



# Medical Act 1983

## 1983 CHAPTER 54

### PART II

#### MEDICAL EDUCATION AND REGISTRATION: PERSONS QUALIFYING IN THE UNITED KINGDOM AND ELSEWHERE IN THE EEC.

### 3 Registration by virtue of primary United Kingdom or primary European qualifications.

- (1) Subject to the provisions of this Act any person who—
- (a) holds one or more primary United Kingdom qualifications and has passed a qualifying examination and satisfies the requirements of this Part of this Act as to experience; or
  - (b) being a national of any EEA State, holds one or more primary European qualifications,
- is entitled to be registered under this section as a fully registered medical practitioner.

- (2) Any person who—
- (a) is not a national of an EEA State; but
  - (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68<sup>M1</sup>, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,

shall be treated for the purposes of subsection (1)(b) above as if he were such a national.

- (3) In this Act—

“the 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 <sup>[F1]</sup> and as amended, so far as relevant to this Act, by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/99 of 17th December 1999, 89/2000 of 27th October 2000 <sup>[F2]</sup>, 84/2002 of 25th June 2002 and by the Agreement on the participation of the Czech Republic, the Republic of

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Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic signed at Luxembourg on 14th October 2003]] ;

“EEA State” means a State which is a contracting party to the EEA Agreement [F3 or Switzerland].

#### Textual Amendments

- F1** Words in s. 3(3) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(2)(a)**
- F2** Words in s. 3(3) substituted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(2)**
- F3** Words in s. 3(3) added (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(2)(b)**

#### Marginal Citations

- M1** The reference for Regulation (EEC) 1612/68 is OJ No L257, 19.10.68, p.1.

## 4 Qualifying examinations and primary United Kingdom qualifications.

- (1) Subject to the provisions of this Part of this Act, a qualifying examination for the purposes of this Part of this Act is an examination held by any of the bodies or combinations of bodies specified in subsection (2) below for the purpose of granting one or more primary United Kingdom qualifications.
- (2) The bodies and combinations of bodies entitled to hold qualifying examinations are—
  - (a) any of the Universities of Oxford, Cambridge, London, Manchester, Birmingham, Liverpool, Leeds, Sheffield, Newcastle, Bristol, Nottingham, Southampton, Leicester, Wales, Glasgow, Aberdeen, Edinburgh, Dundee or the
  - [F4(aa) a combination of the University of Leicester and the University of Warwick;]
  - (b) a combination of the Royal College of Physicians of London and the Royal College of Surgeons of England;
  - (c) a combination of the Royal College of Physicians of Edinburgh and the Royal College of Surgeons of Edinburgh and the Royal College of Physicians and Surgeons of Glasgow;
  - (d) the Society of Apothecaries of London;
  - (e) with the approval and under the directions of the Education Committee, a combination of any two or more of the bodies specified in paragraphs (b), (c) and (d) above.
- (3) In this Act “primary United Kingdom qualification” means any of the following qualifications, namely—
  - (a) the degree of bachelor of medicine or bachelor of surgery granted by any university in the United Kingdom;
  - (b) licentiate of the Royal College of Physicians of London [F5 or the Royal College of Surgeons of England] or the Royal College of Physicians of Edinburgh or the Royal College of Surgeons of Edinburgh or the Royal College (formerly Royal Faculty) of Physicians and Surgeons of Glasgow;

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- (c) membership of the Royal College of Surgeons of England [<sup>F5</sup>granted before the coming into force of section 1 of the Medical Qualifications (Amendment) Act 1991];
  - (d) licentiate in medicine and surgery of the Society of Apothecaries of London.
- (4) Any two or more of the universities and other bodies specified in subsection (3) above may, with the approval and under the directions of the Education Committee, unite or co-operate in conducting examinations held for the purpose of granting primary United Kingdom qualifications.

<sup>F6</sup>(5) .....

#### Textual Amendments

- F4** S. 4(2)(aa) inserted (3.8.2000) by [S.I. 2000/1841, art. 2](#)
- F5** Words in s. 4(3)(b) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\), s. 1\(a\); S.I. 1992/804, art. 2](#)  
Words in s. 4(3)(c) inserted (30.3.1992) by [Medical Qualifications \(Amendment\) Act 1991 \(c. 38, SIF 83:1\), s. 1\(b\); S.I. 1992/804, art. 2](#)
- F6** S. 4(5) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(3)**

## 5 General functions of the Education Committee in relation to medical education in the United Kingdom.

- (1) The Education Committee shall have the general function of promoting high standards of medical education and co-ordinating all stages of medical education.
- (2) For the purpose of discharging that function the Education Committee shall—
- (a) determine the extent of the knowledge and skill which is to be required for the granting of primary United Kingdom qualifications and secure that the instruction given in universities in the United Kingdom to persons studying for such qualifications is sufficient to equip them with knowledge and skill of that extent;
  - (b) determine the standard of proficiency which is to be required from candidates at qualifying examinations and secure the maintenance of that standard; and
  - (c) determine patterns of experience which may be recognised as suitable for giving to those engaging in such employment as is mentioned in section 10(2) below general clinical training for the purposes of the practice of their profession.

