
STATUTORY INSTRUMENTS

2006 No. 1914

**The Medical Act 1983 (Amendment) and
Miscellaneous Amendments Order 2006**

PART 3

**Programmes for provisionally registered doctors,
education functions and connected matters**

First article amending section 3 of the Act

20. In subsection (1) of section 3(1) (registration by virtue of primary United Kingdom or primary European qualifications), for paragraph (a) substitute the following paragraph—

“(a) holds one or more primary United Kingdom qualifications and has satisfactorily completed an acceptable programme for provisionally registered doctors; or”.

Amendment of section 5 of the Act

21. In section 5(2) (general functions of the Education Committee in relation to medical education in the United Kingdom)—

(a) for paragraph (c) in subsection (2) substitute the following paragraph—

“(c) discharge their functions under section 10A below in respect of programmes for provisionally registered doctors.”;

(b) in subsection (2A), for “subsection (2) above,” substitute “subsection (2)(a) or (b) above or discharging their functions mentioned in subsection (2)(c) above.”;

(c) for subsection (3) substitute the following subsections—

“(3) Determinations of the Education Committee under subsection (2)(a) or (b) above shall be published in such manner as they see fit.

(3A) Such determinations—

(a) are binding on universities or other bodies concerned with medical education as regards the matters to which they relate; and

(b) accordingly, those universities or other bodies must act in accordance with them as regards the matters to which they relate.”; and

(d) in subsection (4)—

(i) in the definition of “the prescribed knowledge and skill” for “embodied in recommendations” substitute “set out in determinations published”;

(ii) in the definition of “the prescribed standard of proficiency”, for “embodied in recommendations” substitute “set out in determinations published”, and

(1) Section 3(1) was substituted by S.I.1996/1591.

(2) Relevant amendments have been made to section 5 by S.I. 1996/1591, 2003/3148 and 2004/1947.

(iii) omit the definition of “a prescribed pattern of experience”.

Amendment of section 8 of the Act

22. In subsection (1) of section 8 (power to add further qualifying examinations), for “any university or combination of universities” substitute “any university or other body, or any combination of bodies (including universities),”.

Repeal of sections 10 to 13 of the Act

23. Omit section 10(3) (experience required for full registration by virtue of primary United Kingdom qualifications), section 11(4) (provisions supplementary to section 10, etc.), section 12(5) (special provisions as to employment in health centres) and section 13(6) (power to appoint visitors of approved hospitals).

New section 10A of the Act

24. After section 9, insert the following section—

“Programmes for provisionally registered doctors

10A.—(1) For the purposes of this Act, “acceptable programme for provisionally registered doctors” means a programme that is for the time being recognised by the Education Committee as providing a provisionally registered person with an acceptable foundation for future practice as a fully registered medical practitioner.

(2) In connection with recognising programmes for provisionally registered doctors as mentioned in subsection (1) above, the Education Committee may determine—

- (a) the duration of a programme for provisionally registered doctors, subject to any provision made in an order under subsection (3);
- (b) the bodies that may provide, arrange for the provision of or be responsible for programmes for provisionally registered doctors and (where different) the bodies by whom a person is to be employed or engaged while he is participating in a programme for provisionally registered doctors;
- (c) the content and standard of programmes for provisionally registered doctors;
- (d) activities which a person is, or is not, to engage in as part of or while participating in a programme for provisionally registered doctors;
- (e) the arrangements for certification that a person has satisfactorily completed a programme for provisionally registered doctors, including—
 - (i) determining the bodies that may certify that a person has satisfactorily completed a programme for provisionally registered doctors,
 - (ii) determining assessment arrangements and the standards required for certification, and

(3) Section 10 was amended by the National Health Service (Primary Care) Act 1997 (c. 46), section 35(2), and by S.I. 2002/3135.

(4) Section 11 was amended by: the National Health Service (Primary Care) Act 1997, section 35(3) to (7), and Schedule 2, paragraph 61(2); the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 11, paragraph 48, and Schedule 14, Part 4; and S.I. 2004/957 and 3038.

(5) Section 12 was amended by the Health and Social Care (Community Health and Standards) Act 2003, Schedule 11, paragraph 49, and by S.I. 2004/957 and 3038.

(6) Section 13 was amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(3).

- (iii) determining the form of the certificate of experience to be awarded on satisfactory completion of a programme for provisionally registered doctors; and
 - (f) arrangements for a person with a disability not to be disadvantaged unfairly by the disability when participating in a programme for provisionally registered doctors.
- (3) The Privy Council may by order prescribe a minimum and a maximum period for the duration of a programme for provisionally registered doctors, and may prescribe different periods for different programmes.
- (4) Determinations of the Education Committee under subsection (2) above shall be published in such manner as they see fit.
- (5) Such determinations—
 - (a) are binding on bodies concerned with programmes for provisionally registered doctors as regards the matters to which they relate; and
 - (b) accordingly, those bodies must act in accordance with them as regards the matters to which they relate.
- (6) The Privy Council—
 - (a) except where acting in accordance with a proposal made by the Education Committee, shall consult the Education Committee before making, varying or revoking any order under subsection (3) above; and
 - (b) shall, when making, varying or revoking any order under subsection (3) above, act in a manner which is consistent with the requirements of article 23 of Directive [93/16/EEC](#).
- (7) For the purpose of—
 - (a) determining whether any programme for provisionally registered doctors should for the time being be recognised; or
 - (b) making any determination in connection with a body mentioned in subsection (2),the Education Committee may appoint persons to consider programmes for provisionally registered doctors, to visit the bodies mentioned in subsection (2) and to report to the Education Committee on those programmes and those bodies.
- (8) If the Education Committee have formed the provisional opinion—
 - (a) that a programme for provisionally registered doctors that has been recognised by them should no longer be recognised by them, they shall notify that opinion in writing to any body, mentioned in subsection (2), that is connected with that programme and shall allow that body a reasonable opportunity to respond before determining whether or not to end their recognition of that programme; or
 - (b) that a determination under subsection (2)(b) or (e)(i) should be revoked, they shall notify that opinion in writing to the body in respect of whom the determination was made and shall allow that body a reasonable opportunity to respond before determining whether or not to revoke that determination.”.

