

SCHEDULE 1

Article 4

Amendments to the 1983 Act

1. In section 29A(5)^{M1} (regulations as to licence to practise and revalidation), omit—
 - (a) the definition of “General Practitioner Register”;
 - (b) the definition of “Specialist Register” and the word “and” immediately before it.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M1 Section 29A is inserted by [S.I.2002/3135](#). The relevant amending instrument is [S.I.2008/3131](#).

2. In section 29B(2A)(a)^{M2} (grant, refusal and withdrawal of licence), for “area” substitute “field”.

Commencement Information

I2 Sch. 1 para. 2 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M2 Section 29B is inserted by [S.I.2002/3135](#). Subsection (2A) is inserted by [S.I.2008/3131](#).

3. In section 29G^{M3} (guidance on licences to practise)—
 - (a) in subsection (2)(b), for “the health service, the Scottish health service or the Northern Ireland health service”, substitute “any of the UK health services”;
 - (b) omit subsection (3).

Commencement Information

I3 Sch. 1 para. 3 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M3 Section 29G is inserted by [S.I.2002/3135](#) and amended by [S.I.2008/3131](#).

4. In section 30^{M4} (the registers)—
 - (a) before subsection (1), insert—

“(A1) In this Part, “the registers” means—

 - (a) the register;
 - (b) the General Practitioner Register; and
 - (c) the Specialist Register.”;
 - (b) in subsection (4), after “the register”, insert “, the General Practitioner Register and the Specialist Register”.

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

Commencement Information

I4 Sch. 1 para. 4 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M4 Relevant amendments are made to section 30 by [S.I.2006/1914](#).

5. In section 31^{M5} (power to make regulations with respect to the registers)—
- (a) in subsection (1)—
 - (i) for “the register” substitute “ the registers ”;
 - (ii) for “in it” substitute “ in them ”;
 - (b) in subsection (2)—
 - (i) for “the register” in the first place where those words occur substitute “ the registers ”;
 - (ii) for “the register is” substitute “ the registers are ”;
 - (c) after subsection (4A) insert—

“(4B) Regulations under this section shall provide for the marking of the General Practitioner Register so as to distinguish between different categories of persons who are eligible to be registered in that register by virtue of section 34C(2)(b).”;
 - (d) in subsection (8)—
 - (i) for “the register” substitute “ the registers ”;
 - (ii) for “it” substitute “ them ”;
 - (e) in subsection (9)(a), for “the register” substitute “ the registers ”;
 - (f) in subsection (10), after “(4A),” insert “ (4B), ”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M5 Relevant amendments are made to section 31 by [S.I.2002/3135](#) and 2006/1914.

6. In section 31A^{M6} (voluntary removal from the register)—
- (a) in the heading, for “the register” substitute “ any of the registers ”;
 - (b) in subsection (1)(a)—
 - (i) for “the register of medical practitioners” substitute “ any of the registers ”;
 - (ii) for “the register” substitute “ any of the registers ”;
 - (c) in both subsections (1)(c) and (1A), for “the register” substitute “ any of the registers ”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

Marginal Citations

M6 Section 31A is inserted by the [Medical \(Professional Performance\) Act 1995 \(c.51\)](#), [section 2](#) and amended by [S.I.2002/3135](#).

7. In section 34 ^{M7} (publication of the register)—
- (a) in the heading, for “the register” substitute “ the registers ”;
 - (b) in subsection (1), for “the register” substitute “ each of the registers ”;
 - (c) in subsection (2)—
 - (i) omit “and” at the end of paragraph (b);
 - (ii) after paragraph (b), insert—
 - “(ba) in relation to the list of persons on the Specialist Register—
 - (i) the specialty in respect of which a person's name is included in that register; and
 - (ii) the name, or a description of, any field within that specialty which is indicated in respect of that person in that register; and”.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

Marginal Citations

M7 Section 34 is substituted by [S.I.2002/3135](#).

8. In section 34A ^{M8} (proof of registration)—
- (a) after “registered”, wherever that word occurs, insert “ in any of the registers ”;
 - (b) after subsection (1), insert—
 - “(1A) In relation to a person who is registered in the Specialist Register, the Registrar may issue a certificate that that person is, or is not, registered on that register with a particular specialty and in a particular field within that specialty.”;
 - (c) in subsection (2), after “(1)” insert “ or (1A) ”.