[<sup>F7</sup>(2A) In making the determinations required by subsection (2) above, the Education Committee shall secure that the requirements of article 23 of Directive [93/16/EEC](#) are satisfied.

- (2B) The requirements of that article are that any person who fulfils the conditions mentioned in section 3(1)(a) above—
- (a) will have acquired—
    - (i) adequate knowledge of the sciences on which medicine is based and a good understanding of the scientific methods including the principles

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- of measuring biological functions, the evaluation of scientifically established facts and the analysis of data,
- (ii) sufficient understanding of the structure, functions and behaviour of healthy and sick persons, as well as relations between the state of health and physical and social surroundings of the human being,
  - (iii) adequate knowledge of clinical disciplines and practices, providing him with a coherent picture of mental and physical diseases, of medicine from the points of view of prophylaxis, diagnosis and therapy and of human reproduction, and
  - (iv) suitable clinical experience in hospitals under appropriate supervision; and
- (b) will have undergone medical training comprising at least a six-year course, or 5,500 hours of theoretical and practical instruction, which—
- (i) was given in a university or under the supervision of a university, and
  - (ii) was open only to persons holding qualifications adequate for admission to university for such training.]
- (3) The determinations of the Education Committee under subsection (2) above shall be embodied in recommendations which may be directed to all or any of the universities or other bodies concerned with medical education.

(4) In this Act—

“Directive [93/16/EEC](#)” 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—

- (a) as adapted by paragraph 4(a) of Annex VII to the EEA Agreement, in which the primary medical qualifications awarded in EEA States are set out; and
- (b) [<sup>F8</sup>as amended by—
  - (i) the Act annexed to the Treaty relating to the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union signed at Corfu on 24th June 1994, as adjusted by the Decision of the Council of the European Union of 1st January 1995 adjusting the instruments concerning the accession of new Member States to the European Union,
  - (ii) Council Directive [97/50/EC](#), Commission Directive [98/21/EC](#), Commission Directive [98/63/EC](#), Commission Directive [1999/46/EC](#) and Directive [2001/19/EC](#),<sup>F9</sup>...
  - (iii) the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;]
  - (iv) [<sup>F10</sup>the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustments to the Treaties on which the European Union is founded signed at Athens on 16th April 2003;]

“the prescribed knowledge and skill” means knowledge and skill of the extent for the time being determined under subsection (2)(a) above and embodied in recommendations under subsection (3) above;

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“the prescribed standard of proficiency” means the standard of proficiency for the time being determined under subsection (2)(b) above and embodied in recommendations under subsection (3) above;

“a prescribed pattern of experience” means any pattern of experience for the time being determined under subsection (2)(c) above and embodied in recommendations under subsection (3) above.

#### Textual Amendments

- F7** S. 5(2A)(2B) inserted (10.7.1996) by [S.I. 1996/1591](#), **reg. 3(2)**
- F8** Words in s. 5(4) substituted (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **9(3)**
- F9** Word in s. 5(4) omitted (18.8.2004) by virtue of [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(4)(a)**
- F10** Words in s. 5(4) inserted (18.8.2004) by [The European Qualifications \(Health and Social Care Professions and Accession of New Member States\) Regulations 2004 \(S.I. 2004/1947\)](#), regs. 1(2), **3(4)(b)**

## 6 Further powers of the Education Committee.

- (1) A university or other body in the United Kingdom granting any primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below shall from time to time, when so required by the Education Committee, furnish the Committee with such information as the Committee may require as to—
  - (a) the courses of study and examinations to be gone through in order to obtain the qualification;
  - (b) the ages at which such courses of study and examinations are required to be gone through;
  - (c) the age at which the qualification is granted; and
  - (d) generally the requisites for obtaining the qualification.
- (2) For the purpose of securing the maintenance of the prescribed standard of proficiency the Education Committee may appoint such number of inspectors as they may determine, and the inspectors shall attend, as the Committee may direct, all or any of the qualifying examinations held by any university or other body specified in section 4(3) above.
- (3) Any person deputed for the purpose by the Education Committee may attend and be present at any examination held in the United Kingdom which has to be gone through in order to obtain a primary United Kingdom qualification or any additional qualification for the time being registrable under section 16 below.
- (4) Inspectors appointed under subsection (2) above shall not interfere with the conduct of any examination, but it shall be their duty to report to the Education Committee their opinion as to the sufficiency of every examination which they attend, and any other matters relating to such examinations which the Committee may require them to report.
- (5) The Education Committee shall forward a copy of every report of the inspectors to the body or each of the bodies who held the examination to which the report relates and

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shall also forward a copy of the report, together with any observations on it made by the said body or bodies, to the Privy Council.

