

**EXPLANATORY MEMORANDUM TO THE
GENERAL AND SPECIALIST MEDICAL PRACTICE (EDUCATION,
TRAINING AND QUALIFICATIONS) TRANSITIONAL PROVISIONS
ORDER 2005**

2005 No. 2361

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order is made under the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250) (“the 2003 Order”). It makes transitional provision in respect of the coming into force of provisions of the 2003 Order on 30th September 2005.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Article 2 of this Order makes transitional provision in respect of the time in which the Postgraduate Medical Education and Training Board (“the Board”) has to make a decision where a person has applied to the Board under article 11(3) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (“the 2003 Order”): article 11(3) concerns determinations of the Board as to whether a person’s training, qualifications and experience are equivalent to a Certificate of Completion of Training in general practice where the person does not hold such a certificate.
 - 4.2 This transitional provision is necessary because aspects of the 2003 Order concerning the General Practitioner Register are not due to be brought into force until 1st April 2006, and therefore article 16 (which is the provision in the 2003 Order itself that makes provision as to time limits for decisions), in its application to general practitioners, will not be brought into force until that date.
 - 4.3 Article 3 of this Order makes transitional provision in relation to the General Practitioner Register to be maintained by the General Medical Council under article 10 of the 2003 Order. It permits the General Medical Council to utilise information obtained from primary care organisations in determining whether a general practitioner is eligible

for inclusion in the General Practitioner Register where the general practitioner was already working as a general practitioner in the National Health Service prior to 1st April 2006 but only if the General Medical Council has taken reasonable steps to verify with each general practitioner that the information it has obtained from the primary care organisation is accurate. It also requires primary care organisations to provide the information if requested to do so by the General Medical Council unless there is a good reason for not doing so.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Statement not required.

7. Policy background

7.1 The Postgraduate Medical Education and Training Board (PMETB) was established by the 2003 Order which was approved by Parliament pursuant to the affirmative procedure in April 2003. It was formed to act independently of government as a professional UK competent authority to supervise postgraduate medical education and training. It will:

Establish standards of, and requirements relating to, postgraduate medical education and training;

Secure the maintenance of the standards and requirements established;

Develop, improve and promote postgraduate medical education and training in the United Kingdom.

7.2 When it takes up its full statutory responsibilities on 30th September 2005, PMETB will replace the Specialist Training Authority (STA) and the Joint Committee on Postgraduate Training for General Practice (JCPTGP).

7.3 The legislation establishing PMETB will provide a new flexibility to be applied when assessing a doctor for the Specialist Register and for the new GP Register which will allow the totality of a doctor's experience, training and qualifications to be considered together. It also allows assessments of doctors new to the UK to be conducted on the basis of "competency" rather than the current method used by the Royal Colleges of matching each component of the doctor's training against the training currently required in the UK.

- 7.4 A new facility, in order to meet current standards and not compromise patient safety, will be the power to prescribe a short period of "top-up" training in order to overcome any perceived deficiency.
- 7.5 This does not lower standards. It provides more opportunities for doctors to demonstrate how and why they meet standards. It allows doctors who do not at first reach the required standard, a chance to improve their skills and competences. We are committed to ensuring that all doctors who meet the standards to work in the UK and provide services in the NHS are able to do so.
- 7.6 One of the provisions in the Order is for the GMC to set up a new General Practitioner Register, and it will be a requirement that no doctor can work in general practice in the NHS unless he/she is on the GP Register. This mirrors the recreated specialist register for consultants, and it will continue to be the case that no doctor can be appointed to a consultant post unless he/she is on the Specialist Register.
- 7.7 The transitional provision contained in article 2 of the Order is needed because decisions on inclusion in Registers are not due to be brought into force until 1st April 2006, and therefore article 16 (which is the provision in the 2003 Order itself that makes provision as to time limits for decisions), in its application to general practitioners, will not be brought into force until that date. This order specifies the time (3 months) which PMETB has to notify applicants whether it is satisfied that they are an eligible general practitioner under article 11(3) of the Order.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

- 9.1 **Paul Loveland** at the Department of Health Tel: 0113 254 5856 or e-mail: paul.loveland@dh.gsi.gov.uk can answer any queries regarding the instrument.