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STATUTORY INSTRUMENTS

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**2007 No. 3101**

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

**PART 3**

**MEDICAL PRACTITIONERS: THE GENERAL AND SPECIALIST MEDICAL  
PRACTICE (EDUCATION, TRAINING AND QUALIFICATIONS) ORDER 2003**

**Amendment of the General and Specialist Medical Practice (Education, Training and  
Qualifications) Order 2003**

**37.** The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(1) is amended in accordance with this Part.

**Amendment of article 5**

**38.** In article 5 (minimum requirements for general practice training)—

(a) in paragraph (1)—

(i) for sub-paragraph (a) substitute—

“(a) the training meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 28(1), the first sub-paragraph of article 28(2) and article 28(3) of the Directive (specific training in general medical practice); and”;

(ii) omit sub-paragraph (b), and

(iii) in sub-paragraph (c), for “the three year period specified in sub-paragraph (b)” substitute “the period of training specified in the first sub-paragraph of article 28(2) of the Directive”;

(b) for paragraph (2) substitute—

“(2) Once the minimum periods set out in paragraph (1)(c) have been met, any remaining period of training shall consist of a period of employment in a post (or posts) falling within paragraph (1)(c)(i) or (ii).”;

(c) omit paragraph (3); and

(d) omit paragraph (6).

**Substitution of article 6**

**39.** For article 6 (minimum requirements for specialist training) substitute—

**“Minimum requirements for specialist training**

6.—(1) The minimum requirements for specialist training referred to in article 4(2) are that the training—

- (a) constitutes an entire course of training in the specialty in question;
- (b) meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 25(1), (2) and (3) of the Directive (specialist medical training); and
- (c) must be for a period which is at least as long as the relevant period (if any) specified in Schedule 3 (specialties in which the UK awards a CCT).

(2) The Board may impose conditions in relation to any part-time specialist training which it approves.”.

**Amendment of article 8**

40. In article 8(2) (award and withdrawal of a Certificate of Completion of Training)—

- (a) in paragraph (3), omit “Subject to paragraph (4),”; and
- (b) omit paragraphs (4), (9), (10) and (11).

**Amendment of article 10**

41. In article 10(3) (the General Practitioner Register)—

- (a) in paragraph (2)—
  - (i) for sub-paragraph (b) substitute—
    - “(b) eligible general practitioners as specified in article 11;
    - (ba) eligible general systems general practitioners as specified in article 11A;”, and
  - (ii) after sub-paragraph (c) add—
    - “and
    - (d) exempt persons—
      - (i) who are registered in the list of visiting medical practitioners from relevant European States mentioned in section 30(1)(d) of the Medical Act, and
      - (ii) who are providing services in the United Kingdom as a general practitioner on a temporary and occasional basis, in exercise of entitlement under Schedule 2A to the Medical Act (visiting medical practitioners from relevant European States).”;
- (b) in paragraph (3), for “A person” substitute “Subject to paragraph (3A), a person”; and
- (c) after paragraph (3) insert—
  - “(3A) No application shall be required, and no fee shall be payable, in respect of inclusion in the General Practitioner Register pursuant to paragraph (2)(d).”.

(2) Article 8 was amended by [S.I. 2004/1947](#).

(3) There are no relevant amendments to article 10.

## Amendment of article 11

42. In article 11(4) (general practitioners eligible for entry in the General Practitioner Register)—

(a) for paragraph (1) substitute—

“(1) A person is an eligible general practitioner for the purposes of article 10(2)(b) if he is an exempt person and he holds any of the following issued in a relevant European State other than the United Kingdom—

- (a) a qualification in general practice listed in Annex V, point 5.1.4 of the Directive, together with the corresponding professional title;
- (b) a certificate of acquired rights; or
- (c) a qualification in general practice which is not listed in Annex V, point 5.1.4 of the Directive, if that qualification—
  - (i) is accompanied by a certificate of a competent authority of the relevant European State in which the qualification was obtained to the effect that the qualification is evidence of training which satisfies the requirements of article 28 of the Directive (requirements for training in general medical practice), and
  - (ii) is treated by that State as if it were a qualification listed in relation to that State in Annex V, point 5.1.4 of the Directive.