## **7 Power to appoint visitors of medical schools.**

- (1) The Education Committee may appoint persons to visit, subject to any directions which the Privy Council may deem it expedient to give and to compliance with any conditions specified in any such directions, places where instruction is given to medical students under the direction of any university or other body specified in section 4(3) above.
- (2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee as to the sufficiency of the instruction given in the places which they visit and as to any other matters relating to the instruction which may be specified by the Committee either generally or in any particular case; but no visitor shall interfere with the giving of any instruction.
- (3) On the receipt of any report of a visitor under subsection (2) above the Education Committee shall send a copy of the report to the university or other body under whose direction the instruction is given, and on the receipt of the copy that body may, within such period of not less than one month as the Committee may have specified at the time they sent the copy of the report, make to the Committee observations on the report or objections to it.
- (4) As soon as may be after the expiration of the period specified under subsection (3) above the Education Committee shall send a copy of the report and of any observations on it or objections to it duly made, together with the Committee's comments on the report and on any such observations or objections, to the Privy Council.

## **8 Power to add further qualifying examinations.**

- (1) If it appears to the Education Committee that the standard of proficiency required from candidates at examinations held or to be held by any university or combination of universities in the United Kingdom for the purpose of granting one or more primary United Kingdom qualifications does or will conform to the prescribed standard of proficiency, the Committee may represent to the Privy Council that it is expedient that those examinations should become qualifying examinations for the purposes of this Part of this Act.
- (2) Her Majesty may by Order in Council give effect to any representations made to the Privy Council under subsection (1) above, and any such Order may make such amendments in section 4(2) above as are necessary for giving effect to the Order.

## **9 Powers of Privy Council where standards not maintained.**

- (1) If at any time it appears to the Education Committee that the course of study and examinations to be gone through in order to obtain a primary United Kingdom qualification are not such as to equip persons going through the course and examinations with the prescribed knowledge and skill, the Committee may make representations to that effect to the Privy Council.
- (2) On any representations under subsection (1) above the Privy Council may, if they see fit, order that a qualification granted, after such time as may be specified in the order,

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in pursuance of the course of study and examinations to which the order relates shall not be a qualification registrable under section 16 below.

- (3) Where an order is made under subsection (2) above, no person shall be entitled to be registered under this Part of this Act by virtue of any qualification specified in the order and granted after such time as may be so specified.
- (4) If at any time it appears to the Education Committee that the standard of proficiency required from candidates at any qualifying examination does not conform to the prescribed standard of proficiency, the Committee shall make representations to that effect to the Privy Council.
- (5) Where representations are made under subsection (4) above the Privy Council, if they think fit, after considering the representations and any objections to them made by any university or other body to which they relate, may by order declare that the examinations held by that university or body shall be deemed not to be qualifying examinations for the purposes of this Part of this Act.
- (6) A qualification granted on the passing of an examination to which an order under subsection (5) above relates, and granted while the order is in force, shall not entitle the holder of the qualification to be registered under this Part of this Act.
- (7) An order under this section—
  - (a) if made under subsection (2) above, may be revoked by Her Majesty with the advice of the Privy Council if it is made to appear to Her Majesty, upon further representations from the Education Committee or otherwise, that the university or other body to which the order relates has made effectual provision, to the satisfaction of the Committee, for the improvement of the course of study or examinations to which the order relates or the mode of conducting those examinations;
  - (b) if made under subsection (5) above, may be revoked by Her Majesty with the advice of the Privy Council if upon further representation from the Education Committee or from any university or other body to which the order relates it seems to Her Majesty expedient so to do;

but the revocation of an order made under subsection (2) above shall not entitle any person to be registered by virtue of a qualification granted before the revocation.

## **10 Experience required for full registration by virtue of primary United Kingdom qualifications.**

- (1) The following are the requirements as to experience mentioned in [F11]section 3(1)(a) above.
- (2) A person must, after passing a qualifying examination, have been engaged for the prescribed period in employment in a resident medical capacity in one or more [F12]—
  - (a) approved hospitals,
  - (b) approved institutions, or
  - (c) approved medical practices,]
 and have obtained a certificate under this section.
- (3) A person who has been employed as mentioned in subsection (2) above may apply to his examining body for a certificate under this section, and if that body are satisfied—

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- (a) that during the time he has been so employed he has been engaged in at least two branches of medicine prescribed for the purposes of this paragraph for the minimum period prescribed for each branch;
  - (b) that the combination of posts which he has held while so employed was such as to provide him with the experience required by a prescribed pattern of experience recognised by that body as applicable to persons for whom they are the examining body; and
  - (c) that his service while so employed has been satisfactory,
- they shall grant him a certificate in the prescribed form that they are so satisfied.
- (4) Where, on an application in that behalf, a person satisfies the General Council that by reason of lasting physical disability he will be or has been prevented from embarking on, or completing, any period of experience of the practice of a branch of medicine prescribed for the purposes of this section the Council may if they think fit direct that the applicant may for the purposes of this section count in lieu thereof experience of the practice of some other prescribed branch of medicine (whether or not one in the practice of which he has already had experience for those purposes) acquired in the same manner and for the same period, or, as the case may be, for so much of that period as will have remained uncompleted.
- (5) Where the General Council give a direction under subsection (4) above as respects any person they shall give notice of the direction to his examining body.

