
STATUTORY INSTRUMENTS

1996 No. 1591

The European Primary Medical Qualifications Regulations 1996

The competent authority for certain EEA purposes

2.—(1) In relation to primary United Kingdom and primary European qualifications and to registration under the Act by virtue of such qualifications, the General Council shall be the competent authority in the United Kingdom for the purposes of—

- (a) Title II (mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine) of Directive [93/16/EEC](#); and
- (b) Title III (coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors) of that Directive.

(2) Accordingly, in relation to such qualifications and to persons registered or seeking registration under the Act by virtue of such qualifications, the General Council shall as respects the United Kingdom perform (in addition to any functions provided for elsewhere) the following functions conferred by Directive [93/16/EEC](#) (the relevant article of that Directive being referred to in brackets where it is not otherwise mentioned)—

- (a) the function of issuing in respect of practice in the United Kingdom the certificate of effective and lawful practice referred to in article 9(1);
- (b) where the United Kingdom is the host State, the function of providing, where the General Council think fit, the information referred to in the first paragraph of articles 11(3) and 12(2);
- (c) where the General Council receive such information, the function of verifying the accuracy of the facts, of deciding on the nature and extent of the investigation to be made and of informing the host State of action taken (as mentioned in the second paragraph of articles 11(3) and 12(2)), such information to be provided within the period of three months beginning with the date on which the request for information was received (as mentioned in article 15(2));
- (d) the function of receiving or (as the case may be) forwarding the information referred to in article 12(1);
- (e) the function of ensuring the confidentiality of information forwarded under articles 11 and 12 (articles 11(4) and 12(3));
- (f) the function of supplying the certificates referred to in the second and third indents of article 17(3) in the case of a person established in the United Kingdom, and of withdrawing the former in the circumstances referred to in article 17(5); and
- (g) the function of requiring, in the event of justified doubts, confirmation of authenticity of diplomas, certificates and other evidence of formal qualifications granted by another EEA State and confirmation that a national of an EEA State seeking registration under this Act by virtue of a primary European qualification not granted in the United Kingdom has fulfilled the Directive's training requirements (article 22).

(3) In addition, in relation to primary United Kingdom qualifications and to registration under the Act, the General Council shall as respects the United Kingdom have the functions of a competent authority referred to in the following articles of Directive [93/16/EEC](#)—

- (a) article 9(5) (issue of certificates of fulfilment of Directive training requirements in respect of qualifications which do not conform with the designations set out in the Directive);
- (b) article 11(2) (issue of certificates of good standing);
- (c) article 13 (issue of certificates of physical or mental health); and
- (d) article 22 (function of confirming authenticity of qualifications and of confirming that a person has fulfilled the Directive's training requirements).

(4) The General Council is hereby designated as respects the United Kingdom for the purposes set out in this regulation in accordance with article 42 of Directive [93/16/EEC](#) (which requires member States to designate the authorities competent to issue or receive the diplomas, documents and other information referred to in that Directive).

(5) Subject to paragraph (6) below, the Secretary of State may give directions to the General Council in connection with—

- (a) their functions under or by virtue of this regulation, and
- (b) any other functions of theirs which arise from Community obligations and which relate to primary United Kingdom or European qualifications, or to registration under the Act by virtue of any qualifications;

and it shall be the duty of the General Council to comply with any such directions.

- (6) Directions given under paragraph (5) above may be as to matters of administration only.