

2011 No. 1248

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

**The General Medical Council (Applications for General Practice
and Specialist Registration) (Amendment) Regulations Order of
Council 2011**

<i>Made</i> - - - -	<i>10th May 2011</i>
<i>Laid before Parliament</i>	<i>11th May 2011</i>
<i>Coming into force</i> - -	<i>8th June 2011</i>

At the Council Chamber, Whitehall, the 10th day of May 2011

By the Lords of Her Majesty's Most Honourable Privy Council

The General Medical Council have made the General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations 2011, which are set out in the Schedule to this Order, in exercise of the powers conferred by sections 34E(1), (2)(a) and (3) of the Medical Act 1983(a).

By virtue of section 34E(6) of that Act, such Regulations shall not have effect until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations Order of Council 2011 and comes into force on 8th June 2011.

Privy Council Approval

2. Their Lordships, having taken the Regulations contained in the Schedule into consideration, are pleased to and do approve them.

Judith Simpson
Clerk of the Privy Council

(a) 1983, c. 54. Section 34E was inserted by article 4 of and paragraph 10 of Schedule 1 to SI 2010/234.

SCHEDULE

The General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations 2011

The General Medical Council make the following Regulations in exercise of powers conferred by section 34E(1), (2)(a) and (3) of the Medical Act 1983.

Citation and commencement

1. These Regulations may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations 2011 and come into force on 8th June 2011.

Amendments

2.—(1) The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010(a) are amended as follows.

(2) In regulation 5—

(a) for sub-paragraph (h) of paragraph (1), substitute the following—

“(h) a statement of eligibility, or a statement of eligibility for registration issued in accordance with article 11(7) or 14(11) of the General and Specialist Practice (Education, Training and Qualifications) Order 2003(b);”;

(b) at the end of sub-paragraph (i) of paragraph (1), insert the following—

“;

(j) evidence that the applicant’s training is, or qualifications are, or both when considered together are, equivalent to a CCT(c) in general practice for the purposes of article 4(4) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register);

(k) evidence that the applicant’s specialist training is, or specialist qualifications in a recognised specialty are, or both when considered together are, equivalent to a CCT in the relevant specialty for the purposes of article 8(2) of the 2010 Order (specialists eligible for entry in the specialist register);

(l) evidence that the applicant’s level of knowledge and skill is consistent with practice as a consultant in any of the UK health services for the purposes of article 8(3) of the 2010 Order”;

(c) omit paragraphs (2) and (3).

(3) In regulation 6—

(a) in paragraph (1), for “the Registrar may” substitute “Subject to paragraph (3), the Registrar may”;

(b) after paragraph (2), insert the following—

“(3) Paragraph (1) does not apply to an eligible general systems general practitioner under article 5 of the 2010 Order or an eligible general systems specialist under article 9 of the 2010 order in relation to whom an invitation to provide information may be made in accordance with regulation 31(1)(b) of the General Systems Regulations(d).”.

(a) Scheduled to SI 2010/475.

(b) SI 2003/1250; revoked by SI 2010/234 (see article 7(3) and Part 3 of Schedule 3).

(c) Section 55(1) of the Medical Act 1983 defines “CCT” as a certificate of completion of training awarded under section 34L(1) of that Act. Section 34L was inserted by SI 2010/234. Paragraph (2) of that section provides that a CCT may only be awarded in general practice or in a recognised specialty.

(d) Section 55(1) of the Medical Act 1983 defines “The General Systems Regulations” as the European Communities (Recognition of Professional Qualifications) Regulations 2007 (SI 2007/2781).

(4) In regulation 7, for paragraph (1), substitute the following—

“(1) Paragraphs (1A) and (2) apply where—

- (a) an applicant submits evidence under regulation 5(1)(j), (k) or (l); and
- (b) an applicant is an eligible general systems general practitioner under article 5 of the 2010 Order or an eligible general systems specialist under article 9 of the 2010 Order and submits evidence under the General Systems Regulations(a).

(1A) Where an applicant submits evidence as described in paragraph (1), and the Registrar is satisfied as to the applicant’s eligibility for inclusion in the General Practitioner Register or the Specialist Register, the Registrar must, before considering and determining the application under regulation 8, provide the applicant with a written statement confirming the Registrar is so satisfied.”.

(5) In regulation 8—

- (a) in sub-paragraph (a) of paragraph (2), for “regulation 7(1)” substitute “regulation 7(1A)”; and
- (b) at the end of paragraph (3), insert the following—
“, unless that has already been done in pursuance of any obligation under regulation 34(2) of the General Systems Regulations(b)”.

Given under the official seal of the General Medical Council this 7th day of April 2011



Peter Rubin
Chair

Niall Dickson
Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves the General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations 2011. Those Regulations amend the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 (scheduled to SI 2010/475) (“the principal Regulations”). The principal Regulations provide for the procedure to be followed by or in relation to a person applying to the Registrar of the General Medical Council (“the GMC”) for inclusion in the GMC’s General Practitioner Register or the Specialist Register and include provision as to the evidence required in support of such applications and for notification of decisions in respect of them.

Regulation 1 provides for citation and for the Regulations to come into force on 8th June 2011.

Regulation 2 amends regulations 5 to 8 of the principal Regulations. The amendments to regulation 5 remove evidential requirements prescribed under regulation 5(3) of the principal Regulations which applied to applications by certain categories of applicant. Those categories are applicants whose application is: based on equivalence of their training or qualifications, or both, to a CCT; or based on their level of knowledge and skill being consistent with practice as a

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- (a) See in particular Chapter 4 of Part 3 of those Regulations (SI 2007/2781), which includes provisions about documentation in respect of applications for recognition under those Regulations.
 - (b) In relation to applicants under the General System Regulations, regulation 34(2) of those Regulations (SI 2007/2781) requires the competent authority to notify an applicant of its decision, giving reasons, within specified time limits.

consultant in the National Health Service in any part of the UK. A third category of applicant for whom the requirements are removed is the applicant seeking recognition as a specialist or general practice specialist, who is subject to the provisions of the European Communities (Recognition of Professional Qualifications) Regulations 2007 (SI 2007/2781) (defined as “the General Systems Regulations” in section 55(1) of the Medical Act 1983).

Amendments to regulations 6, 7 and 8 are minor amendments, mainly consequential upon the amendments to regulation 5 or to make explicit the relationship between the requirements in these Regulations and the General System Regulations in relation to the third category of applicant mentioned above.

No impact assessment has been carried out in relation to these Regulations.

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