#### Textual Amendments

- F11** Words in s. 10(1) substituted (17.12.2002) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), arts. 1(2)(h), **15(1)** (with transitional provisions in [Sch. 2](#))
- F12** S. 10(2)(a)-(c) and the preceding dash inserted (1.4.1998) by [1997 c. 46, s. 35\(2\)](#); S.I. 1998/631, art. 2(a), [Sch.](#)

## 11 Provisions supplementary to s. 10, etc. **E+W+S**

- (1) Subsections (2) to (4) below shall have effect for the construction of section 10 above and the following provisions of this Part of this Act.
- (2) References to a person's examining body shall be construed as follows—
- (a) where he claims registration by virtue of a qualification granted on passing an examination held by two or more bodies jointly, such references shall be construed as references to those bodies acting jointly;
  - (b) subject as aforesaid, such references shall be construed as references to the body granting the qualification by virtue of which he claims registration or, where he is entitled to claim registration by virtue of two or more qualifications, such references shall be construed as references to the body granting such of those qualifications as he may choose.
- (3) References to employment in a resident medical capacity shall be construed as references to employment in the practice of any branch of medicine prescribed for the purposes of section 10 above where <sup>F13</sup>—
- (a) in the case of an approved hospital or an approved institution,] the person employed is resident in the hospital or institution where he is employed or conveniently near to it and is by the terms of his employment required to be so resident <sup>F14</sup>; or.



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(b) in the case of an approved medical practice, the person employed satisfies such conditions as to residence as may be prescribed]

(4) In the provisions mentioned in subsection (1) above—

“approved” <sup>F15</sup>(except in subsection (5)) means approved for the time being for the purposes of this section by any university or other body specified in section 4(3) above as providing experience required by one or more prescribed patterns of experience; and

<sup>F16</sup>“medical practice” means a prescribed description of practice in which one or more medical practitioners—

(za) <sup>F17</sup>perform primary medical services under Part 1 of the National Health Service Act 1977 <sup>F18</sup>or Part 1 of the National Health Service (Scotland) Act 1978] ; or]

(a) <sup>F19</sup>perform primary medical services under Article 15B or<sup>F20</sup> ... <sup>F21</sup> ... Part VI of the <sup>M2</sup>Health and Personal Social Services (Northern Ireland) Order 1972; or

(b) <sup>F22</sup>...]

“prescribed” (except in the expression “prescribed pattern of experience”) means <sup>F23</sup>—

(a) in subsection (3)(b) and in the definition of “medical practice”, prescribed by regulations made by the Secretary of State; and

(b) in the other provisions of this Part,]

prescribed by regulations of the Education Committee.

<sup>F24</sup>(4A) The Education Committee may by regulations provide that the period of employment in a medical practice which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.]

<sup>F25</sup>(5) In making regulations under subsection (2) of section 10 above <sup>F26</sup>or under subsection (4A) of this section], the Education Committee shall have regard to the requirements of article 23 of Directive [93/16/EEC](#); and such regulations shall not have effect until approved by order of the Privy Council.]

(6) The Privy Council may approve regulations of the Education Committee made under subsection (2) of section 10 above either as submitted to them or with such modifications as appear to them requisite; but where the Privy Council propose to approve any regulations under that subsection subject to modifications they shall notify to the Education Committee the modifications they propose to make and consider any observations of the Committee on the proposed modifications.

<sup>F27</sup>(7) Regulations made by the Secretary of State under this section must be made by statutory instrument; and such a statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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#### **Extent Information**