(1A) A person is also an eligible practitioner for the purposes of article 10(2)(b) if he holds—

- (a) a certificate of prescribed experience; or
- (b) a certificate of equivalent experience.”;

(b) in paragraph (3)—

- (i) for “A person” substitute “Subject to paragraph (3A), a person”, and
- (ii) for “paragraph (1) or (2)” substitute “paragraph (1), (1A) or (2)”;

(c) after paragraph (3) insert—

“(3A) If a person falling within paragraph (3) is an exempt person and he holds a qualification in general practice which—

- (a) was granted otherwise than in a relevant European State, and
- (b) has not previously been accepted by a relevant European State as qualifying him to practise as a general practitioner in that State,

he is not an eligible general practitioner pursuant to paragraph (3) unless he satisfies the Board that his qualification in general practice is evidence of training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 28 of the Directive (specific training in general medical practice).”;

(d) in paragraph (4), for sub-paragraph (a) substitute—

- “(a) he is an exempt person who holds a qualification in general practice which—
  - (i) was granted otherwise than in a relevant European State, but
  - (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a general practitioner in that State; or”;

- (e) in paragraph (5), for “a person’s training, qualifications, or both when considered together are equivalent to a CCT in general practice” substitute “a person is an eligible practitioner pursuant to paragraph (3)”;
- (f) in paragraph (6), for “article 16(4)” substitute “article 16(5)”; and
- (g) in paragraph (7), for “satisfied, pursuant to paragraph (3), that a person’s training, qualifications, or both when considered together are equivalent to a CCT in general practice” substitute “satisfied that a person is an eligible practitioner pursuant to paragraph (3)”.

### Insertion of article 11A

43. After article 11 insert—

#### **“General systems general practitioners eligible for entry in the General Practitioner Register**

**11A.**—(1) 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, and
- (c) who has a right to practise as a general practitioner in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period that he may be required to complete pursuant to that Part of those Regulations),

is an eligible general systems general practitioner for the purposes of article 10(2)(ba).

(2) The Board shall, in accordance with its duty under article 16(5), notify a person who has made an application to be considered as an eligible general systems general practitioner that—

- (a) he is an eligible general systems general practitioner; or
- (b) he is not an eligible general systems general practitioner, or is required to complete an adaptation period pursuant to Part 3 of the General Systems Regulations, giving reasons for that decision.”.

### Amendment of article 12

44. In article 12(5) (acquired rights of general practitioners), for paragraph (1) substitute—

“(1) For the purposes of article 30(1) of the Directive (requirement for every relevant European State to determine the acquired rights that it recognises for the purpose of pursuing general medical practice in the framework of its national social security system without the evidence of formal qualifications listed in Annex V, point 5.1.4 of the Directive), a person has an acquired right to practise as a general practitioner in the United Kingdom if he falls within one of the categories of persons set out in Schedule 6.”.

### Amendment of article 13

45. In article 13 (the Specialist Register)—

- (a) in paragraph (2)—
  - (i) after sub-paragraph (a) omit “and”, and

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(5) Article 12 was amended by [S.I. 2004/865](#) and [1016](#).

