to time;”.

#### **Amendment of section 10A**

6. In section 10A(6) (programmes for provisionally registered doctors), in subsection (6)(b), for “article 23 of Directive [93/16/EEC](#)” substitute “article 24 of the Directive (basic medical training)”.

#### **Amendment of section 14**

7. In section 14(7) (alternative requirements as to experience in certain cases), in subsection (3), for “article 23 of Directive [93/16/EEC](#)” substitute “article 24 of the Directive (basic medical training)”.

#### **Insertion of section 14A**

8. After section 14 insert—

##### **“Full registration of EEA nationals etc without certain acquired rights certificates**

**14A.—**(1) A person who is a national of a relevant European State—

- (a) whose case falls within regulation 3(9)(a) of the General Systems Regulations,
- (b) to whom regulations 20 to 26 of those Regulations apply by reason of the operation of regulation 3(4) of those Regulations,
- (c) who is permitted to pursue the profession of medical practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations), and
- (d) whose fitness to practise is not impaired,

is entitled to be registered under this section as a fully registered medical practitioner.

(2) Any person who—

- (a) is not a national of a relevant European State; but
- (b) is, by virtue of any 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) as if he were such a national.”.

#### **Amendment of section 15A**

9. In section 15A(8) (provisional registration for EEA nationals)—

- (a) in the heading, after “EEA nationals” insert “etc”;

(5) The Directive was amended by Council Directive [2006/100/EC](#) of 20th November 2006, OJ No. L363 of 20.12.2006, p.141.

(6) Section 10A was inserted by [S.I. 2006/1914](#).

(7) Section 14(3) was inserted by [S.I. 1996/1591](#).

(8) Section 15A was inserted by [S.I. 2000/3041](#) and amended by [S.I. 2006/1914](#).

- (b) in subsections (1), (2) and (3)(a), for “an EEA State” substitute “a relevant European State”;
- (c) in subsection (3)(b), for “a right conferred by article 11 of Regulation (EEC) No 1612/68, or any other enforceable Community right” substitute “any enforceable Community right”; and
- (d) in subsection (5), for “Article 23, paragraph 1(a), (b) and (c) of Directive 93/16/EEC” substitute “paragraph 3(a), (b) and (c) of article 24 of the Directive (basic medical training)”.

#### **Amendment of section 16**

**10.** In section 16(9) (registration of qualifications)—

- (a) in subsection (1)—
  - (i) after “3,” insert “14A,” and
  - (ii) for “the primary United Kingdom” substitute “any primary United Kingdom”;
- (b) in subsections (1)(a) and (2), for “Schedule 2 to this Act” substitute “Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training)”;
- (c) in subsection (2), for “an EEA State” substitute “a relevant European State”.

#### **Amendment of section 17**

**11.—(1)** Section 17(10) (primary qualifications obtained in other EEA States) is amended as follows.

- (2) In the heading, for “EEA States” substitute “relevant European States”.
- (3) In subsection (1)—
  - (a) for “an EEA State” substitute “a relevant European State”;
  - (b) for paragraphs (a) to (c) substitute—
    - “(a) a qualification listed in Annex V, point 5.1.1 of the Directive which was obtained in a relevant European State on or after the reference date and is not evidence of training commenced by the holder before that date, provided that that qualification is accompanied, where appropriate, by the certificate listed in relation to that State in the column of Annex V, point 5.1.1 of the Directive entitled “Certificate accompanying the qualifications”;
    - (b) subject to compliance with subsection (2) below, a qualification listed in Annex V, point 5.1.1 of the Directive, which was obtained before the reference date, or on or after that date where training of which it is evidence was commenced by the holder before that date;
    - (ba) subject to compliance with subsection (2A) below, a qualification not listed in Annex V, point 5.1.1 of the Directive, which was obtained on or after the reference date and is not evidence of training commenced by the holder before that date;
    - (c) subject to compliance with subsection (3) below, a qualification not listed in Annex V, point 5.1.1 of the Directive, which was obtained before the reference date, or on or after that date where training of which it is evidence was commenced by the holder before that date;”;
  - (c) in paragraph (e)(ii), for “the state or former state” substitute “the former state”.

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(9) Section 16 was amended by S.I. 1996/1591, 2000/3041 and 2002/3135.