**E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

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### Textual Amendments

- F13** S. 11(3)(a) and the preceding dash inserted (1.4.1998) by 1997 c. 46, s. 35(3); S.I. 1998/631, art. 2(a), **Sch.**
- F14** S. 11(3)(b) and preceding word inserted (1.4.1998) by 1997 c. 46, s. 35(3); S.I. 1998/631, art. 2(a), **Sch.**
- F15** Words in s. 11(4) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 61(2)**; S.I. 1998/631, art. 2(b), **Sch.**
- F16** Definition in s. 11(4) inserted (1.4.1998) by 1997 c. 46, s. 35(4)(a); S.I. 1998/631, art. 2(a), **Sch.**
- F17** Words in s. 11(4) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 48(a)**; S.I. 2004/288, art. 5(2)(s) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(w), 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F18** Words in s. 11(4) inserted (1.4.2004) by The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 4(2)(a)**
- F19** Words in s. 11(4) substituted (18.11.2004) by The Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 (S.I. 2004/3038), art. 1(1), **Sch. para. 1(2)(a)** (with art. 3)
- F20** Words in s. 11(4) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 11 para. 48(b)**, **Sch. 14 Pt. 4**; S.I. 2004/288, arts. 5(2)(s), 6(2)(f) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, arts. 4(2)(w), 5(2)(f) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F21** Words in s. 11(4) omitted (1.4.2004) by virtue of The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004 (S.I. 2004/957), art. 1, **Sch. para. 4(2)(b)**
- F22** Words in s. 11(4) omitted (18.11.2004) by virtue of The Primary Medical Services (Northern Ireland) Order 2004 (Consequential Amendments) Order 2004 (S.I. 2004/3038), art. 1(1), **Sch. para. 1(2)(b)** (with art. 3)
- F23** S. 11(4): s. 11(4)(a)(b) and the preceding dash inserted (1.4.1998) by 1997 c. 46, s. 35(4)(b); S.I. 1998/631, art. 2(a), **Sch.**
- F24** S. 11(4A) inserted (1.4.1998) by 1997 c. 46, s. 35(5); S.I. 1998/631, art. 2(a), **Sch.**
- F25** S. 11(5) substituted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 3**
- F26** Words in s. 11(5) inserted (1.4.1998) by 1997 c. 46, s. 35(6); S.I. 1998/631, art. 2(a), **Sch.**
- F27** S. 11(7) inserted (1.4.1998) by 1997 c. 46, s. 35(7); S.I. 1998/631, art. 2(a), **Sch.**

### Modifications etc. (not altering text)

- C1** S. 11(4) savings for effect of S.I. 2004/957, Sch. para. 4 (S.) (1.4.2004) by The General Medical Services and Section 17C Agreements (Transitional and other Ancillary Provisions) (Scotland) Order 2004 (S.S.I. 2004/163), arts. 1(1), **98**
- C2** S. 11(4) savings for effects of 2003 c. 43, Sch. 11 paras. 47-49 (E.S.N.I.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), arts. 1(1), **111** (with art. 1(3))

### Marginal Citations

- M2** S.I. 1972/1265 (N.I.14).

## 12 Special provisions as to employment in health centres.

- (1) For the purposes of sections 10 and 11 above, “institution” includes a health centre if, and only if, it is a centre provided under sections 2 and 3 of the <sup>M3</sup>National Health Service Act 1977, section 36 of the <sup>M4</sup>National Health Service (Scotland) Act 1978, or Article 5 of the <sup>M5</sup>Health and Personal Social Services (Northern Ireland) Order 1972.

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- (2) Employment in such a centre shall not be treated as employment for the purposes of sections 10 and 11 above unless it is either—
- (a) employment by a fully registered medical practitioner in the provision of <sup>[F28]</sup>primary medical services under Part 1 of the National Health Service Act 1977 <sup>[F29]</sup>, Part 1 of the National Health Service (Scotland) Act 1978 or Article 15B or <sup>[F30]</sup>... Part VI of the said Order of 1972; or
  - (b) employment in the provision of the services of specialists or other services provided for out-patients in a health centre provided as mentioned in subsection (1) above.
- (3) The Education Committee may by regulations provide that the period of employment in a health centre which may be reckoned towards the completion of any of the periods mentioned in section 10(3)(a) above shall not exceed such period as may be specified in the regulations.
- <sup>[F31]</sup>(4) In making regulations under subsection <sup>[F3]</sup>(3) above, the Education Committee shall have regard to the requirements of article 23 of Directive 93/16/EEC.]

#### Textual Amendments

- F28** Words in s. 12(2)(a) substituted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 11 para. 49](#); S.I. 2004/288, art. 5(2)(s) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 4(2)(w) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- F29** Words in s. 12(2)(a) substituted (18.11.2004) by [The Primary Medical Services \(Northern Ireland\) Order 2004 \(Consequential Amendments\) Order 2004 \(S.I. 2004/3038\)](#), art. 1(1), **Sch. para. 1(3)** (with art. 3)
- F30** Words in s. 12(2)(a) omitted (1.4.2004) by virtue of [The Primary Medical Services \(Scotland\) Act 2004 \(Consequential Modifications\) Order 2004 \(S.I. 2004/957\)](#), art. 1, **Sch. para. 4(3)(b)**
- F31** S. 12(4) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 4**

#### Modifications etc. (not altering text)

- C3** S. 12(2)(a) savings for effect of S.I. 2004/957, Sch. para. 4 (S.) (1.4.2004) by [The General Medical Services and Section 17C Agreements \(Transitional and other Ancillary Provisions\) \(Scotland\) Order 2004 \(S.S.I. 2004/163\)](#), arts. 1(1), **98**
- C4** S. 12(2)(a) savings for effects of 2003 c. 43, Sch. 11 paras. 47-49 (E.S.N.I.) (1.4.2004) by [The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 \(S.I. 2004/865\)](#), arts. 1(1), **111** (with art. 1(3))

#### Marginal Citations

- M3** 1977 c. 49.
- M4** 1978 c. 29.
- M5** S.I. 1972/1265 (N.I.14).