- (ii) for sub-paragraph (b) substitute—
  - “(b) eligible specialists as specified in article 14;
  - (c) eligible general systems specialists as specified in article 14A; and
  - (d) exempt persons—
    - (i) who are registered in the list of visiting medical practitioners from relevant European States mentioned in section 30(1)(d) of the Medical Act, and
    - (ii) who are providing services in the United Kingdom as a specialist on a temporary and occasional basis, in exercise of entitlement under Schedule 2A to the Medical Act (visiting medical practitioners from relevant European States).”;
- (b) in paragraph (3)—
  - (i) for “A person” substitute “Subject to paragraph (3A), a person”, and
  - (ii) in sub-paragraph (b), for “he is also a registered dentist” substitute “he has successfully completed dental training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 34 of the Directive (basic dental training)”;
- (c) after paragraph (3) insert—

“(3A) No application shall be required, and no fee shall be payable, in respect of inclusion in the Specialist Register pursuant to paragraph (2)(d).”.

#### **Amendment of article 14**

##### **46. In article 14 (specialists eligible for entry in the Specialist Register)—**

- (a) after paragraph (2) insert—

“(2A) A person is an eligible specialist for the purposes of article 13(2)(b) if he holds a CCST.”;
- (b) for paragraph (3) substitute—

“(3) A person is also an eligible specialist for the purposes of article 13(2)(b) if—

  - (a) he is an exempt person; and
  - (b) he holds a recognised specialist qualification (as specified in article 15).”;
- (c) in paragraphs (4) and (5), for “A person” substitute “Subject to paragraph (5A), a person”;
- (d) after paragraph (5) insert—

“(5A) If a person falling within paragraph (4) or (5) is an exempt person and he holds a specialist qualification which—

  - (a) was granted otherwise than in a relevant European State, and
  - (b) has not previously been accepted by a relevant European State as qualifying him to practise as a specialist in that State,

he is not an eligible specialist pursuant to paragraph (4) or (5) unless he satisfies the Board that his specialist qualification is evidence of training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 25 of the Directive (specialist medical training).”;
- (e) in paragraph (6), for sub-paragraph (a) substitute—

“(a) he is an exempt person who holds a specialist qualification which—

- (i) was granted otherwise than in a relevant European State, but
- (ii) has been accepted by a relevant European State, other than the United Kingdom, as qualifying him to practise as a specialist in that State; or”;
- (f) for paragraph (8) substitute—
  - “(8) If the Board is not satisfied, having taken into account the matters specified in paragraph (6) (where applicable), that a person is an eligible specialist pursuant to paragraph (4) or (5), paragraph (9) shall apply.”;
- (g) in paragraph (10), for “article 16(4)” substitute “article 16(5)”;
- (h) for paragraph (11) substitute—
  - “(11) If the Board is satisfied that a person is an eligible specialist pursuant to paragraph (4) or (5), it shall, if the person so requests, issue to that person a written statement attesting to the fact that the person has satisfied the Board that he is eligible for inclusion in the Specialist Register (“statement of eligibility for registration”).”.

#### **Insertion of article 14A**

47. After article 14 insert—

#### **“General systems specialists eligible for entry in the Specialist Register**

**14A.**—(1) An exempt person—

- (a) whose case falls within regulation 3(9)(a), (c) or (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, and
- (c) who has a right to practise as a specialist in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully completed any adaptation period that he may be required to complete pursuant to that Part of those Regulations),

is an eligible general systems specialist for the purposes of article 13(2)(c).

(2) The Board shall, in accordance with its duty under article 16(5), notify a person who has made an application to be considered as an eligible general systems specialist that—

- (a) he is an eligible general systems specialist; or
- (b) he is not an eligible general systems specialist, or is required to complete an adaptation period pursuant to Part 3 of the General Systems Regulations, giving reasons for that decision.”.

#### **Amendment of article 15**

48.—(1) Article 15(6) (recognised specialist qualifications) is amended as follows.

(2) In paragraph (1), omit sub-paragraph (a).

