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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the abolition of the Postgraduate Medical Education and Training Board (“the Board”) which was established by General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I.2003/1250) (“the 2003 Order”). It provides for the transfer of its functions relating to postgraduate medical education and training for specialist medical practice and general medical practice to the General Medical Council (“GMC”). It makes textual amendments to the Medical Act 1983 (“the 1983 Act”) inserting in that Act new provisions which are similar to those in the 2003 Order relating to the General Practitioner Register and the Specialist Register.

This Order implements in part Council Directive 2005/36/EC(1) (“the Directive”) on the recognition of professional qualifications. It replaces the necessary legislative framework for the implementation of the Directive which was previously set out in the 2003 Order.

Articles 1 and 2 of the Order respectively make provision for commencement and interpretation of the Order.

Article 3 formally abolishes the Board.

Article 4 and Schedule 1 amend the 1983 Act. Paragraph 10 of that Schedule inserts a new Part 4A into the 1983 Act relating to postgraduate medical education and training. The new Part 4A re-enacts the requirement enacted originally in the 2003 Order for the GMC to maintain a General Practitioner Register and a Specialist Register and makes provision for the eligibility of exempt persons to be entered on those registers to be prescribed by Order of Council. It then provides for the GMC to set standards and requirements for postgraduate medical education and training, to approve courses and programmes relating to such education and training and the procedures to apply where such programmes are not to be approved or approvals are to be withdrawn. It also prescribes criteria to be satisfied before a doctor can be awarded a Certificate of Completion of Training (“CCT”) as a general practitioner or a specialist and makes provision for specialties and training for those specialties to be recognised by Order of Council. Any such standards or requirements established by the GMC must comply with prescribed minimum requirements, which includes the requirements for general practice and specialist training set out in the Directive.

New Part 4A also allows the GMC to appoint persons to visit bodies or persons who are involved in the provision of postgraduate medical education and training. It also makes provision as to the information that such persons or bodies must provide to the GMC and for GMC to charge fees for carrying out functions in making approvals under this Part and the information and evidence to be provided when applying to be entered on the General Practitioner Register or the Specialist Register or requesting a certificate of acquired rights.

New Part 4A also makes provision (in new section 34F(3)) allowing general practitioners who have been registered in an emergency by virtue of section 18A of the 1983 Act, to go back on to the General Practitioner Register without having to make a request to the Registrar for that purpose.

Paragraphs 4 to 8 and 11 of Schedule 1 make similar provision in the 1983 Act in connection with the General Practitioner Register and the Specialist Register as apply in connection with the medical practitioners register, respectively in relation to powers to make regulations about their form and keeping, the charging of fees for applying to be entered in those registers, removal of entries from

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(1) OJ No L 255, 30.09.2005, p.22, as amended by Council Directive 2006/100/EC of 20<sup>th</sup> November 2006, OJ No L 363 of 20.12.2006, p.141.

*Status: This is the original version (as it was originally made).*

the registers, proof of entries in those registers and rectifying fraudulent or incorrect entries in those registers. Paragraph 2 makes a consequential amendment in respect of terminology used in Part 4A.

Paragraphs 15 and 18 of Schedule 1 amend respectively section 49B of, and Schedule 4B to, the 1983 Act to cater for the fact that the GMC is designated as the sole competent authority for the purposes required by Directive [2005/36/EC](#) and for the specific functions previously carried out by the Board in relation to the recognition and registration of specialist qualifications and of vocational training certificates and certificates of acquired rights issued in EEA States other than the United Kingdom, to be carried out by the GMC.

Paragraph 16 of Schedule 1 makes certain changes to the interpretation provisions in the 1983 Act. In particular, it inserts a definition of the “UK health services” into the 1983 Act for the first time. Paragraphs 1, 3, 13 and 14 of that Schedule make amendments to the 1983 Act which are consequential on those changes.

Paragraph 17 of Schedule 1 amends Schedule 3A to the 1983 Act to provide that appeals against decisions of the Registrar in respect of the award of CCTs, approval of training and inclusion in the General Practitioner Register and the Specialist Register, shall be heard by the Registration Appeals Panel and thereafter in accordance with the procedures set out in Schedule 3A. It also amends that Schedule to allow a hearing before such a panel to dispense with a legal assessor where the chair of that panel is legally qualified.

Paragraphs 12 and 19 of Schedule 1 make miscellaneous amendments to the 1983 Act which are carried over from the 2003 Order.

Transitional, transitory and saving provisions and arrangements are made in article 5 and Schedule 2 relating to the transfer of functions from the Board to the GMC. Article 6 makes provision about the procedures for making Privy Council orders for which powers are conferred in this Order. Consequential amendments and revocations are made to primary and secondary legislation by article 7 and Schedule 3. Article 8 provides for the Order to extend to the whole of the United Kingdom except in relation to certain consequential amendments to primary and secondary legislation provided for in Schedule 3.

An impact assessment has been prepared in relation to this Order and is available from the Department of Health, Quarry House, Quarry Hill, Leeds, LS2 7UE and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.