(10) Section 17 was substituted by S.I. 1996/1591 and amended by S.I. 2003/3148 and 2004/1947.

- (4) For subsections (2) and (3) substitute—
- “(2) For compliance with this subsection in the case of any qualification, either—
- (a) evidence of the qualification must be—
- (i) such that the Registrar is satisfied (by means of a certificate of a competent authority of the relevant European State in which it was obtained or otherwise) that it accords with the standards laid down by article 24 of the Directive (basic medical training), and
- (ii) accompanied, where appropriate, by the certificate listed in relation to the State in which the qualification was obtained in the column of Annex V, point 5.1.1 of the Directive entitled “Certificate accompanying the qualifications”; or
- (b) evidence of the qualification must be accompanied by a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully been engaged in medical practice in that State for at least three consecutive years during the five years preceding the date of the certificate.
- (2A) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate of a competent authority of the relevant European State in which it was obtained to the effect that—
- (a) it is evidence of training which satisfies the requirements of article 24 of the Directive; and
- (b) it is treated by that State as if it were a qualification listed in relation to that State in Annex V, point 5.1.1 of the Directive.
- (3) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate such as is described in—
- (a) subsection (2)(b); or
- (b) subsection (2A).”.
- (5) In subsection (4)—
- (a) in paragraph (a), for “Schedule 2 to this Act” substitute “Annex V, point 5.1.1 of the Directive”; and
- (b) in paragraphs (a) and (b), for “the German medical authorities” substitute “a competent authority of Germany”.
- (6) In subsection (4A)—
- (a) in paragraph (a)—
- (i) for “the medical authorities of the EEA State” substitute “a competent authority of the relevant European State”, and
- (ii) for “Schedule 2 to this Act” substitute “Annex V, point 5.1.1 of the Directive”;
- (b) in paragraph (b), for “those authorities” substitute “a competent authority of that State”; and
- (c) in column (b) of the Table, for “Yugoslavia” substitute “Former Yugoslavia”.
- (7) Omit subsection (5).
- (8) For subsection (6) substitute—
- “(6) In this section, “the reference date”, in relation to a relevant European State, means the date specified in relation to that State in the column entitled “Reference date” in Annex V, point 5.1.1 of the Directive.”.

### **Substitution of section 18**

12. For section 18(11) (visiting EEC practitioners) substitute—

#### **“Visiting medical practitioners from relevant European States**

18. Schedule 2A to this Act (visiting medical practitioners from relevant European States) shall have effect.”.

### **Amendment of section 19**

13. In section 19(12) (full registration of EEA nationals etc by virtue of overseas primary qualifications etc)—

(a) in subsection (1), after paragraph (a) insert—

“(aa) that, where—

(i) that qualification was, or would have been, granted otherwise than in a relevant European State, and

(ii) that qualification, or the person’s having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State,

the qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training);”;

(b) after subsection (1) insert—

“(1A) Subsection (1) does not apply to persons entitled to be registered under section 14A or 19A.”;

(c) for subsection (2) substitute—

“(2) In this Act “exempt person” means a person who—

(a) is a national of a relevant European State other than the United Kingdom;

(b) is a national of the United Kingdom who is seeking access to, or is pursuing, the medical profession by virtue of an enforceable Community right; or

(c) is not a national of a relevant European State, but is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the medical profession, no less favourably than a national of a relevant European State.”; and

(d) in subsection (3), for paragraph (a) substitute—

“(a) if the applicant holds a medical qualification which was granted otherwise than in a relevant European State, but has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a medical practitioner in that State, the acceptance of that qualification; and”.

### **Insertion of section 19A**

14. After section 19 insert—

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(11) Section 18 was amended by [S.I. 1996/1591](#).

(12) Section 19 was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#).

**“Full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom**

**19A.** An exempt person—

- (a) whose case falls within regulation 3(9)(e) of the General Systems Regulations,
- (b) to whom regulations 20 to 26 of those Regulations apply by reason of the operation of regulation 3(4) of those Regulations,
- (c) who is permitted to pursue the profession of medical practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period, or passed any aptitude test, that he may be required to undertake pursuant to that Part of those Regulations), and
- (d) whose fitness to practise is not impaired,

is entitled to be registered under this section as a fully registered medical practitioner.”.