Commencement Information

I8 Sch. 1 para. 8 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

Marginal Citations

M8 Section 34A is inserted by [S.I.2002/3135](#).

9. In section 34B ^{M9} (registration appeals), renumber the existing text as subsection (1) of section 34B and—

- (a) in the heading and in that subsection, after “registration” insert “ and training ”;
- (b) after that subsection insert—
 - “(2) The General Council may by regulations make provision with respect to the charging of fees in connection with appeals under Schedule 3A.

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

(3) Regulations under subsection (2) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.”.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M9 Section 34B is inserted by [S.I.2002/3135](#).

10. After Part 4, insert the following Part—

“PART 4A

POSTGRADUATE MEDICAL EDUCATION AND TRAINING

The General Practitioner Register

34C.—(1) The General Council shall keep a register of general practitioners (known as “the General Practitioner Register”).

(2) The General Practitioner Register shall, subject to subsection (3), contain the names of—

- (a) registered medical practitioners who hold a CCT in general practice;
- (b) registered medical practitioners who have an acquired right to practise as a general practitioner in the United Kingdom pursuant to section 34G(1); and
- (c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.

(3) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the General Practitioner Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

The Specialist Register

34D.—(1) The General Council shall keep a register of specialist medical practitioners (known as “the Specialist Register”).

(2) The Specialist Register shall, subject to subsections (4) and (5), contain the names of—

- (a) registered medical practitioners who hold a CCT in a recognised specialty;
- (b) registered medical practitioners who are eligible to be admitted to that register in accordance with the scheme mentioned in subsection (6); and
- (c) registered medical practitioners falling within such other categories as the Privy Council may by order specify.

(3) The Privy Council may by order designate specialties as recognised specialties.

(4) A person falling within any of paragraphs (a) to (c) of subsection (2) shall only be included in the Specialist Register if they have applied to the Registrar for the purpose and have paid any fee specified in regulations under section 34O.

(5) A person is not entitled to have their name included in the Specialist Register as an oral and maxillo-facial surgeon unless the person is a registered medical practitioner and satisfies the Registrar both—

- (a) of their entitlement to be registered in that register by virtue of subsection (2); and
- (b) that they have successfully completed dental training that meets, or under Article 22(a) of the Directive is treated as meeting, the requirements of Article 34 of the Directive.

(6) The scheme referred to in subsection (2)(b) is a scheme published by the General Council for the inclusion in the Specialist Register of persons who, immediately before 1st January 1997, were either NHS consultants or consultants in a medical specialty in the armed forces.

(7) That scheme shall make provision—

- (a) as to the criteria to be considered in determining whether to include a person's name in the Specialist Register; and
- (b) excluding any person whose name has been removed from the Specialist Register under regulations made by virtue of subsection (2A) of section 29B (grant, refusal and withdrawal of licences to practise).

(8) In subsection (6), “armed forces” means the naval, military or air forces of the Crown and includes the reserve forces within the meaning of section 1(2) of the Reserve Forces Act 1996^{M10}.

(9) The Specialist Register shall indicate—

- (a) the specialty in respect of which a person's name is included in that register; and
- (b) the name, or a description of, any field within that specialty which a person has requested, subject to subsection (10), to be indicated in that register.

(10) In order to have the relevant field indicated on the Specialist Register in accordance with subsection (9)(b), the Registrar must be satisfied that a person has completed satisfactorily—

- (a) sub-specialty training in the United Kingdom which is approved by the General Council; or
- (b) sub-specialty training outside the United Kingdom that the Registrar is satisfied is equivalent to sub-specialty training approved by the General Council.

Applications for inclusion in the General Practitioner Register or the Specialist Register

34E.—(1) The General Council shall make regulations as to the procedure to be followed by, or in relation to, persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register.

(2) The regulations may in particular make provision as to—

- (a) the evidence required in support of applications;
- (b) the time limits to be complied with in respect of applications; and
- (c) the notification of decisions in respect of applications.

(3) The regulations may require the Registrar to inform persons who do not hold a CCT, and in respect of whom the Registrar is not satisfied as to their eligibility for inclusion in the General Practitioner Register or the Specialist Register, of the reasons why the Registrar is not so satisfied.

