
STATUTORY INSTRUMENTS

2016 No. 1030

**The European Qualifications (Health and
Social Care Professions) Regulations 2016**

PART 2

MEDICAL PRACTITIONERS

CHAPTER 1

AMENDMENT OF THE MEDICAL ACT 1983

Introductory

3. The Medical Act 1983 ^{M1} is amended in accordance with this Chapter.

Marginal Citations

M1 c. 54.

Insertion of section 10B

4. After section 10A (programmes for provisionally registered doctors) ^{M2}, insert—

“10B Professional traineeships carried out in other relevant European States, etc.

(1) If an acceptable programme for provisionally registered doctors includes a requirement to carry out a professional traineeship of a particular standard, a professional traineeship of an equivalent standard that has been carried out in a relevant European State other than the United Kingdom, by a person who is a national of a relevant European State and who holds a primary United Kingdom qualification, is treated as meeting that requirement.

(2) The General Council must publish guidelines on the organisation and recognition of professional traineeships carried out in relevant European States (including, in particular, guidelines on the role of the supervisor of the professional traineeship).

(3) Any person who—

- (a) is not a national of a relevant European State; but
- (b) is, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,

must be treated for the purposes of subsection (1) as if the person were such a national.”.

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Marginal Citations

M2 Section 10A was inserted by S.I. 2006/1914.

Amendment of section 14

5. In section 14 (alternative requirements as to experience in certain cases)^{M3}, at the end insert—
- “(4) Subsection (5) applies if—
- (a) a person within subsection (2)(b) who is a national of a relevant European State makes an application under subsection (1); and
 - (b) the person has carried out a professional traineeship, all or part of which was carried out in a third country.
- (5) The General Council must take the professional traineeship into account in exercising its functions under subsection (1).
- (6) The General Council must publish guidelines on the organisation and recognition of professional traineeships carried out in third countries (including, in particular, guidelines on the role of the supervisor of the professional traineeship).
- (7) Any person who—
- (a) is not a national of a relevant European State; but
 - (b) is, by virtue of any enforceable EU right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,
- must be treated for the purposes of subsections (4) and (5) as if the person were such a national.”.

Marginal Citations

M3 Section 14 was amended by S.I. 1996/1591, 2006/1914 and 2007/3101.

Amendment of section 14A

- 6.—(1) Section 14A (full registration of EEA nationals etc without certain acquired rights certificates)^{M4} is amended as follows.
- (2) In subsection (1)(a), for “3(9)(a)” substitute “ 3(8)(a) ”.
 - (3) In subsection (1)(b)—
 - (a) for “20 to 26” substitute “ 27 to 34 ”;
 - (b) for “3(4)” substitute “ 3(5) ”.

Marginal Citations

M4 Section 14A was inserted by S.I. 2007/3101 and amended by 2011/1043.

Amendment of section 19A

- 7.—(1) Section 19A (full registration of EEA nationals etc by virtue of overseas qualifications accepted by a relevant European State other than the United Kingdom)^{M5} is amended as follows.

- (2) In paragraph (a), for “3(9)(e)” substitute “ 3(8)(e) ”;
- (3) In paragraph (b)—
 - (a) for “20 to 26” substitute “ 27 to 34 ”;
 - (b) for “3(4)” substitute “ 3(5) ”.

Marginal Citations

M5 Section 19A was inserted by S.I. 2007/3101.

Amendment of section 40

8.—(1) Section 40 (appeals by persons subject to decisions by Tribunals) ^{M6} is amended as follows.

- (2) After subsection (1A), insert—

“(1B) A decision of the General Council under regulation 67 of the General Systems Regulations to send an alert about a person is also an appealable decision for the purposes of this section.”.

- (3) In subsection (4A), after “(1A)” insert “ or (1B) ”.

(4) In subsection (8)(b), after “against”, insert “ or, in the case of an appeal from a decision falling within subsection (1B), direct that the alert be withdrawn or amended ”.

- (5) In the heading, omit “by persons subject to decisions by Tribunals”.

Marginal Citations

M6 Section 40 was amended by S.I. 2006/1914 (which, in particular, inserted subsections (1A) and (4A)), 2007/3101 and 2015/794 (which, in particular, substituted the heading to section 40). There are other amendments which are not relevant to these Regulations.

Amendment of section 55

9.—(1) Section 55(1) (interpretation) ^{M7} is amended as follows.

- (2) For the definition of “the General Systems Regulations”^{M8}, substitute—

““the General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059);”.

- (3) In the appropriate places, insert—

““Directive 95/46/EC” means Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as amended from time to time;”;

““Directive 2002/58/EC” means Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended from time to time;”;

““IMI” means the Internal Market Information System, the online, secure messaging system developed by the European Commission;”;

““professional traineeship” means a period of professional practice, carried out under supervision, that—

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- (a) constitutes a condition for access to the medical profession in the country in which it is carried out; and
 - (b) takes place during or after completion of a course of education leading to an educational qualification pursued for the purpose of entry to that profession;”;
- ““third country” means a country other than a relevant European State;”.

Marginal Citations

- M7** Section 55 was amended by section 99 of, and Schedule 7 to, the [Health and Social Care Act 2008 \(c.14\)](#) and by [S.I. 1996/1591](#), 2000/3041, 2002/3135, 2006/1914, 2007/3101, 2008/1774, 2010/234, 2011/1043, 2014/1101 and 2015/794.
- M8** The definition of “the General Systems Regulations” was inserted by [S.I. 2007/3101](#).