**Amendment of section 21**

**15.** In section 21(13) (provisional registration of EEA nationals etc. with certain overseas qualifications), in subsection (2), after “paragraphs (a)” insert “, (aa)”.

**Amendment of section 21B**

**16.** In section 21B(14) (full registration of persons with an overseas qualification), in subsection (1)—

- (a) at the end of paragraph (c) omit “and”; and
- (b) at the end of paragraph (d) insert—
  - “and
- (e) that, where—
  - (i) the person is an exempt person,
  - (ii) his acceptable overseas qualification was, or would have been, granted otherwise than in a relevant European State, and
  - (iii) that qualification, or the person’s having passed those examinations, has not previously been accepted by a relevant European State as qualifying the person to practise as a medical practitioner in that State,
 that qualification is, or would have been, evidence of medical training which satisfies the requirements of article 24(1), (2) and (3)(a), (b) and (c) of the Directive (basic medical training),”.

**Amendment of section 21C**

**17.** In section 21C(15) (provisional registration of persons with an overseas qualification), in subsection (2), for paragraph (a) substitute—

- “(a) of the matters specified in paragraphs (a), (c), (d) and (e) of subsection (1) of section 21B above so far as they are matters of which the Registrar would in the person’s case have to be satisfied in order for the person to be eligible to benefit from a direction under that subsection; and”.

(13) Section 21(2) was amended by [S.I. 2002/3135](#), and the heading of section 21 was amended by [S.I. 2006/1914](#).

(14) Section 21B was inserted by [S.I. 2006/1914](#).

(15) Section 21C was inserted by [S.I. 2006/1914](#).

#### **Amendment of section 26**

**18.** In section 26(16) (registration of qualifications), in subsection (1), after “19,” insert “19A,”.

#### **Amendment of section 30**

**19.** In section 30(17) (the registers), in subsection (1)—

- (a) in paragraph (a), for “3, 15 or 15A” substitute “3, 14A, 15, 15A or 19A”; and
- (b) for paragraph (d) substitute—
  - “(d) in the list of visiting medical practitioners from relevant European States, the names of persons entitled to be registered under Schedule 2A.”.

#### **Amendment of section 32**

**20.** In section 32(18) (registration fees), in subsection (5), for “as a visiting EEA practitioner” substitute “in the list of visiting medical practitioners from relevant European States”.

#### **Amendment of section 40**

**21.** In section 40(19) (appeals)—

- (a) in subsection (1), omit paragraph (c) and the word “or” preceding that paragraph;
- (b) in subsection (4), omit “or 45(7)”; and
- (c) in subsection (5)(c), omit “(including one appealing against a decision falling within subsection (1)(c) above)”.

#### **Amendment of section 44**

**22.** In section 44(20) (effect of disqualification in another member State on registration in the United Kingdom)—

- (a) in the heading, for “member State” substitute “relevant European State”;
- (b) in subsection (1)—
  - (i) for “an EEA State” substitute “a relevant European State”, and
  - (ii) after “section 3(1)(b)” insert “, 14A or 19A”;
- (c) in subsection (2)—
  - (i) for “the EEA State” substitute “the relevant European State”,
  - (ii) for “primary United Kingdom qualification or primary European qualification” substitute “medical qualification”, and
  - (iii) in paragraph (b), after “prohibited” insert “(whether on a permanent or temporary basis)”;
- (d) in subsections (3), (5) and (6), after “section 3(1)(b)” insert “, 14A or 19A”; and
- (e) omit subsection (7).

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(16) Section 26 was amended by S.I. 2002/3135 and 2006/1914.

(17) Section 30 was amended by S.I. 1996/1591, 2000/3041, 2002/3135 and 2006/1914.

(18) Section 32 was amended by S.I. 1996/1591 and 2006/1914 and by the Medical (Professional Performance) Act 1995 (c.51), paragraph 3 of the Schedule.

(19) Section 40 was substituted by S.I. 2002/3135 and amended by S.I. 2006/1914.

(20) Section 44 was amended by S.I. 1996/1591 and substituted by S.I. 2002/3135.

