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STATUTORY INSTRUMENTS

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**1997 No. 2817**

**The National Health Service (Vocational Training  
for General Medical Practice) Regulations 1997**

**PART I  
GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the National Health Service (Vocational Training for General Medical Practice) Regulations 1997 and shall come into force on 30th January 1998.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the National Health Service Act 1977;

“certificate of prescribed experience” means a certificate issued under regulation 10 and, for the purposes of regulation 4, includes a certificate of prescribed experience issued under the National Health Service (Vocational Training) Regulations 1979(1);

“certificate of equivalent experience” means a certificate issued under regulation 12 and, for the purposes of regulation 4, includes a certificate of equivalent experience issued under the National Health Service (Vocational Training) Regulations 1979;

“General Practice (GP) Registrar”—

- (a) has the meaning assigned to it in regulations made under section 29 of the Act(2);
- (b) in relation to Scotland and Northern Ireland, means a “trainee general practitioner”, as defined in regulations made, respectively, under section 19 of the National Health Service (Scotland) Act 1978(3) and article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972(4); and
- (c) includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

“the Joint Committee” means the Joint Committee on Postgraduate Training for General Practice;

“Medical Directive” 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

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(1) S.I. 1979/1644, amended by S.I. 1980/1900, 1981/1790, 1984/215, 1985/1353, 1986/1642, 1991/406 and 1994/3130.

(2) See S.I. 1992/635, regulation 2(1), amended by S.I. 1997/2468, regulation 3.

(3) 1978 c. 29. Section 19 was amended by the Health Services Act 1980 (c. 53), section 7, by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 2, by the Medical Act 1983 (c. 54), Schedule 5, paragraph 17(a) and by the National Health Service and Community Care Act 1990 (c. 19), section 37; and is to be read with the Health and Medicines Act 1988 (c. 49), section 17.

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

evidence of formal qualifications<sup>(5)</sup>, as amended by Council Directive [97/50/EC](#) of 6 October 1997<sup>(6)</sup>;

“medical list” means—

- (a) a list maintained under regulation 4 of the National Health Service (General Medical Services) Regulations 1992<sup>(7)</sup>; or
- (b) any corresponding list drawn up by an Executive Council pursuant to the provisions of Part IV of the National Health Service Act 1946<sup>(8)</sup>; or maintained under regulation 4 of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974<sup>(9)</sup>.

“practitioner” means a fully registered medical practitioner except for the purposes of regulation 6(4), where it also includes a medical practitioner with limited registration under section 22 of the Medical Act 1983<sup>(10)</sup>;

“satisfactory completion”, in relation to a period of training in any employment, has the meaning assigned to it in regulation 9(1); and

“summative assessment” has the meaning assigned to it in regulation 9(2).

(2) For the purposes of these Regulations, a practitioner shall be regarded as having his name included in a medical list if—

- (a) his name is (or, if the context so requires, was) included in a medical list mentioned in paragraph (1); or
- (b) he has been issued by the person in charge of the provision of medical services in one of the Armed Services of the Crown with a statement that he has been providing services in the Armed Services equivalent to general medical services;

but he shall not be so regarded if his name is (or was) included in a list for the provision of general medical services limited to those mentioned in regulation 5(1)(d).

### **Power of direction**

3.—(1) Subject to paragraph (2), the Secretary of State may give directions to the Joint Committee in connection with—

- (a) their functions under or by virtue of these Regulations or the Vocational Training for General Medical Practice (European Requirements) Regulations 1994<sup>(11)</sup>, in so far as those functions relate to Community obligations in connection with specific training for general medical practice, in particular those contained in Title IV of the Medical Directive; and
- (b) any other functions of theirs which arise from Community obligations and which relate to specific training in general medical practice;

and it shall be the duty of the Joint Committee to comply with any such directions.

(2) Directions given under paragraph (1) may be as to matters of administration only.

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(5) OJNo. L 165, 7.7.1993, p.1.

(6) OJ No. L 921, 24.10.1997, p.35.

(7) S.I. 1992/635; the relevant amending instrument is S.I. 1996/702.

(8) 1946 c. 81.