Amendment of Schedule 2A

10.—(1) Schedule 2A (visiting medical practitioners from relevant European States) ^{M9} is amended as follows.

- (2) In paragraph 4(b)—
 - (a) for “3(9)(a), (c) or (e)” substitute “ 3(8)(a), (c) or (e) ”;
 - (b) for “14 to 16” substitute “ 19 to 23 ”.
- (3) In paragraph 5—
 - (a) in sub-paragraph (2)(a)—
 - (i) in sub-paragraph (i), omit the “and” at the end;
 - (ii) after sub-paragraph (ii), insert—
 - “(iii) confirms that the practitioner does not have a criminal conviction; and
 - (iv) confirms that the practitioner is not subject to a temporary or final suspension preventing practice as a medical practitioner;”;
 - (b) after sub-paragraph (2)(a), insert—
 - “(aa) a written declaration as to whether the practitioner has the necessary knowledge of English;”;
 - (c) in sub-paragraph (3), after “(2)(a)” insert “ or (aa) ”.
- (4) In paragraph 6(3)—
 - (a) for “3(9)(a), (c) or (e)” substitute “ 3(8)(a), (c) or (e) ”;
 - (b) for “14 to 16” substitute “ 19 to 23 ”.
- (5) In paragraph 8(6), after “home State” insert “ or, if different, a relevant European State in which the practitioner practises or has practised as a medical professional ”.

Marginal Citations

- M9** [Schedule 2A](#) was inserted by [S.I. 2007/3101](#).

Amendment of Schedule 4A

11.—(1) Schedule 4A (Directive 2005/36: functions of the General Council under section 49B(3)) ^{M10} is amended as follows.

(2) Before the entry relating to article 7(2)(b) insert—

“Article 4f	Considering applications for partial access to the medical profession under regulations 10 and 11 of the General Systems Regulations.”
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(3) In the entry relating to article 8(1)—

(a) for “Receiving”, substitute “ In the event of justified doubts, receiving ”; and

(b) after paragraph (c), insert—

“Receiving information from, or providing information to, other competent authorities in relation to a person's training courses to the extent necessary to assess substantial differences likely to be harmful to public health and safety.”.

(4) After the entry relating to article 50(3), insert—

“Article 50(3a)	In the event of justified doubts, seeking confirmation from, or providing confirmation to, other competent authorities of the fact that the applicant is not suspended or prohibited from the pursuit of the medical profession as a result of serious professional misconduct or conviction of criminal offences relating to the pursuit of any of the applicant's professional activities.
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Article 50(3b)	Ensuring that the exchange of information under article 50 of the Directive with other competent authorities takes place through the IMI.
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Article 53	Ensuring that any language controls imposed on a medical practitioner are compliant with article 53 of the Directive.
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Article 55a	When considering an application for registration as a fully registered practitioner, ensuring that in respect of professional traineeships—
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(a) traineeships undertaken in a relevant European State are recognised in accordance with published guidelines;

(b) traineeships undertaken in a third country are taken into account.”

(5) In the entry relating to article 56(2), after paragraph (c), insert—

“Ensuring that the processing of personal data for the purposes of the exchange of information in accordance with article 56(2) of the Directive is carried out in accordance with Directive [95/46/EC](#) and Directive [2002/58/EC](#) and through the IMI.”.

(6) After the entry relating to article 56(2), insert—

“Article 56(2a)	Ensuring that the exchange of information carried out in accordance with article 56(2) of the Directive takes place through the IMI.
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Article 56a(1) and (2)	Informing all other competent authorities, by way of an alert through the IMI, about a medical practitioner whose professional activities have been restricted or prohibited, even temporarily, within three days from the date of adoption of the decision; ensuring the information provided is limited to the information referred to in article 56a(2) of the Directive.
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Article 56a(3)	Informing all other competent authorities, by way of an alert through the IMI, about the identity of professionals who have applied for registration and who have been subsequently found to have used falsified evidence of professional qualifications, within three days from the date of the finding.
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- Article 56a(4) Ensuring that the processing of personal data for the purposes of the exchange of information under article 56a(1) and (3) of the Directive is carried out in accordance with Directive [95/46/EC](#) and Directive [2002/58/EC](#).
- Article 56a(5) Informing all other competent authorities through the IMI without delay when—
 (a) a prohibition or a restriction referred to in article 56a(1) of the Directive has expired;
 (b) there is a change to the prohibition or restriction period notified under article 56a(2) of the Directive.
- Article 56a(6) Notifying the medical practitioner, in respect of whom an alert is sent under article 56a(1) or (3) of the Directive, in writing at the same time as the alert is sent, that the practitioner—
 (a) is the subject of an alert sent under article 56a(1) or (3) of the Directive;
 (b) has the right to appeal the decision or to apply for rectification of the decision;
 (c) has the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.
- Informing competent authorities, where applicable, that an alert is subject to appeal proceedings by the practitioner.
- Article 56a(7) Ensuring that an alert made under article 56a(1) of the Directive is deleted from the IMI within three days of—
 (a) the date of adoption of the revoking decision; or
 (b) the expiry of the prohibition or restriction referred to in that article.
- Article 57a(1) Ensuring that all requirements, procedures and formalities relating to the recognition of qualifications of a medical practitioner may be easily completed by the applicant remotely and by electronic means.”
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Marginal Citations

M10 [Schedule 4A](#) was inserted by [S.I. 2007/3101](#).

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