Amendment of section 14 of the Act

25. For subsection (1) of section 14 (alternative requirements as to experience in certain cases) substitute the following subsection—

“(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 satisfactory completion of an acceptable programme for provisionally registered doctors, it shall be sufficient for the

applicant to satisfy the General Council that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors.”.

Substitution of section 15 of the Act

26. For section 15(7) (provisional registration) substitute the following section—

“15 Provisional registration

(1) This section shall have effect for enabling persons wishing to complete an acceptable programme for provisionally registered doctors to participate in such a programme.

(2) A person shall be entitled to be registered provisionally under this section if—

(a) he has not satisfactorily completed an acceptable programme for provisionally registered doctors; but

(b) apart from that he would be entitled to be registered under section 3 above.

(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 participate in an acceptable programme for provisionally registered doctors but not further.”.

First article amending section 19 of the Act

27. In section 19(8) (full registration of EEA nationals etc. by virtue of overseas primary qualifications etc.)—

(a) in subsection (1)—

(i) in paragraph (a), after “he holds” insert “, or has passed all the qualifying examinations necessary for obtaining,”; and

(ii) for paragraph (b) substitute the following paragraph—

“(b) that, in the course of or as an adjunct to practice in the United Kingdom or elsewhere, he has undergone medical training and acquired clinical experience, over a period acceptable to the General Council, which has provided him with a foundation for future practice as a fully registered medical practitioner which is at least as good as the foundation provided by an acceptable programme for provisionally registered doctors; and”;

(b) omit subsection (4).

Amendment of section 21 of the Act

28. In section 21(9) (which relates to provisional registration)—

(a) for subsection (1) substitute the following subsection—

(7) Section 15(3) has been amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(4).

(8) Section 19 was substituted by S.I. [2002/3135](#).

(9) Section 21(1) was amended by S.I. [2002/3135](#) and section 21(3) was amended by the National Health Service (Primary Care) Act 1997, Schedule 2, paragraph 61(5).

“(1) The following provisions shall have effect for enabling persons wishing to satisfy the Registrar of the matters specified in section 19(1)(b) above to participate in an acceptable programme for provisionally registered doctors.”; and

(b) for subsection (3) substitute the following subsection—

“(3) A person provisionally registered under this section shall be deemed to be registered under section 19 above as a fully registered medical practitioner so far as is necessary to enable him to participate in an acceptable programme for provisionally registered doctors but not further.”,

and in the heading of section 21, after “provisional registration” add “of EEA nationals etc. with certain overseas qualifications”.

Second article amending section 30 of the Act

29. In subsection (4) of section 30 (which contains general provisions relating to the register) after “who have died,” insert “or who have been provisionally registered for longer than the period prescribed in respect of them,”.

Second article amending section 31 of the Act

30. In section 31 (which relates to the making of regulations with respect to the register)—

(a) after subsection (4) insert the following subsection—

“(4A) Regulations under this section may provide for a maximum period for which a person may be provisionally registered, and may provide for—

(a) different maximum periods for which different classes of persons may be provisionally registered; and

(b) the maximum period not to apply to specified classes of persons.”; and

(b) in subsection (10), for “subsection (8) or (9)” substitute “subsection (4A), (8) or (9)”.

First article amending section 50 of the Act

31. In subsection (1)(b) of section 50(10) (default powers of Privy Council), for “10, 11, 12, 13 or” substitute “10A or”.

Amendment of section 51 of the Act

32. For subsection (3) of section 51 (exercise of powers to make Orders in Council and other orders), substitute the following subsection—

“(3) Subsection (2) above does not apply to—

(a) an Order in Council under section 8(2) above; or

(b) an order of the Privy Council under section 10A(3) or 31(10) above.”.

Second article amending section 55 of the Act

33. In subsection (1) of section 55 (interpretation)—

(a) after the definition of “acceptable overseas qualification” insert the following definition—

““acceptable programme for provisionally registered doctors” has the meaning given by section 10A(1) above;”; and

(10) Section 50(1) was amended by S.I. [2002/3135](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) omit the definition of “a prescribed pattern of experience”.

Third article amending Schedule 1 to the Act

34. In paragraph 25(3) of Schedule 1(**11**) (constitution of the General Medical Council), for “or 13(1)” substitute “or 10A(6)”.

(11) There are no relevant amendments to paragraph 25.