

## 1994 No. 499

## GENERAL MEDICAL SERVICES

**Medical Practitioners (Vocational Training) (Amendment) Regulations (Northern Ireland) 1994**

*Made* . . . . . 22nd December 1994

*Coming into operation* . . . . . 1st January 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(a) and of all other powers enabling it in that behalf, after consultation with such organisations as appeared to the Department to be representative of the medical profession in accordance with Article 8(5) of that Order, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Medical Practitioners (Vocational Training) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st January 1995.

(2) In these regulations “the principal regulations” means the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(b).

*Interpretation of the principal regulations*

2.—(1) Regulation 2(1) of the principal regulations (interpretation) shall be amended as follows.

(2) In the definition of “Health and Social Services Board” for the words “includes the” shall be substituted the words “includes an HSS trust constituted under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(c) and any”.

(3) After the definition of “the Joint Committee” insert—

“ “Medical Directive” means Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications(d);”.

*Prescribed medical experience*

3.—(1) Regulation 4 of the principal regulations (prescribed medical experience) shall be amended as follows.

(a) S.I. 1978/1907 (N.I. 26)

(b) S.R. 1979 No. 460 amended by S.R. 1986 Nos. 69 and 309

(c) S.I. 1991/194 (N.I. 1)

(d) O.J. No. L165, 7.7.1993, p. 1

(2) After paragraph (2) insert—

“(2A) For the purposes of paragraph (1)(b), employment which is not whole-time cannot count as “equivalent” to whole-time employment unless it includes at least two periods of whole-time employment, each lasting not less than one week, one such period falling within paragraph (i) and one within paragraph (ii).”.

(3) In paragraph (3), for “occupied less than half” substitute “, taken week by week, occupied less than 60%”.

(4) After paragraph (3) insert—

“(3A) The Joint Committee shall supervise the training referred to in paragraph (1)(b), and shall in particular secure that it complies with the requirements of article 31(1) of the Medical Directive, or (in the case of part-time training) article 31(1) as appropriately modified together with article 34.”.

(5) Paragraphs (2) and (3) of this regulation, and paragraph (4) so far as the amendment it makes refers to article 34 of the Medical Directive, have effect only in relation to a period of training begun after 31st December 1994.

#### *Certificate of prescribed experience*

4. After regulation 5(2) (certificate of prescribed experience) insert—

“(2A) A certificate of prescribed experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983(a), and where those qualifications were awarded.”.

#### *Certificate of equivalent experience*

5. After regulation 6(2) (certificate of equivalent experience) insert—

“(2A) A certificate of equivalent experience shall show the qualifications by virtue of which the practitioner to whom it is issued is entitled to be registered under the Medical Act 1983, and where those qualifications were awarded.

(2B) If they are satisfied that the medical experience in respect of which a certificate of equivalent experience is to be issued complies with all the requirements of the Medical Directive relating to specific training in general medical practice, the Joint Committee shall annotate the certificate to that effect.”.

#### *Exemptions from vocational training*

6.—(1) Regulation 7 of the principal regulations (exemptions) shall be amended as follows.

(2) In paragraph (1)(d) for the words from “only for the provision of maternity medical services” to the end of the sub-paragraph there shall be substituted the words “for the provision of general medical services limited to—

- (i) child health surveillance services only,
- (ii) contraceptive services only,
- (iii) maternity medical services only, or
- (iv) minor surgery services only,

or to any combination of those services, but only if the applicant's name was included in a medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;"

(3) For paragraph (1)(g) substitute—

“(g) if he has a qualification in medicine awarded in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement), or by virtue of any enforceable Community right, as entitling him to be registered, or to practise as if he were registered, under section 3 of the Medical Act 1983 (which provides for registration by virtue of primary United Kingdom or primary European qualifications) as a fully registered medical practitioner, and he was established in the United Kingdom on 31st December 1994 by virtue of that qualification;

(h) if he holds a vocational training certificate or a certificate of acquired rights issued in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement), or by virtue of any enforceable Community right.”

(4) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1)—

“certificate of acquired rights” means a certificate issued under article 36(4) of the Medical Directive, to the effect that its holder has an acquired right to practise as a general medical practitioner under the national social security scheme of the issuing State without a vocational training certificate;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a contracting party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

“vocational training certificate” means a diploma, certificate or other evidence of formal qualifications awarded on completion of a course of specific training in general medical practice and referred to in article 30 of the Medical Directive.”

(5) Paragraph (2) has effect only in relation to applications made after 31st December 1994.

(6) In paragraph (4) for sub-paragraph (a) there shall be substituted the following sub-paragraphs—

“(a) “child health surveillance services”, “maternity medical services” and “minor surgery services” shall have the meaning respectively assigned to them in regulation 2(1) of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(a);

(aa) “contraceptive services” has the meaning assigned by regulation 3(1)(b) of those Regulations(b);”.

(7) In paragraph 4 sub-paragraph (b) for the words “and shall be deemed” to the end of the sub-paragraph there shall be substituted the words—

“in each case other than any such list so maintained or drawn up of practitioners providing general medical services limited as mentioned in paragraph (1)(d), but shall be deemed to include a statement issued to a practitioner in the Armed Services of the Crown by the Director-General of Medical Services, howsoever described, of the relevant Armed Service that the practitioner had been providing services in the Armed Services equivalent to general medical services.”.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd December 1994.

(L.S.)

*A. H. Gilbert*

Assistant Secretary

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(a) S.R. & O. (N.I.) 1973 No. 421; the relevant amending regulation is S.R. 1989 No. 454  
(b) Inserted by S.R. 1975 No. 180

*(This note is not part of the Regulations.)*

These regulations arise out of Title IV of Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (which is referred to in these Regulations as the "Medical Directive"). The Medical Directive consolidated earlier Directives. Title IV is about vocational training for doctors providing general medical services in the national social security schemes of the member States, and comes fully into effect on 1st January 1995.

These regulations amend the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979 ("the principal regulations") which prescribe the medical experience which, under Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978, a medical practitioner is required to have acquired, or to be exempt from the need to have acquired, before his name may be included in a list of general practitioners.

The definition of Health and Social Services Board in regulation 2(1) of the principal regulations is amended to include a reference to an HSS trust (established under the Health and Personal Social Services (Northern Ireland) Order 1991), so that a doctor's employment in an educationally approved post in a hospital managed by an HSS trust may count towards the vocational training referred to in regulation 4 of the principal regulations, and so that a consultant employed in clinical practice by an HSS trust is eligible for membership of the appeal body constituted under regulation 8 of the principal regulations (regulation 2(2)).

These regulations also amend regulation 7 of the principal regulations in so far as it exempts from the need to have acquired the prescribed medical experience a doctor who seeks to have his name included in a medical list only for the provision of a limited category or categories of general medical services. The amendment includes child health surveillance services and minor surgery services among those categories, and makes consequential changes elsewhere in that regulation (regulation 2(3)).