
 STATUTORY INSTRUMENTS

1980 No. 30 (S. 1)

NATIONAL HEALTH SERVICE, SCOTLAND

National Health Service (Vocational Training) (Scotland)
Regulations 1980

<i>Made</i> - - - -	7th January 1980
<i>Laid before Parliament</i>	23rd January 1980
<i>Coming into Operation</i>	16th February 1980

In exercise of the powers conferred on me by sections 20, 21 and 22 of the National Health Service (Scotland) Act 1978(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (Vocational Training) (Scotland) Regulations 1980 and shall come into operation on 16th February 1980.

Interpretation

- 2.—(1) In these regulations, unless the context otherwise requires—
- “the Act” means the National Health Service (Scotland) Act 1978;
 - “a certificate of prescribed experience” means a certificate issued pursuant to regulation 6;
 - “a certificate of equivalent experience” means a certificate issued pursuant to regulation 7;
 - “health authority” means a Health Board or the person responsible for the management of a hospital which is not a health service hospital;
 - “the Joint Committee” means the Joint Committee on Postgraduate Training for General Practice;
 - “practitioner” means a person registered as a fully registered medical practitioner and, for the purposes of regulation 5(1)(b)(ii) includes a medical practitioner with limited registration pursuant to the provisions of section 22 of the Medical Act 1978(b), but not otherwise;
 - “prescribed experience” means the medical experience prescribed in sub-paragraph (a) or, as the case may be, sub-paragraph (b) of regulation 5(1);

(a) 1978 c. 29.

(b) 1978 c. 12.

“trainee general practitioner” has the meaning assigned to it in regulations having effect as if made under section 19 of the Act, section 29 of the National Health Service Act 1977(a), or the provisions of the Health and Personal Social Services (N.I.) Order 1972(b) and includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

and any other expression which is used in these regulations and to which a meaning is assigned by the Act (either generally for the purposes of that Act or specially for the purposes of sections 21 and 22 thereof) shall have that meaning in these regulations.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

Appointed day

3. The day prescribed as the appointed day for the purposes of section 21 of the Act shall be 15th February 1981.

Application for inclusion in medical list

4. An applicant, who applies to a Health Board after 15th February 1981 in pursuance of the provisions of section 20(1) of the Act, for inclusion in a list kept by that Board of the names of medical practitioners undertaking to provide general medical services for persons in the Board's area, shall produce as evidence that he is suitably experienced either:—

- (a) a certificate of prescribed experience or a certificate of equivalent experience; or
- (b) a statement of the grounds upon which he claims that he is exempt by virtue of the provisions of regulation 8 from the need to have acquired the prescribed experience, and evidence in support thereof.

Prescribed medical experience

5.—(1) Subject to the provisions of regulations 7(4) and 8(4), the medical experience needed to satisfy paragraph (a) of section 21(2) of the Act is:—

- (a) before 16th August 1982 the satisfactory completion of a period or periods of training, amounting to at least 12 months whole-time employment or its equivalent as a trainee general practitioner;
- (b) on and after 16th August 1982, the satisfactory completion of a period or periods of training amounting to at least 3 years whole-time employment or its equivalent, of which:—
 - (i) at least 12 months whole-time employment or its equivalent shall be training as a trainee general practitioner; and
 - (ii) the remainder shall be training as a practitioner in educationally approved posts and shall include not less than 6 months whole-time employment or its equivalent in each of two of the following specialities:—

(a) 1977 c. 49.

(b) S.I. 1972/1265 (N.I. 14).

General Medicine
Geriatric Medicine
Paediatrics
Psychiatry
One of Accident & Emergency Medicine or General Surgery
Any one of Obstetrics or Gynaecology or Obstetrics & Gynaecology.

(2) The medical experience prescribed in sub-paragraph (a) or, as the case may be, sub-paragraph (b) of paragraph (1) shall be acquired within not more than 7 years, immediately preceding the date of application for a certificate of prescribed experience.

(3) In computing any period of training for the purposes of this regulation, there shall be disregarded any period of part-time employment during which the duties of the person employed occupied less than half of the time usually occupied by the duties of the persons employed whole-time in similar employment.

(4) On the satisfactory completion of his period of training with a practitioner, with whom an applicant has so completed a period of training as a trainee general practitioner, or with a health authority on whose staff an applicant has so completed a period of training in an educationally approved post in any specialty, the practitioner or health authority shall, on request, give to the applicant a statement in the form set out in the Schedule to these regulations or in a form to the like effect.

(5) For the purposes of this regulation

(a) "educationally approved post" means, subject to paragraph (6):—

(i) in relation to any specialty, a post in a hospital or with a Health Board in Scotland, employment in which is, immediately before the day on which these regulations are made, approved by a Regional Postgraduate Medical Education Committee for the purposes of training for the provision of general medical services;

(ii) a post which is an educationally approved post for the purposes of acquiring prescribed experience in terms of regulations made under section 32 of the National Health Service Act 1977, other than the post to which sub-paragraph (a)(i) refers.