(3) For paragraph (1)(b) substitute—

“(b) a specialist qualification listed in Annex V, point 5.1.2 of the Directive which was awarded—

- (i) in a relevant European State other than the United Kingdom,

- (ii) on or after the reference date and is not evidence of training commenced by the holder before that date, and
  - (iii) in a specialty in which the United Kingdom awards a qualification as set out in Part 1 of Schedule 3;
- (ba) a specialist qualification listed in Annex V, point 5.1.2 of the Directive—
  - (i) which was awarded in a relevant European State other than the United Kingdom,
  - (ii) which was awarded following training commenced by the holder before the reference date,
  - (iii) which was awarded in a specialty in which the United Kingdom awards a qualification as set out in Part 1 of Schedule 3, and
  - (iv) where the holder of the qualification satisfies the GMC (by means of a certificate of a competent authority of the relevant European State in which it was awarded or otherwise) that it accords with the standards laid down by article 25 of the Directive (specialist medical training);”.
- (4) In paragraph (1)(c)—
  - (a) in paragraph (i), for “an EEA State” substitute “a relevant European State”;
  - (b) in paragraph (iii), after “laid down by” insert “article 25 of”;
  - (c) in paragraph (iv), for “begun before the relevant date” substitute “commenced by the holder before the reference date”; and
  - (d) for paragraph (v) substitute—
    - “(v) is accompanied by a certificate of a competent authority of any relevant European State that the holder has effectively and lawfully been engaged in the practice of his specialty in that State for at least three consecutive years during the five years preceding the date of the certificate;”.
- (5) In paragraph (1)(d)—
  - (a) in paragraph (i), for “an EEA State” substitute “a relevant European State”; and
  - (b) for paragraphs (ii) and (iii) substitute—
    - “(ii) does not correspond to the titles listed in Annex V, point 5.1.2 and 5.1.3 of the Directive, and
    - (iii) is accompanied by a certificate of a competent authority of that State to the effect that the qualification is evidence of training which satisfies the requirements of article 25 of the Directive and is treated by that State as if it were a qualification listed in respect of the relevant specialty in relation to that State in Annex V, points 5.1.2 and 5.1.3 of the Directive;”.
- (6) In paragraph (1)(e)—
  - (a) for paragraph (i) substitute—
    - “(i) was awarded in Spain to doctors who completed their specialist training before 1st January 1995, even if that training does not satisfy the requirements of article 25 of the Directive;”;
  - (b) for paragraph (iii) substitute—
    - “(iii) is accompanied by a certificate issued by a competent authority in Spain attesting that the person concerned has passed the examination in specific professional competence held in accordance with article 27(2) of the Directive with a view to ascertaining that the person concerned possesses a level of knowledge and skill comparable to that of doctors who possess a specialist qualification listed in

respect of the relevant specialty in relation to Spain in Annex V, points 5.1.2 and 5.1.3 of the Directive;”.

- (7) In paragraph (1)(f)—
- (a) in paragraph (i), for “articles 24 to 26” substitute “article 25”;
  - (b) in paragraph (ii)—
    - (i) for “the competent authorities” substitute “a competent authority”, and
    - (ii) for “Schedule 7 and Annex C” substitute “Annex V, point 5.1.2”; and
  - (c) for paragraph (iii) substitute—
    - “(iii) where evidence of the qualification is accompanied by a certificate of a competent authority in Germany that the holder has effectively and lawfully been engaged in the practice of his specialty in Germany for at least three consecutive years during the five years preceding the date of the certificate; and”.
- (8) In paragraph (1)(g)—
- (a) in paragraph (ii)—
    - (i) for “the competent authorities of the EEA State” substitute “a competent authority of the relevant European State”, and
    - (ii) for “Schedule 7” substitute “Annex V, point 5.1.2 of the Directive”;
  - (b) in paragraph (iii), for “those authorities” substitute “that authority”; and
  - (c) in column (a) of the Table, for “Yugoslavia” substitute “Former Yugoslavia”.
- (9) For paragraph (2) substitute—
- “(2) In paragraph (1) “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 5.1.2 of the Directive.”.

