

SCHEDULE 1

Amendments to the 1983 Act

- 17.—(1) Schedule 3A^{M1}(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)^{M2}(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 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.

Changes to legislation: There are currently no known outstanding effects for the *The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, Paragraph 17*. (See end of Document for details)

(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 ^{M3} 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

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

Marginal Citations

M1 Schedule 3A is inserted by [S.I.2002/3135](#) and amended by [S.I.2006/1914](#) and 2007/3101.

M2 Paragraph 2(1)(mb) is inserted by [S.I.2006/1914](#).

M3 [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).

Changes to legislation:

There are currently no known outstanding effects for the The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010, Paragraph 17.