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

(4) The regulations may require the Registrar to inform the persons referred to in subsection (3) of—

- (a) additional training that must be undertaken and the fields that the training must cover; and
- (b) any examination, assessment (including a specified period of assessment), adaptation period or other test of competence that that person must complete to the Registrar's satisfaction,

in order to satisfy the Registrar of their eligibility for inclusion in those Registers.

(5) In subsection (4)(b), “adaptation period” means an adaptation period pursuant to Part 3 of the General Systems Regulations.

(6) Regulations under this section shall not have effect until approved by order of the Privy Council.

Removal of names from the General Practitioner Register and the Specialist Register

34F.—(1) The Registrar must remove a person's name from the General Practitioner Register or the Specialist Register where it comes to the Registrar's notice that they are no longer a registered medical practitioner.

(2) The Registrar may remove a person's name from the General Practitioner Register or the Specialist Register where they cease, in cases specified by the Privy Council by order, to fall within any of the categories specified by the Privy Council by order under section 34C(2)(c) or, as the case may be, section 34D(2)(c).

(3) Subject to subsection (4), where a person removed from the General Practitioner Register or the Specialist Register under subsection (1) becomes once again a registered medical practitioner, the Registrar shall, if requested by that person, once again include that person's name in the General Practitioner Register or, as the case may be, the Specialist Register.

(4) No request to include a person's name again in the General Practitioner Register is required under subsection (3) where a person removed from that Register under subsection (1), becomes once again a registered medical practitioner by virtue of section 18A.

(5) The Registrar shall send a notice to the person concerned when removing that person's name pursuant to subsection (1) or (2), as the case may be, once again including that person's name pursuant to subsection (3).

(6) Paragraph 6 of Schedule 3A applies to notices required to be sent under subsection (5) as it applies to notices under that paragraph.

Acquired rights of general practitioners

34G.—(1) For the purposes of Article 30(1) of the Directive, a person has an acquired right to practise as a general practitioner in the United Kingdom if they fall within one of the categories of persons specified by the Privy Council by order.

(2) Where, pursuant to a request in writing, the Registrar is satisfied that a person has an acquired right to practise by virtue of subsection (1), the Registrar shall issue a certificate for the purposes of Article 30(1) of the Directive.

(3) The General Council may make rules as to the procedure to be followed in relation to, and the evidence required in support of, a request made under subsection (2).

(4) A certificate issued under subsection (2) shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

Postgraduate medical education and training: general functions

34H.—(1) The General Council shall—

- (a) establish standards of, and requirements relating to, postgraduate medical education and training, including those necessary for the award of a CCT in general practice and in each recognised speciality;
- (b) secure the maintenance of the standards and requirements established under paragraph (a); and
- (c) develop and promote postgraduate medical education and training in the United Kingdom.

(2) In exercising their functions under this Part, the main objectives of the General Council, in addition to that required by section 1(1A), are—

- (a) to ensure that the needs of persons undertaking postgraduate medical education and training in each of England, Wales, Scotland and Northern Ireland are met by the standards the General Council establish under subsection (1)(a) and to have proper regard to the differing considerations applying to different groups of such persons; and
- (b) to ensure that the needs of employers and those engaging the services of general practitioners and specialists within the UK health services are met by the standards the General Council establish under subsection (1)(a).

(3) The standards and requirements established under subsection (1)(a) shall be set out in determinations of the General Council.

(4) The standards and requirements established under subsection (1)(a) shall include—

- (a) the standards required for entry to training;
- (b) the training curricula to be followed in general practice and in each recognised speciality;
- (c) the assessment arrangements for persons undertaking education and training in general practice and specialist medical practice;
- (d) the assessment arrangements for persons applying to the Registrar for inclusion in the General Practitioner Register or the Specialist Register who do not hold a CCT;
- (e) the outcomes to be achieved by education and training in general practice or specialist medical practice, including the levels of skill, knowledge and expertise to be achieved;
- (f) the examinations, assessments and other tests of competence to be completed, whether during or upon completion of a course of education and training in general practice or specialist medical practice; and
- (g) any other matters relating to postgraduate medical education and training for general medical practice and specialist practice as the General Council considers appropriate.