(b) "satisfactory completion" in relation to a period of training in any employment means the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

(6) Where an applicant is undertaking a period of training as a practitioner in a post, which is an educationally approved post by virtue of paragraph (5)(a)(i) but which ceases to be such a post before he has completed his period of training therein, that post shall nevertheless be deemed to continue to be such an educationally approved post until such time as he has completed his period of training in that post.

Certificate of prescribed experience

6.—(1) An applicant, who claims to have acquired the prescribed experience, shall submit particulars of his experience to the Joint Committee, together with any statements given to him under regulation 5(4) or, in default thereof, such evidence as the Joint Committee may require of the satisfactory completion of his period or periods of training for the purposes of regulation 5(1)(a) or (b), as the case may require.

(2) The Joint Committee shall, if satisfied that the applicant has acquired the prescribed experience, issue to him a certificate of prescribed experience.

(3) The Joint Committee shall, if not satisfied that the applicant has acquired the prescribed experience, issue to him a statement setting out the reasons why they are not satisfied.

Certificate of equivalent experience

7.—(1) An applicant, who has not acquired the prescribed experience but who considers that the medical experience which he has acquired is, or ought to be regarded as, equivalent to the prescribed experience, shall give particulars of that experience to the Joint Committee, together with such evidence in support thereof as that Committee may require.

(2) The Joint Committee shall, if satisfied that his medical experience is equivalent to the prescribed experience, issue to him a certificate of equivalent experience.

(3) The Joint Committee shall, if not satisfied that his medical experience is equivalent to the prescribed experience, issue to him a statement setting out the reasons why they are not so satisfied.

(4) An applicant who holds a certificate of equivalent experience shall be treated as having acquired the prescribed medical experience for the purposes of section 21(2)(a) of the Act (but not for the purposes of obtaining a certificate of prescribed experience).

Exemptions

8.—(1) Subject to paragraph (2), a practitioner shall be exempt from the need to have acquired the prescribed experience:

- (a) if, on 15th February 1981, his name was included in a medical list;
- (b) if, after 15th February 1981, his name was included in a medical list in pursuance of an application made on or before that day;
- (c) in respect of an application made within 9 years after 15th February 1981 for his name to be included in a medical list, if, on the 15th February 1981, his name was not included in such a list but it had been so included before that day;
- (d) if, having made an application to which paragraph 1(c) applies, his name is included in a medical list pursuant to that application;
- (e) in respect of an application for his name to be included in a medical list for the provision of either maternity medical services only or maternity medical services and contraceptive services only;

(f) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under section 32 of the National Health Service Act 1977, or is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations;

(g) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under Article 8 of the Health and Personal Social Services (N.I.) Order 1978(a) or is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations.

(2) The exemptions conferred by paragraph (1)(a), (b), (c) or (d) shall not apply where the doctor's name was included in a medical list, as mentioned in those paragraphs, as an assistant or for the purposes of providing maternity medical services only or maternity medical services and contraceptive services only.

(3) A practitioner shall be exempt from the need to have acquired the medical experience prescribed by regulation 5(1)(b) if he has acquired, before 16th August 1982, the medical experience prescribed by regulation 5(1)(a) or medical experience which is equivalent thereto and, subject to paragraph (4), the Joint Committee have before that date, issued to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof.

(4) Where an applicant

(a) claims to have acquired, before 16th August 1982 the medical experience prescribed by regulation 5(1)(a) or medical experience which is, or ought to be regarded as, equivalent to that medical experience; but

(b) has not, before that date, obtained a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof,

then, provided he has applied to the Joint Committee for a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience before that date or within 3 months thereafter, the provisions of these regulations shall have effect in relation to that application until it is determined by the Joint Committee or, on appeal, by the appeal body as if that date had not yet arrived and, if the Joint Committee issue to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in pursuance of such an application, the provisions of paragraph (3) shall apply to him as if such a certificate had been issued before that date.

(5) For the purposes of this regulation, the expressions

(a) "maternity medical services" and "contraceptive services" shall have the meaning respectively assigned to them in regulation 2(1) of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974(b);

(b) "medical list" means a list kept for its area by a health board in pursuance of the provisions of section 20 of the Act or of section 34 of the National Health Service (Scotland) Act 1947(c), including any corresponding list drawn up by an Executive Council pursuant to the provisions of Part IV of the said Act of 1947.

(a) S.I. 1978/1907 (N.I. 26).

(b) S.I. 1974/506. The relevant amending instrument is S.I. 1975/696.

(c) 1947 c. 27.