### 13 Power to appoint visitors of approved hospitals.

- (1) The Education Committee may, if they think fit, appoint persons to visit any <sup>[F32]</sup>approved hospital, approved institution or approved medical practice].
- (2) It shall be the duty of visitors appointed under subsection (1) above to report to the Education Committee on the extent to which the general clinical training given by employment in a resident medical capacity in the <sup>[F32]</sup>hospital, institution or medical

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practice] is such as to provide the experience required by one or more prescribed patterns of experience.

- (3) If the Education Committee are of the opinion that—
- (a) [<sup>F32</sup>an approved hospital, an approved institution or an approved medical practice] does not provide experience required by any prescribed pattern of experience; or
  - (b) a pattern of experience recognised as applicable to persons by their examining body is not a prescribed pattern of experience; or
  - (c) a combination of posts which is accepted by their examining body as providing persons who have held the posts comprised in the combination with the experience required by a prescribed pattern of experience does not in fact provide that experience,

then the Committee shall notify their opinion to the university or body concerned and that university or body shall have regard to that opinion in discharging their functions under sections 10 and 11 above.

#### Textual Amendments

**F32** Words in s. 13(1)(2)(3)(a) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 61(3)**; S.I. 1998/631, art. 2(b), **Sch.**

## 14 Alternative requirements as to experience in certain cases.

- (1) On an application made to them by a person to whom this section applies, the General Council may direct that, as an alternative to the requirements as to experience specified in section 10 above, it shall be sufficient for the applicant to satisfy the General Council that he has acquired experience of the practice of medicine, whether in the course of employment in the United Kingdom or in the course of employment outside the United Kingdom, which is not less extensive than that required for a certificate under the said section 10.
- (2) This section applies to any person who claims registration under section 3 above and—
  - (a) claims such registration by virtue of a qualification granted before 1st January 1953; or
  - (b) is the holder of a primary United Kingdom qualification and also of a qualification granted outside the United Kingdom which is recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of knowledge and skill corresponding with the prescribed knowledge and skill.

[<sup>F33</sup>(3) In giving directions under subsection (1) above in the case of applicants falling within paragraph (b) of subsection (2) above, the General Council shall have regard to the requirements of article 23 of Directive 93/16/EEC.]

#### Textual Amendments

**F33** S. 14(3) inserted (10.7.1996) by S.I. 1996/1591, reg. 7, **Sch. 2 para. 5**

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## 15 Provisional registration.

- (1) This section shall have effect for enabling persons wishing to obtain certificates under section 10 above to be employed as mentioned in subsection (2) of that section.
- (2) A person who, apart from any requirement as to experience, would by virtue of any qualification or qualifications held by him be entitled to be registered under section 3 above shall be entitled to be registered provisionally under this section.
- (3) A person provisionally registered under this section shall be deemed to be registered under section 3 above as a fully registered medical practitioner so far as is necessary to enable him to be engaged in employment in a resident medical capacity in one or more [<sup>F34</sup>approved hospitals, approved institutions or approved medical practices] but not further.

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### Textual Amendments

**F34** Words in s. 15(3) substituted (1.4.1998) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. I para. 61(4)**; S.I. 1998/631, art. 2(b), **Sch.**

## [15A <sup>F35</sup>Provisional registration for EEA nationals

- (1) This section shall have effect for enabling a national of an EEA State to be employed for the purpose of enabling him to acquire the clinical experience under appropriate supervision which he needs in order to obtain a primary European qualification.
- (2) A national of an EEA State who, but for the acquisition of suitable clinical experience, has completed the training required for a primary European qualification, shall be entitled to be registered provisionally under this section.
- (3) Any person who—
  - (a) is not a national of an EEA State; but
  - (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68<sup>M6</sup>, or any other enforceable Community right, entitled to be treated, for the purposes of access to and the practice of the medical profession, no less favourably than a national of such a State,
 shall be treated for the purposes of subsections (1) and (2) as if he were such a national.
- (4) Subsection (3) of section 15 above shall apply for the purposes of this section as it applies for the purposes of that.
- (5) For the purposes of subsection (2), a person has completed the training required for a primary European qualification, but for the acquisition of suitable clinical experience, where he has obtained a medical degree which guarantees that he has fulfilled the requirements of Article 23, paragraph 1(a), (b) and (c) of Directive 93/16/EEC<sup>M7</sup>.]