**Amendment of section 44B**

- 23.** In section 44B(21) (provision of information in respect of fitness to practise matters)—
- (a) in subsection (1)—
    - (i) after “provision of this Act” insert “, other than Schedule 2A,”,
    - (ii) in paragraph (a), for “because of his involvement in a serious matter or a problem” substitute “as a result of serious, specific circumstances or because of a problem”, and
    - (iii) in paragraph (b), for “that matter or problem” substitute “those circumstances or that problem”;
  - (b) in subsection (2)—
    - (i) in paragraph (a), for “section 18 above” substitute “Schedule 2A”, and
    - (ii) in paragraph (b)—
      - (aa) after “fully registered” insert “otherwise than by virtue of Schedule 2A,” and
      - (bb) for “because of his involvement in a serious matter or a problem” substitute “as a result of serious, specific circumstances or because of a problem”;
  - (c) for subsection (3) substitute—
 

“(3) In subsections (1) and (2), “serious, specific circumstances” has the same meaning as in article 56(2) of the Directive (exchange between authorities of information about disciplinary action etc.)”;
  - (d) omit subsections (5) to (9); and
  - (e) after subsection (10) insert—
 

“(11) Any provision made under subsection (2)(a) has effect subject to section 44BA below.”.

**Insertion of section 44BA**

- 24.** After section 44B insert—

**“Fitness to practise of exempt persons: sufficient evidence**

**44BA.**—(1) Subsections (2) to (5) apply in relation to an exempt person (“E”) who applies for registration under section 3(1)(b), 14A or 19A of this Act.

(2) For the purpose of determining whether E’s fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E’s good health a certificate which—

- (a) attests to E’s good physical and mental health; and
- (b) is required of a person who wishes to practise medicine in E’s attesting State.

(3) If no such certificate is required of persons who wish to practise medicine in E’s attesting State, for the purpose of determining whether E’s fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E’s good health a certificate which—

- (a) attests to E’s good physical and mental health; and
- (b) is issued by a competent authority in E’s attesting State.

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(21) Section 44B was inserted by [S.I. 2006/1914](#); in that S.I. as originally printed, the inserted section 44B had two subsections (9), but a correction slip was issued confirming that the second of them is in fact subsection (10).



(4) For the purpose of determining whether E’s fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E’s good character a certificate which—

- (a) attests to E’s good character or good repute; and
- (b) is issued by a competent authority in E’s attesting State.

(5) If no such certificate is issued by a competent authority in E’s attesting State, for the purpose of determining whether E’s fitness to practise is impaired, the Registrar shall accept as sufficient evidence of E’s good character a certificate—

- (a) attesting to the authenticity of a declaration on oath made by E—
  - (i) before a competent judicial or administrative authority, notary or qualified professional body of E’s attesting State, and
  - (ii) attesting to E’s good character; and
- (b) issued by the authority, notary or body referred to in paragraph (a)(i).

In this subsection, “declaration on oath” includes a solemn declaration.

(6) In subsections (2) to (5) the “attesting State”, in relation to E, is—

- (a) the relevant European State in which E obtained his medical qualification; or
- (b) (if different) the relevant European State from which E comes to the United Kingdom.

(7) The Registrar shall not accept any certificate referred to in subsection (2), (3), (4) or (5) if it is presented more than three months after the date on which it was issued.”.

#### **Repeal of section 45**

**25.** Omit section 45(22) (disciplinary provisions affecting practitioners who render services while visiting the United Kingdom).

#### **Amendment of section 46**

**26.** In section 46(23) (recovery of fees)—

- (a) in subsection (1), for “subsection (2) or (2A)” substitute “subsection (2A)”; and
- (b) omit subsection (2).

#### **Amendment of section 49**

**27.** In section 49(24) (penalty for pretending to be registered)—

- (a) in subsection (1), omit “Subject to subsection (2) below,”; and
- (b) omit subsection (2).

#### **Insertion of section 49B**

**28.** In Part VII (miscellaneous and general), before section 50 insert—

**“The Directive: designation of competent authority etc.**

**49B.—**(1) The General Council is designated as the competent authority in the United Kingdom for the purposes of the Directive so far as relating to the medical profession.

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(22) Section 45 was amended by S.I. 1996/1591, 2000/1803, 2002/3135 and 2006/1914.