Postgraduate medical education and training: approvals

34I.—(1) In order to secure the maintenance of the standards and requirements established under section 34H(1)(a), the General Council may approve—

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

- (a) courses or programmes of postgraduate medical education and training (or part of such a course or programme) which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);
- (b) training posts which the General Council are satisfied meet, or would meet, the standards and requirements established under section 34H(1)(a);
- (c) general practitioners whom the General Council consider to be properly organised and equipped for providing training for GP Registrars;
- (d) examinations, assessments or other tests of competence.

(2) In connection with subsection (1), the General Council may approve postgraduate medical education and training taking place outside the United Kingdom.

(3) In exercising their functions under subsection (1) or (2), the General Council may attach conditions to any approval they give or have given including, if the General Council consider appropriate, a condition limiting the period of time for which that approval is valid.

(4) The General Council may at any time withdraw approval where they are satisfied that—

- (a) any conditions imposed under subsection (3); or
- (b) any standards or requirements established under section 34H(1)(a),

are not being met.

(5) If the General Council have formed the provisional opinion that an approval be—

- (a) refused;
- (b) given subject to conditions under subsection (3); or
- (c) withdrawn under subsection (4),

they shall notify that opinion in writing to the person who has applied for the approval or, as the case may be, to whom the approval was given.

(6) Where the General Council have formed a provisional opinion under subsection (5), they shall allow—

- (a) the person who they have notified; and
- (b) any other person who they are satisfied has a substantial interest in the matter,

a reasonable opportunity to make representations to them before making the determination.

(7) The Registrar shall cause to be published from time to time (electronically or otherwise) a list specifying—

- (a) any course or programme (or part of a course or programme), training post, general practitioner or examination, assessment or other test of competence that the General Council have approved pursuant to subsection (1) or (2);
- (b) the date on which that approval was given;
- (c) any conditions to which that approval is subject pursuant to subsection (3); and
- (d) where relevant, the date on which that approval was withdrawn.

Minimum requirements for general practice training

34J.—(1) The minimum requirements for general practice training are that—

- (a) the training meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 28(1), the first sub-paragraph of Article 28(2) and Article 28(3) of the Directive; and

(b) the period of training specified in the first sub-paragraph of Article 28(2) of the Directive includes—

- (i) a period or periods amounting to at least 12 months employment as a GP Registrar under the supervision of a general practitioner who has been approved by the General Council under section 34I(1)(c), and
- (ii) a period or periods amounting to at least 12 months employment in a post (or posts), in one or more specialties that are approved by the General Council as being relevant to general practice.

(2) Once the minimum training periods in subsection (1)(b) have been completed, any remaining period of training shall consist of a period of employment in a post (or posts) falling within subsection (1)(b)(i) or (ii).

Minimum requirements for specialist training

34K.—(1) The minimum requirements for specialist training are that the training—

- (a) constitutes an entire course of training in the recognised specialty in question;
- (b) meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 25(1), (2) and (3) of the Directive; and
- (c) is for a period which is at least as long as any minimum training period that the Privy Council may by order prescribe for that specialty.

(2) The General Council may impose conditions in relation to any part-time specialist training which it approves.

Award and withdrawal of a Certificate of Completion of Training

34L.—(1) Subject to subsection (3), the Registrar shall award a certificate of completion of training (CCT) to any person who applies to the General Council for that purpose if—

- (a) that person is a registered medical practitioner;
- (b) the Registrar is satisfied that that person has been appointed to, and has satisfactorily completed, a course of training leading to the award of a CCT; and
- (b) that course of training has been approved by the General Council under section 34I(1)(a).

(2) The Registrar may only award a CCT in general practice or in a recognised specialty.

(3) A CCT in the specialty of oral and maxillo-facial surgery may be awarded only to a person who has also successfully completed dental training that meets, or under Article 22(a) of the Directive is to be treated as meeting, the requirements of Article 34 of the Directive.

(4) A CCT shall state—

- (a) the date on which it is awarded;
- (b) that it is awarded in general practice, or, where applicable, the recognised specialty in which it is awarded;
- (c) the name of its holder;
- (d) the holder's primary medical qualifications and where those qualifications were awarded; and
- (e) the holder's General Council reference number.

(5) The General Council shall make rules as to the procedure to be followed in relation to, and the evidence required in support of, applications for a CCT.