Appeals

9.—(1) An applicant may appeal against a refusal by the Joint Committee to issue to him a certificate of prescribed experience or a certificate of equivalent experience by sending to the Secretary of State, within 28 days after the decision of the Joint Committee has been given to the applicant, or such extended period as may be allowed pursuant to the provisions of paragraph (2), a notice of appeal containing a concise statement of the facts and contentions on which the applicant intends to rely.

(2) An applicant, who wishes to appeal and who has failed to give notice thereof to the Secretary of State within the period of 28 days specified in paragraph (1), may apply in writing to the Secretary of State stating the grounds for the application, for an extension of that period and the Secretary of State, if satisfied that such failure was occasioned by reasonable cause, may at any time extend that period.

(3) On receipt of a notice of appeal, the Secretary of State shall appoint an appeal body, consisting of four persons of whom

- (a) one shall be a legally qualified person who shall be so appointed to be the Chairman,
- (b) one shall be nominated by the Royal College of General Practitioners,
- (c) one shall be nominated by the Scottish General Medical Services Committee of the British Medical Association, and
- (d) one shall be a practitioner of consultant status employed in clinical practice by a Health Board which provides substantial facilities for undergraduate or postgraduate clinical teaching and who is nominated by the Scottish Joint Consultants Committee,

and shall transmit the notice to that body.

(4) Any nomination for the purposes of paragraph (3) may be made either specially or generally.

(5) The Secretary of State shall appoint a person to act as secretary of the appeal body and may also appoint such other officers as he may deem necessary.

Procedure on appeal

10.—(1) (a) The appeal body may require such further particulars from an applicant and such documents in support of his appeal and may make such inquiries of such persons as they may think fit in connection with the subject matter of the appeal.

(b) The appeal body shall send to the applicant a copy of any comments made by such persons in reply to such inquiries and, if a hearing is not to be held, shall afford the applicant a period of 21 days from the date on which such comments are sent to him, in which to reply to such comments.

(c) The appeal body shall give notice to the applicant that he may, within such period as is specified in that notice, require the appeal body to give him an opportunity of appearing before and being heard by that body.

(2) (a) The appeal body shall appoint a date, time and place for the consideration of the appeal and may, or shall, if so required by the applicant hold a hearing for that purpose.

(b) If a hearing is to be held, the appeal body shall appoint a date, time and place for that hearing and shall, not less than 21 days before that date, send notice to the applicant and to the Joint Committee informing them of that date, time and place.

(3) At a hearing by the appeal body, the applicant may appear and be heard in person or be represented by Counsel or Solicitor or by any other person on his behalf and the Joint Committee may appear and be represented by Counsel or Solicitor or by any duly authorised member or officer thereof.

(4) The appeal body may accept the withdrawal of an appeal, and where the applicant has required a hearing but does not appear and is not represented thereat, may, if they are not satisfied that such failure to appear or be represented was due to a reasonable cause, treat the request for a hearing as having been withdrawn.

(5) The proceedings of the appeal body shall be in private.

(6) The appeal body shall decide the appeal and shall notify the applicant and the Joint Committee in writing of their decision and their reasons therefor.

(7) In arriving at their decision on the appeal

(a) the decision of the appeal body shall be the decision of a majority and shall be final; and

(b) the Chairman shall not be entitled to vote except in the case of an equality of votes.

(8) The provisions of paragraphs 3 to 5 of Schedule 12 to the Act (which relate to the summoning of witnesses and the production of documents in connection with an inquiry held by the Secretary of State) shall apply for the purposes of any appeal held under this regulation, as if it was an inquiry caused to be held by the Secretary of State and as if, in paragraphs 3 and 4 of that Schedule, for the words "the person appointed to hold the inquiry" there were substituted the words "the Chairman of an appeal body appointed for the purposes of the National Health Service (Vocational Training) (Scotland) Regulations 1980".

(9) Subject to the foregoing paragraphs, the procedure of the appeal body shall be such as that body thinks fit.

(10) If the decision of the appeal body is that the applicant is entitled to a certificate of prescribed experience or a certificate of equivalent experience, the Joint Committee shall issue to him the appropriate certificate.

Power of the Secretary of State to make fresh appointments

11.—(1) Where the Secretary of State has appointed an appeal body in accordance with paragraph (3) of regulation 9 and a member has died or resigned before a decision has been reached on the appeal in respect of which that body was appointed, or is unable or has refused to carry out the duties for which he was so appointed, the Secretary of State may rescind the appointment of that member and make a fresh appointment, in accordance with the provisions of the sub-paragraph of that paragraph in accordance with which that member was appointed; and the appeal body as so reconstituted shall, notwithstanding any hearing or consideration of the appeal by that appeal body as originally appointed, consider the appeal afresh in accordance with regulation 10.