(23) Section 46 was amended by S.I. 1996/1591, 2002/3135 and 2006/1914.

(24) Section 49(2) was amended by S.I. 1996/1591.

- (2) The designation under subsection (1)—
- (a) does not extend to matters relating to training to be, or qualifications or practice as, a general practitioner or a specialist medical practitioner;
  - (b) does not extend to the awarding of primary United Kingdom qualifications.
- (3) Accordingly, the General Council shall in the United Kingdom carry out (in particular) the functions specified in Schedule 4A so far as those functions relate to matters other than specialist matters (as respects those functions so far as relating to specialist matters, see article 19 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order ([S.I. 2003/1250](#))); and for this purpose each of the following is a “specialist matter”—
- (a) training to be a general practitioner or specialist medical practitioner;
  - (b) qualifications as such a practitioner;
  - (c) practice as such a practitioner.
- (4) The bodies and combinations of bodies specified in section 4(2) are designated as competent authorities in the United Kingdom for the purposes of awarding primary United Kingdom qualifications.
- (5) Subject to subsection (6), the Secretary of State may give directions to the General Council in connection with their functions specified in Schedule 4A, and it shall be the duty of the General Council to comply with any such directions.
- (6) Directions given under subsection (5) may be as to matters of administration only.
- (7) In Schedule 4A, “non-UK medical qualification” means a medical qualification that is awarded to a person by a competent authority of a relevant European State other than the United Kingdom.”.

### **Amendment of section 55**

- 29.** In section 55(25) (interpretation)—
- (a) in subsection (1)—
    - (i) after the definition of “appointing body” insert—
      - ““competent authority” means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—
      - (a) receive or issue evidence of qualifications or other information or documents, or
      - (b) receive applications and take the decisions referred to in the Directive, in connection with the practice of medicine;
      - “the Directive” has the meaning given by section 5(4) above;”,
    - (ii) omit the definition of “Directive [93/16/EEC](#)”;
    - (iii) omit the definitions of “the EEA Agreement” and “EEA State”;
    - (iv) in the definition of “fully registered person”, for the words before paragraph (a) substitute—
      - ““fully registered person” means a person for the time being registered under section 3, 14A, 19, 19A, 21B, 27A or 27B above as a fully registered medical

practitioner, or under Schedule 2A as a visiting medical practitioner from a relevant European State, and—”,

(v) after the definition of “the General Council” insert—

““the General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007 ([S.I. 2007/2781](#));”,

(vi) in the definition of “national”, for “EEA State” substitute “relevant European State”, and

(vii) after the definition of “the Registrar” insert—

““relevant European State” means an EEA State or Switzerland;”,

(b) in subsection (2), for “that Directive” (in both places) substitute “the Directive”; and

(c) after subsection (2) insert—

“(3) In relation to anything done—

(a) before the adoption by the Council and the European Parliament of the Directive, but

(b) after the adoption by the Council of Directive [93/16/EEC](#),

references in this Act to the Directive, or to any provision of the Directive, shall be construed as references to, or to any corresponding provision of, Directive [93/16/EEC](#) as for the time being amended.

(4) In this section, “Directive [93/16/EEC](#)” means Council Directive [93/16/EEC](#)([26](#)) of 5th April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ No. L165, 7.7.93, p.1).”.

### **Amendment of Schedule 1**

**30.** In Schedule 1 (the General Medical Council and its Committees, and the Branch Councils), in paragraph 10, for “section 18” substitute “Schedule 2A”.

### **Repeal of Schedule 2**

**31.** Omit Schedule 2([27](#)) (primary European qualifications).

### **Insertion of Schedule 2A**

**32.** Before Schedule 3 insert—

“SCHEDULE 2A

Section 18

## VISITING MEDICAL PRACTITIONERS FROM RELEVANT EUROPEAN STATES

### **Application and interpretation**

**1.** This Schedule applies to an exempt person who is lawfully established in medical practice in a relevant European State other than the United Kingdom.

([26](#)) Directive [93/16/EEC](#) was last amended by the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic signed at Athens on 16th April 2003, and was repealed with effect from 20th October 2007 by Directive [2005/36/EC](#).