(6) A CCT shall be signed by the Registrar or by another person who has been nominated by the Registrar for this purpose.

(7) A CCT shall be withdrawn where the Registrar is satisfied that it has been fraudulently procured or incorrectly awarded.

Visitors

34M.—(1) The General Council may, if they think fit, appoint persons to visit any body or other person by whom, or under whose direction or management, any postgraduate medical education or training is, or is proposed to be, given.

(2) The persons appointed under subsection (1) in relation to any visit must include at least one person who—

- (a) is not, and never has been, registered with full or limited registration under any provision of this Act; and
- (b) does not hold qualifications which would entitle an application to be made by that person for provisional or full registration under this Act.

(3) Persons who visit any body or person pursuant to subsection (1) shall prepare a report to the General Council on the visit.

(4) The General Council shall, following a request by any person, make available such reports.

Power to require information

34N.—(1) This section applies to any body or other person that may be visited by persons appointed pursuant to section 34M(1).

(2) A body to which or person to whom this section applies shall give to the Registrar, within such period as the Registrar may reasonably require, any information that the Registrar may reasonably require for the purpose of the Registrar's or the General Council's functions under this Part.

(3) The matters with respect to which the Registrar may require information under subsection (2) include—

- (a) the standards and requirements which must be met by persons pursuing postgraduate medical education and training;
- (b) the procedures for managing that education or training.

(4) Where a body or person specified in subsection (1) fails to comply with a request under this section, the Registrar shall refer the matter to the General Council with a view to their forming a provisional opinion pursuant to section 34I(5).

Fees

34O.—(1) The General Council may make regulations with respect to the charging of fees in connection with—

- (a) requests to the Registrar for written statements that a person is eligible for inclusion in the General Practitioner Register or the Specialist Register;
- (b) applications for inclusion in the General Practitioner Register under section 34C(3);
- (c) applications for inclusion in the Specialist Register under section 34D(4);
- (d) requests for certificates under section 34G(2);

Changes to legislation: There are currently no known outstanding effects for the *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1*. (See end of Document for details)

- (e) applications for approvals under section 34I(1);
- (f) applications for CCTs under section 34L(1); and
- (g) visits made under section 34M.

(2) Regulations under subsection (1)(b) and (c) may make provision with respect to the charging of fees for the entry of qualifications in the General Practitioner Register or the Specialist Register or on the restoration of entries to those registers.

(3) Regulations under subsection (1) may provide that a request or application in respect of which a fee is payable is not valid unless the fee is paid.

(4) Regulations under subsection (1) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.”.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.4.2010 by [S.I. 2010/478, art. 2\(b\)](#)

Marginal Citations

M10 [1996 c.14](#).

11. For section 39(1) ^{M11} (fraud or error in relation to registration) substitute—

“(1) If the Registrar is satisfied that any entry in—

- (a) the register;
- (b) the General Practitioner Register; or
- (c) the Specialist Register,

has been fraudulently procured or incorrectly made, the Registrar may erase the entry from the appropriate register.”.

Commencement Information

I11 Sch. 1 para. 11 in force at 1.4.2010 by [S.I. 2010/478, art. 2\(b\)](#)

Marginal Citations

M11 Section 39 is substituted by [S.I.2006/1914](#).

12. In section 40 (appeals), for subsection (9) substitute—

“(9) On an appeal under this section from the Adjudicator, the General Council may appear as respondent; and for the purpose of any order as to costs (or, in Scotland, expenses) in relation to any such appeal the General Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.”.

13. In section 45B (responsibilities of responsible officer)—

- (a) in subsection (3)(d) and (e), for “the health service” substitute “ any of the UK health services ”;
- (b) omit subsection (6).

Changes to legislation: There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1. (See end of Document for details)

Commencement Information

I12 Sch. 1 para. 13 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

14. In section 46(2A)(a) (recovery of fees), for the words from “the health service” to the end of the paragraph, substitute “ any of the UK health services ”.

Commencement Information

I13 Sch. 1 para. 14 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

15. In section 49B ^{M12} (the Directive: designation of competent authority etc.)—

- (a) in subsection (2), omit paragraph (a);
- (b) for subsection (3) substitute—

“(3) Accordingly, the General Council shall, in the United Kingdom, carry out (in particular) the functions specified in Schedule 4A.”.