(2) For the purposes of these regulations, a person shall not be deemed to be unable or to have refused to carry out the duties for which he was appointed, if he has indicated to the other persons appointed, or to the Chairman, how he casts his vote for the purposes of regulation 10(7); and the decision shall be

deemed to have been reached when a sufficient number of persons appointed have given such indications to constitute a majority for the purposes of that provision, notwithstanding that any document embodying the decision has not been drawn up, or signed by all or any of those persons, or issued by the appeal body.

Service of notices, etc.

12. Any document or other communication which is required or authorised by these regulations to be given, issued, made or sent to any person, may be given, issued, made or sent

- (a) by delivery to that person; or
- (b) where that person is represented by a Solicitor, by sending it by the recorded delivery service to the Solicitor at his usual or principal professional address; or
- (c) by sending it by the recorded delivery service addressed to him at his usual or last known address, or
- (d) in the case of the Joint Committee by sending it by post in a pre-paid letter to their secretary.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
7th January 1980.

SCHEDULE *Regulation 5 (4)*
Form of statement of satisfactory completion of a period of training
NATIONAL HEALTH SERVICE (SCOTLAND)
Vocational Training

STATEMENT OF SATISFACTORY COMPLETION OF A PERIOD OF TRAINING

Dr. (*full name and GMC registration number*)
 has for the purposes of the National Health Service (Vocational Training) (Scotland) Regulations 1980 satisfactorily completed (*Note 1*) the period of training detailed below—

Complete either (1), (2) or (3) subject to deletions as appropriate*

(1) months whole-time*/part-time* (*Note 2*) from
 to as a trainee general practitioner under my
 instruction and supervision.

(2) months whole-time*/part-time* (*Note 2*) from
 to as a practitioner in the following educa-
 tionally approved training post (*Note 3*).

Post.....

Grade..... Specialty.....

(3) (*Where part-time training and employment has been indicated in either (1) or (2) above*) the part-time period referred to in (1)/(2)* above (*Note 4*) consisted of

Signed (a)(*an approved general practice trainer*).

or (b)
 (post or rank) (*Note 5*)

forHealth Authority,
 Board of Governors or
 other Management body
 (*Note 6*)

Date.....

Note 1—"Satisfactory completion" is defined in the regulation 5(5)(b). It means, in relation to a period of training in any employment, the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

Note 2—Regulation 5(3) provides that, in computing any period of training for the purposes of prescribed experience under that regulation, there shall be disregarded any period of part-time employment during which the duties of the person employed occupied less than half of the time usually occupied by the duties of the persons employed whole-time in similar employment. However, such part-time employment may be considered for the purposes of equivalent experience under regulation 7.

Note 3—"Educationally approved" in relation to a training post means, by virtue of regulation 5(5) (a)

- (i) a post in a hospital or with a Health Board in Scotland, employment in which is, immediately before the day on which the regulations are made, approved by a Regional Postgraduate Medical Education Committee for the purposes of training for the provision of general medical services; if such a post ceases to be an educationally approved post before any doctor occupying that post has completed his period of training therein, regulation 5(6) provides that the post shall nevertheless be deemed to continue to be an educationally approved post until such time as that doctor has completed his period of training in that post;
or
- (ii) a post approved for such purposes under corresponding regulations applying in England and Wales or Northern Ireland.

Note 4—Where part-time training or employment has been indicated in paragraph (1) or (2) the ratio of such part-time training or employment to the time usually occupied by the duties of persons being trained or employed whole-time, should be stated.

Note 5—To be signed by either the consultant or other medical specialist of similar status, who has supervised the practitioner's training.

Note 6—If the management body is not a Health Board or Board of Governors please state its title or other description.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations prescribe the medical experience which, under section 21 of the National Health Service (Scotland) Act 1978 ('the 1978 Act') a medical practitioner is required to have acquired or be exempt from the need to do so before applying to be included in a medical list to provide general medical services after the appointed day. The appointed day is prescribed by these regulations as 15th February 1981.

The medical experience prescribed for the period before 16th August 1982 is different from that prescribed with effect from that date. The regulations enable the prescribed medical experience to be acquired in part-time (though not less than half-time) training and employment. They prescribe the circumstances in which medical practitioners will be exempt from the need to have acquired the prescribed medical experience. They also provide for certain medical experience to be accepted as equivalent to the prescribed medical experience and to satisfy the requirements of section 21(2)(a) of the 1978 Act.

The regulations empower the Joint Committee on Postgraduate Training for General Practice to issue a medical practitioner with a certificate of prescribed experience if they are satisfied that he has acquired that experience or a certificate of equivalent experience if they are satisfied that he has acquired experience which is equivalent to that prescribed experience. They also provide for the establishment and procedure of an appeal body to hear appeals against the refusal of any such certificate.

