
STATUTORY INSTRUMENTS

2000 No. 3041**MEDICAL PROFESSION****The Medical Act 1983 (Provisional Registration)
Regulations 2000**

Made - - - - - *13th November 2000*

Laid before Parliament *13th November 2000*

Coming into force - - *4th December 2000*

The Secretary of State, being designated(a) for the purposes of, and in exercise of the powers conferred by, section 2(2) of the European Communities Act 1972(b) and in exercise of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Medical Act 1983 (Provisional Registration) Regulations and shall come into force on 4th December.

Amendment of the Medical Act 1983

2. The Medical Act 1983(c) shall be amended in accordance with the following provisions of these Regulations.

Insertion of section 15A

3. After section 15, there shall be inserted the following section—

“Provisional registration for EEA nationals

15A.—(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/

(a) See S.I. 1995/3207.

(b) 1972 c. 68. By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51), regulations may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement of the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

(c) 1983 c. 54.

68(a), 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(b)."

Consequential amendments

4.—(1) In section 16, for the words "section 3 above or section 15" there shall be substituted the words "section 3, 15 or 15A".

(2) In section 30(1), in paragraphs (a) and (b), for the words "section 3 or 15" in each place where they occur there shall be substituted the words "section 3, 15 or 15A".

(3) In section 31(4), after the words "section 15" there shall be inserted the words "or 15A".

(4) In section 34(4), after the words "15," there shall be inserted the words "15A,".

(5) In section 41(3), after the words "section 15" in each place where they occur there shall be inserted the words ", 15A".

(6) In section 55(1)—

(a) in the definition of "fully registered person", in paragraph (a), after the words "section 15" there shall be inserted the words "(including that subsection as applied by section 15A(4))";

(b) in the definition of "provisionally registered", after the words "section 15" there shall be inserted the words ", 15A".

(7) In Schedule 3—

(a) in paragraph 1(1), for the words "section 3 or 15" there shall be substituted the words "section 3, 15 or 15A";

(b) in paragraph 2(1)(a), for the words "section 3 or section 15" there shall be substituted the words "section 3, 15 or 15A";

(c) in paragraphs 3(1), 3(2)(b) and 5(1), for the words "section 3 or 15" in each place where they occur there shall be substituted the words "section 3, 15 or 15A".

Alan Milburn
One of Her Majesty's Principal Secretaries of State
Department of Health

13th November 2000

(a) OJ No. L257, 19.10.68, p. 1.
(b) OJ No. L165, 7.7.93, p. 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply to the United Kingdom) amend the Medical Act 1983 to make provision to extend provisional registration to EEA nationals who have obtained their medical degree in an EEA state other than the UK, but have yet to complete the period of clinical experience.

Regulation 3 inserts section 15A into the Medical Act 1983, to provide for those EEA nationals who have completed their medical academic training in an EEA state other than the UK, to apply for provisional registration to enable them to undertake Pre-Registration House Officer posts to gain clinical experience in one or more approved hospitals, approved institutions or approved medical practices in the United Kingdom. When undertaking these posts those EEA nationals are deemed to be fully registered under section 3 of the Act, so far as is necessary for them to be employed in the relevant posts.

Regulation 4 provides for consequential amendments.

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