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### Textual Amendments

**F35** S. 15A inserted (4.12.2000) by S.I. 2000/3041, **reg. 3**

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### Marginal Citations

**M6** OJ No. L257, 19.10.68, p. 1.

**M7** OJ No. L165, 7.7.93, p. 1.

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## 16 Registration of qualifications.

- (1) A person registered under [<sup>F36</sup>section 3, 15 or 15A] above shall be entitled to have registered the primary United Kingdom qualification or qualifications or primary European qualification or qualifications which he holds when he is so registered and also—
- (a) any other primary United Kingdom qualification or qualification specified in Schedule 2 to this Act which he obtains after registration;
  - (b) subject to subsection (3) below, any additional qualification which the Education Committee determine ought to be registrable by virtue of this paragraph which he holds when he is registered or obtains thereafter;
  - (c) any <sup>F37</sup> . . . qualification which is for the time being registrable by virtue of section 26(1)(b) below which he holds when he is registered or obtains thereafter.
- (2) In this Act “additional qualification” means any qualification granted in [<sup>F38</sup>an EEA State] other than a primary United Kingdom qualification or a qualification specified in Schedule 2 to this Act.
- (3) If the Education Committee determine that any such qualification as is mentioned in paragraph (b) of subsection (1) above ought not to be registrable by virtue of that paragraph if granted before or after a particular date, a person holding that qualification shall not be entitled to have it registered if it was granted to him before or, as the case may be, after that date.

### Textual Amendments

- F36** Words in s. 16(1) substituted (4.12.2000) by [S.I. 2000/3041, reg. 4\(1\)](#)
- F37** Words in s. 16(1)(c) omitted (17.12.2002) by virtue of [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\), arts. 1\(2\)\(f\), 9\(2\)](#) (with transitional provisions in [Sch. 2](#))
- F38** Words in s. 16(2) substituted (10.7.1996) by [S.I. 1996/1591, reg. 7, Sch. 2 para. 6](#)

## [<sup>F39</sup>17 Primary qualifications obtained in other EEA States.

- (1) A primary European qualification for the purposes of this Part of this Act is any of the following obtained in an EEA State other than the United Kingdom, namely—
- (a) a European qualification listed in Schedule 2 to this Act which was obtained on or after the implementation date and is not evidence of training commenced before that date;
  - (b) subject to compliance with subsection (2) below, a qualification obtained before the implementation date, or on or after that date where training of which it is evidence commenced before that date;
  - (c) subject to compliance with subsection (3) below, a qualification not listed in Schedule 2 to this Act;
  - (d) subject to compliance with subsection (4) below, a qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.
- [<sup>F40</sup>(e) subject to compliance with subsection (4A) below, a qualification which—
- (i) is evidence of training commenced before the date specified in column (a) of the table in that subsection and undertaken on the

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- territory specified in the corresponding entry in column (b) of that table, or
- (ii) was awarded by the state or former state specified in column (b) of the table in that subsection before the date specified in the corresponding entry in column (a).]
- (2) For compliance with this subsection in the case of any qualification, either—
- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the medical authorities of the EEA State in which it was obtained or otherwise) that it accords with the standards laid down by Directive 93/16/EEC; or
- (b) evidence of it must be accompanied by a certificate of the medical authorities of any EEA State that the holder has effectively and lawfully been engaged in actual medical practice for at least 3 consecutive years during the 5 years preceding the date of the certificate.
- (3) For compliance with this subsection in the case of any qualification, evidence of it must be accompanied by a certificate of the medical authorities of the EEA State in which it was obtained to the effect that—
- (a) it was awarded following training which satisfied the requirements of article 23 of Directive 93/16/EEC; and
- (b) it is treated by that State as if it were a qualification listed in relation to that State in [F41 Annex A to] that Directive.
- (4) For compliance with this subsection in the case of any qualification—
- (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate of the German medical authorities or otherwise) that the holder is entitled by virtue of it to engage in medical practice throughout the territory of Germany on the same conditions as the holder of a German qualification listed in Schedule 2 to this Act; and
- (b) evidence of it must be accompanied by a certificate of the German medical authorities that the holder has effectively and lawfully been engaged in actual medical practice in Germany for at least 3 consecutive years during the 5 years preceding the date of the certificate.
- [ For compliance with this subsection in the case of any qualification—
- <sup>F42</sup>(4A) (a) it must be such that the Registrar is satisfied with respect to it (by means of a certificate from the medical authorities of the EEA State specified in the appropriate row of column (c) of the table below) that that qualification has, on its territory, the same legal validity as regards access to and practice of the medical profession as the qualification listed in relation to that State in Schedule 2 to this Act; and
- (b) evidence of it must be accompanied by a certificate from those authorities stating that the holder has effectively and lawfully been engaged in the activity in question on the territory of that State for at least 3 consecutive years during the 5 years preceding the date of issue of that certificate.