([27](#)) Schedule 2 was substituted by [S.I. 2003/3148](#) and amended by [S.I. 2004/1947](#).

**2. In this Schedule—**

- (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
- (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established in medical practice; and
- (c) a reference to the provision of occasional medical services is a reference to the provision of medical services in the United Kingdom on a temporary and occasional basis.

**Registration in respect of provision of occasional medical services**

**3.—(1)** A visiting practitioner is entitled to be registered under this Schedule in the register if the practitioner is entitled under paragraph 4 or 7 to provide occasional medical services; and the Registrar shall give effect to the entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered in the register, but who is not registered in the register’s list of visiting medical practitioners from relevant European States, shall be treated as registered in that list.

(3) Sub-paragraph (4) applies where a person’s entitlement under sub-paragraph (1) to be registered in the register ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional medical services.

(4) If the person’s name is registered in the register’s list of visiting medical practitioners from relevant European States, the Registrar may erase the person’s name from that list.

(5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered in the register on the basis of entitlement under sub-paragraph (1), of any other provision of this Act under which a medical practitioner’s name may be erased from the register or under which a medical practitioner’s registration in the register may be suspended.

**Entitlement to provide occasional medical services: first year****4. A visiting practitioner is entitled to provide occasional medical services if—**

- (a) the practitioner has complied with the requirements of paragraph 5, and
- (b) where the practitioner’s case falls within regulation 3(9)(a), (c) or (e) of the General Systems Regulations, the provision by the practitioner of occasional medical services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

but paragraph 8 contains provision about the duration of entitlement under this paragraph.

**First provision of services: required documents**

**5.—(1)** A visiting practitioner who proposes to provide occasional medical services for the first time must, before providing any such services, send or produce to the Registrar the required documents.

**(2) The required documents are—**

- (a) a written declaration that—
  - (i) states the practitioner’s wish to provide occasional medical services, and
  - (ii) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability;
- (b) if the practitioner is a national of a relevant European State, proof of nationality;

- (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
  - (d) evidence of medical qualifications (see paragraph 6); and
  - (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
    - (i) that the practitioner is lawfully established in medical practice in that State, and
    - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner there.
- (3) A declaration under sub-paragraph (2)(a) may be supplied by any means.

6.—(1) Subject to sub-paragraph (4), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the medical services that the practitioner proposes to provide in the United Kingdom on a temporary and occasional basis.

(2) For the purposes of this paragraph and subject to sub-paragraph (4), the evidence of qualifications must, if the visiting practitioner proposes to provide any services as a general practitioner or a specialist medical practitioner in the United Kingdom on a temporary and occasional basis, include evidence of the European-recognised qualifications which entitle the practitioner to provide, in the practitioner's home State, those services as a general practitioner or a specialist medical practitioner.

(3) This sub-paragraph applies to a visiting practitioner whose case falls within regulation 3(9)(a), (c) or (e) of the General Systems Regulations (with the result that the practitioner is not entitled to provide occasional medical services unless their provision by the practitioner is in accordance with regulations 14 to 16 of those Regulations).

(4) If sub-paragraph (3) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's medical qualifications is evidence of the qualifications which entitle the practitioner to practise as a medical practitioner in his home State.

(5) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

#### **Entitlement to provide occasional medical services after first year: renewals**

7.—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional medical services.

(2) The visiting practitioner is entitled to continue to provide occasional medical services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional medical services;
- (b) who has been previously entitled under this Schedule to provide occasional medical services; and
- (c) whose registration in the list of visiting medical practitioners from relevant European States is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional medical services but, in a case where the practitioner's name is not in the list of visiting medical practitioners from relevant European States as a result of erasure otherwise than under paragraph 3(4), only if the

Registrar decides, after having regard (in particular) to the fact of that erasure and the reasons for it, that the entitlement should be renewed.

Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.

(5) In relation to a visiting practitioner “the required renewal documents” are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

- (a) states the practitioner’s wish to provide occasional medical services in a further year; and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
- (b) is not a declaration under paragraph 5(2)(a), and
- (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the Registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the Registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

#### **Duration of entitlement to provide occasional medical services**

**8.—**(1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional medical services ceases if—

- (a) the visiting practitioner concerned becomes established in medical practice in the United Kingdom; or
- (b) a relevant decision is made against the visiting practitioner concerned.