### **Insertion of article 15A**

49. After article 15 insert—

#### **“Additional information to be provided with certain applications for inclusion in the Registers**

**15A.**—(1) An exempt person (“A”) who makes an application for inclusion in the General Practitioner Register or the Specialist Register shall produce or send to the Registrar of the GMC a certificate as mentioned in paragraph (2), if—

- (a) his application is based on the grounds that he is an eligible general practitioner pursuant to article 11(1), or an eligible specialist pursuant to article 14(3);
  - (b) he holds a qualification listed in Annex V, point 5.1.2 of the Directive (evidence of formal qualifications of specialised doctors) or point 5.1.4 of the Directive (evidence of formal qualifications of general practitioners); and
  - (c) he has successfully completed training that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 25 (specialist medical training) or 28 (specific training in general medical practice) of the Directive (as the case may be).
- (2) The certificate—
- (a) must be a certificate issued by a competent authority in the relevant European State in which A obtained his qualification in general practice or his specialist



qualification, or (if different) the relevant European State from which A comes to the United Kingdom; and

- (b) must certify that his qualification in general practice or his specialist qualification is a qualification listed in relation to that State in Annex V, point 5.1.2 or 5.1.4 of the Directive (as the case may be).”.

### **Substitution of article 16**

**50.** For article 16 substitute—

#### **“Decisions on inclusion in the Registers**

**16.—**(1) Where a person makes an application for inclusion in either of the Registers pursuant to article 10(3) or 13(3), the Registrar of the GMC, 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.

(2) The Registrar of the GMC must, in accordance with paragraph (3), give the applicant notice—

- (a) of the result of the application;
- (b) if he refuses the application, of the reasons for that refusal and of any right of appeal the applicant has under article 23.

(3) The Registrar of the GMC must give the applicant notice of the matters specified in paragraph (2)—

- (a) within the period of three months beginning with the date when the Registrar of the GMC receives the application, or, if any document required for the purposes for 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; or
- (b) in a case where the applicant has previously had to make an application to which paragraph (4) applies, within the specified time.

(4) This paragraph applies to an application by a person to the Board in order to satisfy the Board that he is—

- (a) an eligible general practitioner pursuant to article 11(3);
- (b) an eligible specialist pursuant to article 14(4) or (5);
- (c) an eligible general systems general practitioner pursuant to article 11A; or
- (d) an eligible general systems specialist pursuant to article 14A.

(5) Where a person makes an application to the Board to which paragraph (4) applies—

- (a) the Board, within the period of one month beginning with the date of receipt of the application, must—
  - (i) acknowledge receipt of the application, and
  - (ii) inform the applicant of any missing document required for the purposes of the application; and
- (b) the Board must co-operate with the GMC, and the GMC must co-operate with the Board, to ensure that the applicant is able to apply to the GMC for inclusion in either of the Registers pursuant to article 10(3) or 13(3) and obtain a decision from the GMC within the specified time.

- (6) In paragraphs (3) and (5), “the specified time” means, subject to paragraph (7)—
  - (a) in relation to an application to which paragraph (4)(a) or (b) applies, the period of three months—
    - (i) beginning with the relevant date, and
    - (ii) ending with the date on which the Registrar of the GMC gives the applicant notice of the matters specified in paragraph (2); and
  - (b) in relation to an application to which paragraph (4)(c) or (d) applies, the period of four months—
    - (i) beginning with the relevant date, and
    - (ii) ending with the date on which the Registrar of the GMC gives the applicant notice of the matters specified in paragraph (2).
- (7) In calculating the specified time pursuant to paragraph (6), the period—
  - (a) beginning with the date on which the Board gives the applicant notice under article 11(6), 11A(2), 14(10) or 14A(2) (as the case may be), and
  - (b) ending, after the completion of any adaptation period or the determination of any appeal against a decision of the Board, with the date on which the GMC receives all the documents enabling it to determine whether it is satisfied of the applicant’s entitlement to be registered pursuant to article 10(3) or 13(3) (as the case may be), shall be disregarded.
- (8) For the purposes of complying with its duty pursuant to paragraph (5), the Board may, if it sees fit, provide to the GMC information relating to, or copies of, any applications that it has received to which paragraph (4) applies.
- (9) The “relevant date”, in relation to an application, is—
  - (a) the date when the Board receives the application; or
  - (b) if any document required for the purposes of the application is missing when the Board receives the application, the date on which the Board first has all the documents required for those purposes.”.