Commencement Information

I14 Sch. 1 para. 15 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

Marginal Citations

M12 Section 49B is inserted by [S.I.2007/3101](#). There is an amendment which is not relevant to this Order.

16. In section 55(1)(interpretation), in the appropriate places, insert—

““CCT” means a certificate of completion of training awarded under section 34L(1);”;

““General Practitioner Register” means the register kept by the General Council under section 34C;”;

““GP Registrar” means a medical practitioner who is being trained in general practice whether as part of training leading to the award of a CCT or otherwise;”;

““NHS consultant” means a consultant other than a locum consultant (but including an honorary consultant) employed for the purposes of providing any service as part of any of the UK health services;”;

““recognised specialty” means a specialty which the Privy Council have designated as a recognised specialty by order under section 34D(3);”;

““Specialist Register” means the register kept by the General Council under section 34D;”;

““the UK health services” means—

- (a) the health service as defined by section 275(1) of the National Health Service Act 2006 ^{M13} or section 206(1) of the National Health Service (Wales) Act 2006 ^{M14};
- (b) the health service as defined by section 108(1) of the National Health Service (Scotland) Act 1978 ^{M15}; and
- (c) any of the health services under any enactment which extends to Northern Ireland and which corresponds to section 1(1) of the National Health Service Act 2006;”.

Commencement Information

I15 Sch. 1 para. 16 in force at 1.4.2010 by [S.I. 2010/478](#), [art. 2\(b\)](#)

Marginal Citations

M13 [2006 c.41](#).

M14 [2006 c.42](#).

M15 [1978 c.29](#). Section 108(1) is amended but that definition has not been amended.

17.—(1) Schedule 3A ^{M16}(registration appeals) is amended as follows.

(2) In the heading, after “Registration” insert “ and Training ”.

(3) In paragraph 1 (interpretation)—

(a) in the definition of “appealable registration decision”, for “paragraph 2” substitute “ paragraphs 2 and 2A ”;

(b) in the definition of “person concerned”, after “3(2)” insert “ or (3) ”;

(c) for the definition of “the requisite period” substitute—

““the requisite period” has the meaning given—

(a) in relation to a decision which is treated as an appealable registration decision by virtue of paragraph 2A(1), by regulations under paragraph 2A(5); or

(b) in any other case, by paragraph 5(1A) of Schedule 3 to this Act.”.

(4) In paragraph 2(1)(mb) ^{M17}(appealable registration decisions), after “register” insert “ , the General Practitioner Register or the Specialist Register ”;

(5) After paragraph 2 (appealable registration decisions), insert the following paragraph—

“Appealable decisions relating to postgraduate medical education and training

2A.—(1) The following decisions are also appealable registration decisions for the purposes of this Schedule—

(a) a decision on an application made under section 34C(3) not to include a person's name in the General Practitioner Register;

(b) a decision on an application made under section 34D(4) not to include a person's name in the Specialist Register;

(c) a decision on an application made under section 34D(4) not to indicate a field in the Specialist Register;

(d) a decision on a request made under section 34G(2) not to issue a certificate for the purposes of Article 30(1) of the Directive;

(e) a decision on an application made under section 34L(1) to refuse to award a CCT;

(f) a decision to withdraw a CCT under section 34L(7).

(2) But a decision mentioned in sub-paragraph (1)(a) or (b) is not to be treated as an appealable registration decision under this paragraph if, in respect of that decision, there is a right of appeal by virtue of section 29F(1)(d) or (e).

(3) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar as to the length of additional training, the fields to be covered by it or any examination, assessment (including a specified period of assessment) or other test

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of competence that the Registrar has specified when notifying the person concerned of the decision.

(4) The right of appeal under sub-paragraph (1)(a) and (b) includes a right of appeal against a decision of the Registrar under Part 3 of the General Systems Regulations requiring a person to complete an adaptation period in connection with becoming entitled by virtue of that Part of those Regulations to practise as a general practitioner or a specialist (as the case may be) in the United Kingdom.

(5) In relation to any appealable registration decision falling within sub-paragraph (1), references in this Schedule to the requisite period are references to such period as may be prescribed by the General Council in rules; and different periods may be prescribed in relation to different decisions.

(6) Rules under sub-paragraph (5) shall not come into force until approved by order of the Privy Council.”.