(6) In sub-paragraph (5) “relevant decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner’s home State that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a medical practitioner; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising as a medical practitioner in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner’s registration in the list of visiting medical practitioners from relevant European States is suspended or the practitioner’s name is erased from that list, and
- (b) immediately before the time when the suspension or (as the case may be) erasure takes effect, the practitioner is entitled under this Schedule to provide occasional medical services,

that entitlement ceases at that time.

### Conditions

9.—(1) Paragraph (2) applies if—

- (a) the establishment of a visiting practitioner in the practitioner’s home State is subject to a condition relating to the practitioner’s medical practice;
- (b) the practitioner’s name is registered in the register; and
- (c) for any of the purposes of this Act it falls to be decided whether the practitioner’s fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional medical services that is, or would be if the condition applied in relation to medical practice outside the practitioner’s home State, a breach of the condition.

(3) In paragraphs (1) and (2) “condition” includes limitation.”.

### Amendment of Schedule 3

33.—(1) Schedule 3(28) (registration: supplementary provisions) is amended as follows.

(2) In paragraph 1(1), for “3, 15 or 15A” substitute “3, 14A, 15, 15A or 19A”.

(3) In paragraph 2(2)(a), after “section 3(1)(b)” insert “, 14A or 19A”.

(4) In paragraph 3—

(a) in sub-paragraph (1)—

- (i) for “3, 15 or 15A” substitute “3, 14A, 15, 15A or 19A”,
- (ii) for “the primary United Kingdom” substitute “any primary United Kingdom”, and
- (iii) for “those sections” substitute “section 3, 14A, 15 or 15A of this Act”; and

(b) after sub-paragraph (1) insert—

“(1A) An exempt person (“A”) who—

- (a) makes an application for registration under section 3(1)(b) of this Act,
- (b) holds a qualification listed in Annex V, point 5.1.1 of the Directive (evidence of formal qualifications in basic medical training), and

(c) satisfies the requirements of article 24 of the Directive (basic medical training), shall produce or send to the Registrar a certificate as mentioned in sub-paragraph (1B).

(1B) The certificate—

- (a) must be a certificate issued by a competent authority in A's attesting State (as defined by section 44BA(6)); and
- (b) must certify that the document conferring or evidencing A's qualification produced or sent by A under sub-paragraph (1) is evidence of formal qualifications listed in relation to that State in Annex V, point 5.1.1 of the Directive.”.

(5) After paragraph 4 insert—

**“Proof of nationality**

**4A.** An exempt person (“A”) making an application for registration under section 3(1)(b), 14A, 15A or 19A of this Act shall produce or send to the appropriate registrar—

- (a) if A is a national of a relevant European State, proof of A's nationality;
- (b) if A is not a national of a relevant European State, proof of the Community right by virtue of which A is an exempt person.

**Acknowledgement of applications**

**4B.** Where a person makes an application for registration under section 3, 14A, 15, 15A or 19A of this Act, the appropriate registrar, within the period of one month beginning with the date of receipt of the application, must—

- (a) acknowledge receipt of the application; and
- (b) inform the applicant of any missing document required for the purposes of the application.”.

(6) In paragraph 5—

- (a) in sub-paragraph (1), for “3, 15 or 15A” substitute “3, 14A, 15, 15A or 19A”; and
- (b) for sub-paragraph (1A) substitute—

“(1A) In this paragraph “the requisite period”—

- (a) in the case of an application under section 14A or 19A of this Act, means the period of four months beginning with—
  - (i) the date when the Registrar receives the application, or
  - (ii) if any document required for the purposes of the application is missing when the Registrar receives the application, the date on which the Registrar first has all the documents required for those purposes; and
- (b) in the case of any other application, means the period of three months beginning with the date on which the appropriate registrar receives all the documents enabling him to be satisfied of the applicant's entitlement to be registered in accordance with the application.”.

(7) For paragraph 7, and the preceding heading, substitute—



*“Visiting medical practitioners from relevant European States*

7.—(1) No application shall be required in respect of registration in the list of visiting medical practitioners from relevant European States.

