
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply to the United Kingdom) make provision in respect of primary medical qualifications and registration by virtue of those qualifications, and in particular amend the Medical Act 1983 (“the 1983 Act”).

Regulation 2 provides for the General Medical Council (“GMC”) to be the competent authority in the United Kingdom in relation to primary United Kingdom and primary European qualifications and registration under the 1983 Act by virtue of those qualifications, and in relation to the mutual recognition of European qualifications. This implements article 42 of Council Directive [93/16/EEC](#) (“the Medical Directive”). This Regulation also allows the Secretary of State to give directions as to matters of administration to the GMC in connection with related Community obligations.

Regulation 3 substitutes a new section 3 of the 1983 Act (registration by virtue of primary United Kingdom or primary European qualifications). The new section 3 expands upon the old one in that it provides for the full registration of any person who is not a national of a member state of the European Economic Area (“EEA”), but who holds a European qualification, if that person is entitled to be treated no less favourably than an EEA national by virtue of a right conferred by article 11 of Council Regulation ([EEC](#)) No 1612/68 (OJ No L 257, 19.10.68, p. 1) or any other enforceable Community right (such as those derived from articles 48 and 52 of the Treaty of Rome).

Regulation 3 also amends section 5 of the 1983 Act to require the GMC’s Education Committee to secure that medical training in the United Kingdom complies with the requirements of article 23 of the Medical Directive.

Regulation 4 substitutes a new section 17 of the 1983 Act (primary qualifications obtained in other EEA States). The new section 17 expands on the old one by providing for the recognition of further primary European qualifications. These are—

- (a) in implementation of article 9(5) of the Medical Directive, qualifications acquired in an EEA State but not listed in article 3 of that Directive or (for Iceland, Liechtenstein and Norway) in Annex VII to the EEA Agreement, provided they are treated by that State as if they were qualifications listed there (these lists together correspond to the list in Schedule 2 to the 1983 Act); and
- (b) in implementation of article 9(3) of the Medical Directive, qualifications awarded by the former German Democratic Republic and entitling the holder to practise throughout Germany.

Regulation 4 also introduces Schedule 1 to the Regulations, which—

- (a) amends Schedule 2 to the 1983 Act (primary European qualifications) in respect of the entries for Germany, Greece, Italy, Luxembourg and Spain (in implementation of article 3 of Directive [93/16/EEC](#)); and
- (b) adds to Schedule 2 entries for Austria, Finland, Iceland, Liechtenstein, Norway and Sweden (in implementation of paragraph 4 of Annex VII to the Agreement on the EEA and, as respects Austria, Finland and Sweden, to reflect their entry into the EEC).

Regulation 5 amends section 18 of the 1983 Act (visiting EEC practitioners) by making provision for a visiting EEA practitioner who provides services in an emergency to be exempt not only from the requirement to provide an advance declaration under section 18(2)(a) but also from the requirement to provide in advance the documents referred to in section 18(2)(b) (in accordance with article 17

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of Directive 93/16/EEC). Section is also amended to extend it to those who are entitled to be treated no less favourably than nationals of EEA States.

Regulation 6 makes amendments to a number of provisions in the 1983 Act for two purposes relating to EEA nationals whose primary qualifications are from non-EEA States and other persons who are entitled to be no less favourably treated—

- (a) the requirement that they must show proficiency in English before being registered by the General Medical Council is removed; and
- (b) the General Medical Council is required, when considering an application for registration in the United Kingdom, to take account of the fact (if it is the case) that the applicant's primary qualification from a non-EEA State has been recognised by another EEA State or of any experience or knowledge which the applicant has acquired in another EEA State.

Regulation 7 introduces Schedule 2 to the Regulations, which makes further minor and consequential amendments to the 1983 Act. In particular—

- (a) section 4 of the 1983 Act is amended to require a certificate of a primary United Kingdom qualification to say if more than one year of the training undergone by its holder took place outside the EEA; and
- (b) paragraphs 3 and 5 of Schedule 3 to the 1983 Act are amended to insert a requirement that applications for registration under that Act by virtue of primary European qualifications must normally be dealt with by the end of three months from receipt of all necessary documentation, and to require the GMC to reject certain documents issued in accordance with article 11 or 12 of the Medical Directive if they are more than three months old when received.

The Regulations also replace references to the EEC throughout the 1983 Act by references to the EEA.