**Amendment of article 18**

- 51.** In article 18 (removal and suspension from the Registers)—
  - (a) in paragraph (2), omit “Subject to paragraph (3) and (4),”;
  - (b) after paragraph (2) insert—
    - “(2A) If a person whose name is included in the General Practitioner Register pursuant to article 10(2)(d) ceases to satisfy either of the conditions specified in that provision, the Registrar of the GMC may remove that person’s name from the General Practitioner Register.
    - (2B) If a person whose name is included in the Specialist Register pursuant to article 13(2)(d) ceases to satisfy either of the conditions specified in that provision, the Registrar of the GMC may remove that person’s name from the Specialist Register.”; and
  - (c) omit paragraphs (3) and (4).

**Substitution of article 19**

- 52.** For article 19 substitute—

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

**19.**—(1) In accordance with paragraphs (2) to (4), the GMC and the Board are designated as the competent authorities in the United Kingdom for the purposes of the Directive relating to specialists and general practitioners.

(2) The GMC shall in the United Kingdom be responsible for the recognition and registration of specialist qualifications and qualifications in general practice, and shall carry out (in particular) the functions specified in Part 1 of Schedule 7A.

(3) The Board shall in the United Kingdom be responsible for matters relating to training in general medical practice and specialist training, including the assessment of training for the purposes of certain applications for inclusion in the General Practitioner Register or the Specialist Register, and shall carry out (in particular) the functions specified in Part 2 of Schedule 7A.

(4) The Board is designated as the competent authority in the United Kingdom for the purposes of awarding the following qualifications—

- (a) as regards general medical practice, CCTs in general practice and certificates of acquired rights;
- (b) as regards the practice of a medical specialty, CCTs in a specialty listed in Schedule 3.

(5) In Schedule 7A, “non-UK specialist or GP qualifications” means specialist qualifications or qualifications in general practice that are awarded to a person by a competent authority of a relevant European State other than the United Kingdom.”

**Revocation of article 20**

**53.** Article 20 (specialist qualifications) is revoked.

**Amendment of article 21**

**54.** In article 21(7) (appeal to an Appeal Panel against a decision of the Board)—

(a) in paragraph (2)—

(i) in sub-paragraph (f), for “within three months of the date on which the applicant submits his application, together with full supporting documentation” substitute “within the period of three months beginning with the relevant date”,

(ii) after sub-paragraph (f) insert—

“(fa) a person who fails to satisfy the Board that he is an eligible general systems general practitioner pursuant to article 11A;

(fb) a person to whom the Board fails to give a decision under article 11A(2) within the period of four months beginning with the relevant date;”,

(iii) in sub-paragraph (h), for “within three months of the date on which the applicant submits his application, together with full supporting documentation” substitute “within the period of three months beginning with the relevant date”,

(iv) after sub-paragraph (h) insert—

“(ha) a person who fails to satisfy the Board that he is an eligible general systems specialist pursuant to article 14A;

(hb) a person to whom the Board fails to give a decision under article 14A(2) within the period of four months beginning with the relevant date;”, and

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(7) Article 21 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 11, Part 3, paragraph 5.