<i>Column (a)</i>	<i>Column (b)</i>	<i>Column (c)</i>
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia

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Column (a)	Column (b)	Column (c)
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia]

- (5) In subsections (2) to [F43(4A)] above, references to the medical authorities of an EEA State are references to the authorities and bodies designated in accordance with Directive 93/16/EEC.
- (6) In this section “the implementation date” means—
- (a) in the case of Greece, 1st January 1981;
  - (b) in the case of Spain and Portugal, 1st January 1986;
  - (c) in the case of Austria, Finland, Iceland, Norway and Sweden, 1st January 1994;
  - (d) in the case of Liechtenstein, 1st May 1995; F44 ...
  - (da) in the case of Switzerland, 1st June 2002; F45 ...
  - [ in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, F46(db) Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;]
  - (e) in the case of any other EEA State, 20th December 1976.]

#### Textual Amendments

- F39** S. 17 substituted (10.7.1996) by S.I. 1996/1591, **reg. 4(1)**
- F40** S. 17(1)(e) inserted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), **3(5)(a)**
- F41** Words in s. 17(3)(b) substituted (31.12.2003) by The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), regs. 1(1)(c), **9(4)(a)**
- F42** S. 17(4A) inserted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), **3(5)(b)**
- F43** Word in s. 17(5) substituted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), **3(5)(c)**
- F44** Word in s. 17(6)(d) omitted (31.12.2003) by virtue of The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), regs. 1(1)(c), **9(4)(b)**
- F45** Word in s. 17(6)(da) omitted (18.8.2004) by virtue of The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), **3(5)(d)(i)**
- F46** S. 17(6)(db) inserted (18.8.2004) by The European Qualifications (Health and Social Care Professions and Accession of New Member States) Regulations 2004 (S.I. 2004/1947), regs. 1(2), **3(5)(d)(ii)**

## 18 Visiting EEC practitioners.

- (1) If he complies with the requirements of this section it shall be lawful for a person who is a national of [F47 any EEA State] and lawfully established in medical practice in [F47 an EEA State] other than the United Kingdom on visiting the United Kingdom to render medical services there temporarily without first being registered under the foregoing provisions of this Part or under Part III of this Act.
- (2) Such a person intending so to render services shall provide the Registrar with—



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- (a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and
- (b) a certificate or certificates issued by the competent authority or body and bearing a date not less recent than 12 months prior to the date on which it is provided, which shows—
- (i) that he is lawfully practising medicine in [<sup>F48</sup>an EEA State]other than the United Kingdom, and
  - (ii) that he holds medical qualifications which [<sup>F48</sup>EEA States] are required by [<sup>F48</sup>Directive 93/16/EEC] to recognise;
- and for the purposes of this subsection “the competent authority or body” means the authority or body designated by [<sup>F48</sup>the EEA State] concerned as competent for the purposes of [<sup>F48</sup>Article 17(3)] of that Directive.
- (3) In an urgent case the [<sup>F49</sup>documents to be provided under] subsection (2) above may be provided after the services have been rendered, but where [<sup>F49</sup>they are so provided they shall] be provided as soon as possible thereafter and in any event not more than 15 days after the date on which the practitioner first rendered such services.
- (4) Where a person complies with the requirements of subsection (2) above, the Registrar shall register him under this section in the register of medical practitioners as a visiting [<sup>F50</sup>EEA practitioner] for such period or periods as, having regard to the particulars given in the declaration referred to in subsection (2)(a) above, he considers appropriate.
- (5) Registration of a person as a visiting [<sup>F50</sup>EEA practitioner] shall cease if—
- (a) he becomes established in medical practice in the United Kingdom; or
  - (b) he renders, save in a case of urgency, medical services in the United Kingdom otherwise than in accordance with a declaration made by him under subsection (2)(a) above.
- [<sup>F51</sup>(6) Any person who—
- (a) is not a national of an EEA State; but
  - (b) is, by virtue of a right conferred by article 11 of Regulation (EEC) No. 1612/68, or any other enforceable Community right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of such a State,
- shall be treated for the purposes of this section as if he were such a national.]

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#### Textual Amendments

- F47** Words in s. 18(1) substituted (10.7.1996) by S.I. 1996/1591, reg. 5(1)(a)(b)
- F48** Words in s. 18(2) substituted (10.7.1996) by S.I. 1996/1591, reg. 5(2)(a)-(e)
- F49** Words in s. 18(3) substituted (10.7.1996) by S.I. 1996/1591, reg. 5(3)(a)(b)
- F50** Words in s. 18(4)(5) substituted (10.7.1996) by S.I. 1996/1591, reg. 5(4)
- F51** S. 18(6) inserted (10.7.1996) by S.I. 1996/1591, reg. 5(5)

**Status:**

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