(9) S.I. 1974/160 (which was revoked by S.I. 1992/662, regulation 26 and Schedule 4). Relevant amendments to the 1974 Regulations were made by the National Health Service and Community Care Act 1990, section 2 and S.I.s 1975/719, regulation 3(3), 1982/288, article 8, and 1985/39, article 12.

(10) 1983 c. 54. Section 22 was amended by S.I. 1996/1591, regulation 6(5) and (6).

(11) S.I. 1994/3130.

### Experience and certificates required

4.—(1) The Medical Practices Committee shall refuse an application under section 30 of the Act (applications to provide general medical services) if the applicant is not suitably experienced.

(2) A Health Authority shall not arrange under section 29 of the Act for a person to provide general medical services for persons in the Authority's area unless the Medical Practices Committee have granted an application by him under section 30 of the Act.

(3) An applicant who applies to a Health Authority under section 30 of the Act shall produce as evidence that he is suitably experienced—

- (a) a certificate of prescribed experience;
- (b) a certificate of equivalent experience; or
- (c) a statement of the grounds upon which he claims that he is exempt by virtue of regulation 5 from the need to have acquired the prescribed experience, and evidence in support of his claim.

### Exemptions

5.—(1) 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 on 15th February 1981 an application pursuant to section 30 of the Act had not been finally determined, but in consequence of its final determination his name was later included in a medical list<sup>(12)</sup>;
- (c) if his name was included in a medical list by virtue of his having made an application within nine years after 15th February 1981 in a case where his name was not included in such a list on 15th February 1981, but had been so included before that day;
- (d) in respect of an application for his name to be included in a medical list for the provision of general medical services limited to—
  - (i) child health surveillance services only;
  - (ii) contraceptive services only;
  - (iii) maternity medical services only;
  - (iv) minor surgery services only; or
  - (v) any combination of the services mentioned in paragraphs (i) to (iv);

but only if the applicant's name was included in a medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;

- (e) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under section 22 of the National Health Service (Scotland) Act 1978<sup>(13)</sup> or Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978<sup>(14)</sup>, or is, by virtue of those regulations, or that Order, exempt from the need to have acquired the medical experience prescribed by those regulations, or that Order;
- (f) if he—

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<sup>(12)</sup> See S.I. 1979/1664, regulation 3(2).

<sup>(13)</sup> 1978 c. 29.

<sup>(14)</sup> S.I. 1978/1907 (N.I. 26).

- (i) is entitled to be registered under section 3 of the Medical Act 1983<sup>(15)</sup> as a fully registered medical practitioner by virtue of subsection (1)(b) or (2) of that section, and
- (ii) was established in the United Kingdom on 31st December 1994 by virtue of the primary European qualification<sup>(16)</sup> giving rise to that entitlement; or
- (g) if he holds a vocational training certificate or a certificate of acquired rights issued in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement) or by virtue of any enforceable Community right.

(2) In this regulation—

“certificate of acquired rights” means a certificate issued under article 36(4) of the Medical Directive, to the effect that its holder has an acquired right to practise as a general medical practitioner under the national social security scheme of the issuing State without a vocational training certificate<sup>(17)</sup>;

“child health surveillance services”, “maternity medical services” and “minor surgery services” have the meanings assigned by regulation 2(1) of the National Health Service (General Medical Services) Regulations 1992<sup>(18)</sup>;

“contraceptive services” has the meaning assigned by regulation 3(1)(c) of those Regulations;

“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>(19)</sup>;

“EEA State” means a state which is a contracting party to the EEA Agreement; and

“vocational training certificate” means a diploma, certificate or other evidence of formal qualifications awarded on completion of a course of specific training in general medical practice and referred to in article 30 of the Medical Directive.

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<sup>(15)</sup> 1983 c. 54. Section 3 was substituted by S.I. 1996/1591, regulation 3.

<sup>(16)</sup> See section 17 of the Medical Act 1983, substituted by S.I. 1996/1591, regulation 4.

<sup>(17)</sup> See, for the issue of certificates of acquired rights by the Joint Committee, S.I. 1994/3130, regulation 5(3).

<sup>(18)</sup> S.I. 1992/635, to which there have been amendments not relevant to this provision.

<sup>(19)</sup> Cm. 2183 and OJ No. L 1, 3.1.1994, p.572.