(6) In paragraph 3 (notice of appealable registration decisions), after sub-paragraph (2) insert—

“(3) Failure to notify an applicant of a decision made in respect of an application for inclusion in the General Practitioner Register or the Specialist Register within the requisite period shall, in cases prescribed by the General Council in rules, be treated as a decision from which the applicant may appeal under paragraph 4.

(4) Rules under sub-paragraph (3) shall not come into force until approved by order of the Privy Council.”.

(7) In paragraph 4 (appeals from appealable registration decisions)—

(a) in sub-paragraph (4), after “paragraph 3(2)” insert “ or (3) ”;

(b) in sub-paragraph (7), for the words from the beginning to “Act” substitute “ Paragraph 2 of Schedule 4 and, subject to sub-paragraph (7A), paragraph 7 of that Schedule ”;

(c) after sub-paragraph (7) insert—

“(7A) Where the chair of a Registration Appeals Panel is a legally qualified person, paragraph 7 of Schedule 4 is to be taken to authorise but not require the General Council to appoint an assessor to the Panel under that paragraph.

(7B) In sub-paragraph (7A), “legally qualified person” means a person who holds a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 ^{M18} or who is an advocate or solicitor in Scotland or a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.”.

Commencement Information

I16 Sch. 1 para. 17 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M16 Schedule 3A is inserted by [S.I.2002/3135](#) and amended by [S.I.2006/1914](#) and 2007/3101.

M17 Paragraph 2(1)(mb) is inserted by [S.I.2006/1914](#).

M18 [1990 c.41](#). Section 71 is amended by the Access to [Justice Act 1999 \(c.22\)](#), **section 43** and Schedule 6, paragraphs 4 and 9, the [Constitutional Reform Act 2005 \(c.4\)](#), **section 59(5)** and Schedule 11, Part 2, paragraph 4(1) and (3) and by the [Legal Services Act 2007 \(c.29\)](#), **section 208(1)** and Schedule 21, paragraphs 83 and 94 (the last mentioned amendment is not yet in force).

18.—(1) Schedule 4A ^{M19} (Directive 2005/36: functions of the General Council under section 49B(3)) is amended as follows.

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- (2) In the entry relating to Article 8(1), in the second column, after paragraph (a) insert—
“(aa) the legality of a person's establishment as a specialist or as a general practitioner;”.
- (3) In the entry relating to Article 23(6), for the words in the second column substitute—
“Issuing certificates stating that medical qualifications awarded in the United Kingdom which do not correspond to the titles set out in respect of the United Kingdom at point 5.1.1, 5.1.2, 5.1.3 or 5.1.4 of Annex V to the Directive (as the case may be), certify, as the case may be, successful completion of—
(a) basic medical training that is in accordance with Article 24 of the Directive;
(b) specialist training that is in accordance with Article 25 of the Directive;
(c) training in general practice that is in accordance with Article 28 of the Directive;
(d) training under Article 22(a) of the Directive which is to be treated as training in accordance with Article 25 or 28 of the Directive.”.
- (4) In the entry relating to article 50(1) and paragraph 2 of Annex VII, in the second column, for “primary United Kingdom qualifications” substitute “ a person's primary United Kingdom qualifications or their CCT ”.
- (5) In the entry relating to Article 50(2), in the second column—
(a) after paragraph (a) insert—
“(aa) providing confirmation to competent authorities of other relevant European States of the authenticity of a person's CCT;”;
(b) after paragraph (b) insert—
“(ba) providing confirmation that holders of a CCT satisfy the minimum training conditions set out in Article 25 or 28 of the Directive (as the case may be) or are to be treated as satisfying those conditions under Article 22(a) of the Directive;”.
- (6) In the entry relating to Article 50(3), in the second column, at the end of paragraph (b), add “ or a CCT awarded following such training ”.

Commencement Information

I17 Sch. 1 para. 18 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Marginal Citations

M19 Schedule 4A is inserted by [S.I.2007/3101](#).

- 19.** In paragraph 11 of Schedule 6 (transitional and savings provisions), at the end of subparagraphs (1) and (2) add “ who holds a licence to practise ”.

Commencement Information

I18 Sch. 1 para. 19 in force at 1.4.2010 by [S.I. 2010/478](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, SCHEDULE 1.