(2) The Registrar may issue certificates of registration to persons who are registered in the list of visiting medical practitioners from relevant European States.”.

**Amendment of Schedule 3A**

**34.** In Schedule 3A(29) (registration appeals)—

(a) in paragraph 1, in the definition of “person making the decision”, in paragraph (b)—

(i) omit “18,”, and

(ii) after “of this Act,” insert “or under Schedule 2A to this Act,”;

(b) in paragraph 2(1)—

(i) after paragraph (a) insert—

“(aa) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 14A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc without certain acquired rights certificates);

(ab) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 14A(1) to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;”

(ii) omit paragraph (e),

(iii) after paragraph (f) insert—

“(fa) a decision on an application made under Schedule 3 to this Act not to register the applicant under section 19A of this Act as a fully registered medical practitioner (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom);

(fb) a decision under Part 3 of the General Systems Regulations to require an exempt person within paragraphs (a) and (b) of section 19A to complete an adaptation period, or pass an aptitude test, in connection with becoming entitled by virtue of that Part of those Regulations to pursue the profession of medical practitioner in the United Kingdom;”

(iv) in paragraph (n), in sub-paragraph (i) omit “or (7)”, and

(v) after paragraph (p) insert—

“(q) a decision that a person shall not, or shall no longer, be registered under Schedule 2A to this Act in the list of visiting medical practitioners from relevant European States.”; and

(c) in paragraph 3(2), for “3, 15, 15A, 19 or 21” substitute “3, 14A, 15, 15A, 19, 19A or 21”.

**Amendment of Schedule 4**

35. In Schedule 4(30) (proceedings before the Investigation Committee, Interim Orders Panels and Fitness to Practise Panels), in paragraph 8, in sub-paragraph (1), for “41(10), 41A(5) or 45(7)” substitute “41(10) or 41A(5)”.

**Insertion of Schedule 4A**

36. After Schedule 4 insert—

“SCHEDULE 4A

Section 49B

DIRECTIVE 2005/36: FUNCTIONS OF THE  
GENERAL COUNCIL UNDER SECTION 49B(3)

<i>Provision of Directive</i>	<i>Function of General Council</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established, in the United Kingdom, as medical practitioners.
Article 8(1)	Receiving information from, or providing information to, other competent authorities in relation to—
	(a) the legality of a person’s establishment as a medical practitioner;
	(b) the good conduct of such a person;
	(c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
Article 8(2)	Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing medical services.
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to medical practitioners.
Article 23(6)	Issuing certificates stating that medical qualifications awarded in the United Kingdom, which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.1 of Annex V to the Directive, certify successful completion of basic medical training that is in accordance with article 24 of the Directive.
Article 50(1) and paragraph 1(b) of Annex VII	Providing information to other competent authorities concerning the training in the United Kingdom of a medical practitioner to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of practice as a medical practitioner, the certificates of current professional status referred to

(30) There are no relevant amendments to Schedule 4.

<i>Provision of Directive</i>	<i>Function of General Council</i>
	in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 1(e) of Annex VII	Issuing, in respect of practice as a medical practitioner, the certificates of good health referred to in sub-paragraph (e) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that primary United Kingdom qualifications are qualifications covered by the Directive.
Article 50(2)	In cases of justified doubts—
	(a) requiring confirmation of the authenticity of non-UK medical qualifications;
	(b) requiring confirmation that holders of non-UK medical qualifications satisfy the minimum training conditions set out in article 24 of the Directive;
	(c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's primary United Kingdom qualification;
	(d) providing confirmation that holders of primary United Kingdom qualifications satisfy the minimum training conditions set out in article 24 of the Directive.
Article 50(3)	In cases of justified doubts—
	(a) verifying information provided in connection with non-UK medical qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
	(b) providing information in connection with a person's primary United Kingdom qualification awarded following training in another relevant European State.
Article 56(1)	Ensuring the confidentiality of information exchanged with other competent authorities.
Article 56(2)	Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for practice as a medical practitioner.
	Where such information is received by the General Council—
	(a) examining the veracity of the circumstances;
	(b) deciding the nature and scope of any investigations that need to be carried out;

<i>Provision of Directive</i>	<i>Function of General Council</i>
	(c) informing other competent authorities of the General Council's conclusions.”