- (v) omit sub-paragraphs (i) and (j);
- (b) after paragraph (2) insert—
  - “(2A) In paragraph (2), “the relevant date” has the same meaning as in article 16(9).”;
- (c) in paragraph (3)—
  - (i) for “sub-paragraph (e), (g) and (i)” substitute “sub-paragraph (e) and (g)”, and
  - (ii) for “11(5), 14(9) or 20(3)(a)(ii)” substitute “11(5) or 14(9)”;
- (d) after paragraph (3) insert—
  - “(3A) The right of appeal under sub-paragraph (fa) and (ha) of paragraph (2) shall include a right of appeal against a decision of the Board under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.”; and
- (e) in paragraph (5), for “(f), (h) or (j)” substitute “(f), (fb), (h) or (hb)”.

### **Amendment of article 23**

- 55.** In article 23 (appeals against decisions on inclusion in the Registers)—
- (a) after paragraph (1) insert—
    - “(1A) A decision by the Registrar of the GMC to refuse to register a person—
      - (a) in the General Practitioner Register pursuant to article 10(2)(d), or
      - (b) in the Specialist Register pursuant to article 13(2)(d),
 shall also be treated as an appealable registration decision under Schedule 3A to the Medical Act and the procedure in that Schedule shall accordingly apply.”; and
  - (b) in paragraph (2), for “article 16(1) within the time specified in article 16(2) or, where applicable, article 16(4)” substitute “article 16(2) within the time specified in article 16(3)”.

### **Amendment of Schedule 1**

- 56.** In Schedule 1(8) (interpretation)—
- (a) in the definition of “certificate of acquired rights”—
    - (i) for “article 36(4)” substitute “article 30(1)”, and
    - (ii) for “a vocational training certificate in general practice” substitute “the evidence of formal qualifications of a general practitioner referred to in Annex V, point 5.1.4 of the Directive”;
  - (b) for the definition of “competent authority” substitute—
    - ““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 practice as a general practitioner or a specialist;”;
  - (c) in the definition of “CCT”, omit “, including any such certificate” to the end;

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(8) Relevant amendments to Schedule 1 were made by [S.I. 2004/1947](#).

- (d) for the definition of “the Directive” substitute—
  - ““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<sup>(9)</sup>, and references in this Order to the Directive or to any provision of the Directive are references to the Directive, or to that provision of the Directive, as amended from time to time;”;
- (e) omit the definition of “EEA”;
- (f) omit the definition of “EEA Agreement”;
- (g) omit the definition of “EEA State”;
- (h) after the definition of “ESMQO 1995”, insert—
  - ““exempt person” means—
  - (a) a national of a relevant European State other than the United Kingdom,
  - (b) 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) a person who is not a national of a relevant European State but who 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;”;
- (i) after the definition of “General Practitioner Register” insert—
  - ““General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007<sup>(10)</sup>”;
- (j) in the definition of “national”, for “an EEA State” substitute “a relevant European State”;
- (k) omit the definition of “registered dentist”;
- (l) after the definition of “the Registers” insert—
  - ““relevant European State” means an EEA State or Switzerland;”;
- (m) omit the definition of “vocational training certificate”.

## **Amendment of Schedule 2**

**57.** In Schedule 2 (the Postgraduate Medical Education and Training Board and its Statutory Committees), in Part 2, in paragraph 12(1)(b), for “11(3), 14(4) or 14(5)” substitute “11(3), 11A, 14(4), 14(5) or 14A”.

## **Amendment of Schedule 3**

**58.** In Schedule 3<sup>(11)</sup> (specialities in which the UK awards a CCT, and any minimum training periods), in Part 1—

- (a) under the heading “Four years”, omit the asterisk after the words “Clinical oncology”; and
- (b) for the Note substitute—

“Note: The specialties marked \* above are those listed in Annex V, point 5.1.3 of the Directive which are common to all relevant European States. The remaining specialties are those in which the United Kingdom awards a qualification but which are peculiar to two or more relevant European States.”.

<sup>(9)</sup> OJNo. L255, 30.09.2005, p.22, as amended by Council Directive 2006/100/EC of 20th November 2006, OJ No. L363 of 20.12.2006, p.141.

<sup>(10)</sup> S.I. 2007/2781.

<sup>(11)</sup> There are no relevant amendments to Schedule 3.

**Repeal of Schedule 4**

59. Schedule 4 (text of articles 30, 31(1) and 34 of Directive [93/16/EEC](#)) is repealed.

**Repeal of Schedule 5**

60. Schedule 5 (text of Annex I to Directive [93/16/EEC](#)) is repealed.

**Amendment of Schedule 6**

61. In Schedule 6 (acquired rights of general practitioners in the United Kingdom), for paragraph 1(c) substitute—

“(c) on 31st December 1994 he was established in the United Kingdom by virtue of a qualification in medicine awarded in a relevant European State other than the United Kingdom which had in his case to be recognised in the United Kingdom by virtue of the Directive as entitling him to be registered as a fully registered medical practitioner under the Medical Act; or”.

**Repeal of Schedule 6A**

62. Schedule 6A (qualifications in general medical practice awarded in EEA States other than the United Kingdom) is repealed.

**Repeal of Schedule 7**

63. Schedule 7 (specialist qualifications awarded in EEA States other than the United Kingdom) is repealed.

**Insertion of Schedule 7A**

64. After Schedule 7 insert—

“SCHEDULE 7A

Article 19

DIRECTIVE 2005/36: FUNCTIONS OF THE GMC  
AND THE BOARD UNDER ARTICLE 19(2) AND (3)

**PART 1****FUNCTIONS OF THE GMC**

<i>Provision of Directive</i>	<i>Function of GMC</i>
Article 7(2)(b)	Issuing certificates containing attestations in relation to persons established, in the United Kingdom, as specialists or general 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 specialist or general practitioner;
	(b) the good conduct of such a person;

<i>Provision of Directive</i>	<i>Function of GMC</i>	
	(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 services as a specialist or general practitioner.	
Article 23(1)	Issuing certificates of effective and lawful practice in the United Kingdom to specialists.	
Article 50(1) and paragraph 1(d) of Annex VII	Issuing, in respect of practice as a specialist or general practitioner, the certificates of current professional status referred to 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 specialist or general 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(2)	In cases of justified doubts—	
	(a)	requiring confirmation of the authenticity of non-UK specialist or GP qualifications;
	(b)	requiring confirmation that holders of non-UK specialist or GP qualifications satisfy the minimum training conditions set out in article 25 or 28 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions.
Article 50(3)	In cases of justified doubts, verifying information provided in connection with non-UK specialist or GP qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded.	
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 specialist or general practitioner.	
	Where such information is received by the GMC—	
	(a)	examining the veracity of the circumstances;
	(b)	deciding the nature and scope of any investigations that need to be carried out;
	(c)	informing other competent authorities of the GMC's conclusions.

## PART 2

### FUNCTIONS OF THE BOARD

<i>Provision of Directive</i>	<i>Function of Board</i>
Article 23(6)	Issuing certificates stating that specialist qualifications or qualifications in general practice awarded in the United Kingdom, which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.2, 5.1.3 or 5.1.4 of Annex V to the Directive (as the case may be), certify successful completion of specialist training that is in accordance with article 25 of the Directive, or training in general practice which is in accordance with article 28 of the Directive (as the case may be), or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 25 or 28 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 specialist or general practitioner to whom Chapter 1 of Part 3 of the General Systems Regulations applies.
Article 50(1) and paragraph 2 of Annex VII	Issuing certificates stating that a person's CCT is a qualification covered by the Directive.
Article 50(2)	In cases of justified doubts—
	(a) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's CCT;
	(b) providing confirmation that holders of a CCT satisfy the minimum training conditions set out in article 25 or 28 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions.
Article 50(3)	In cases of justified doubts, providing information in connection with a person's CCT awarded following training in a relevant European State other than the United Kingdom.”