

*To note*

**Merger of PMETB with the GMC: Consultation on Draft Rules and Regulations**

**Issue**

1. Report on the outcome of the consultation and making the rules and regulations necessary to support the merger of PMETB with the GMC.

**Recommendations**

2. To note the report on the outcome of the consultation (paragraphs 16-19 and Annex A).
3. To note that Council authorised the Chair to agree to make the rules and regulations at Annexes B-G on its behalf when the necessary statutory powers came into force on 11 February 2010 (paragraphs 12-15 and 22-23).
4. To note that the following rules and regulations have been agreed and made:
  - a. The draft General Medical Council (Award of Certificates) Rules (Annex B and paragraphs 20-24).
  - b. The draft General Medical Council (Applications for General Practice and Specialist Registration) Regulations (Annex C and paragraphs 20-24).
  - c. The draft General Medical Council (Registration Appeals Panel Procedure) Rules (Annex D and paragraphs 20-24).
  - d. The draft General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules (Annex E and paragraphs 20-24).
  - e. The draft General Medical Council (Form and Content of the Registers) Regulations (Annex F and paragraphs 20-24).

f. The draft General Medical Council (Marking of the General Practitioner Register) Regulations (Annex G and paragraphs 20-24).

**Further information**

5. If you require further information about this paper, please contact us by email: [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org) or tel. 0161 923 6602

## Background

6. Strategic Aim Three in our 2010 Business Plan is to provide an integrated approach to the regulation of medical education and training through all stages of a doctor's career. This includes completing all work necessary to deliver the merger of PMETB with the GMC.

7. The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (the 'Section 60 Order') which will merge PMETB with the GMC completed its passage through Parliament on 14 January 2010.

8. The Order will transfer the statutory functions of PMETB to the GMC. How these functions are carried out will be described in a suite of more detailed statutory rules and regulations, and in associated guidance.

9. At its meeting on 22 October 2009 Council approved, as the basis for public consultation, four sets of draft rules and regulations:

- a. The draft General Medical Council (Award of Certificates) Rules.
- b. The draft General Medical Council (Applications for General Practice and Specialist Registration) Regulations.
- c. The draft General Medical Council (Registration Appeals Panel Procedure) Rules.
- d. The draft General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules.

10. Council also noted that there would need to be an amendment to the General Medical Council (Form and Content of the Registers) Regulations. These describe the form in which the register is to be kept and the information it contains. As the amendment would be of a minor, technical nature it was not necessary to consult on the proposed change. However, Council would, in due course, be asked formally to make the amended regulations.

11. The consultation on the four main sets of rules and regulations ran from 27 October 2009 to 5 January 2010. This paper provides a report on the outcome of the consultation. It also invites Council to note the draft rules and regulations, and the process for making them.

### *Process for making the rules and regulations*

12. Council would normally make the rules and regulations at its next scheduled meeting, which is on 16 February 2010. On this occasion, however, the process is complicated because of the need to meet certain procedural and legal deadlines in time to achieve merger in April 2010.

13. Council was recently invited, through a members' circular, to agree the recommendations set out in this paper and to approve the relevant rules and regulations. The rules and regulations were submitted in their final form to the Department of Health (England) on 29 January 2010. However, the power to make rules and regulations conferred by the Section 60 Order will not come into force until 11 February 2010. As soon as it does, we need to make the regulations so that DH(E) can take the further procedural steps necessary in time for them to be in force on 1 April 2010. For these reasons, it was not possible to wait until Council meets on 16 February 2010 to make the rules and regulations.

14. Council agreed the draft rules and regulations in advance of the meeting on 16 February 2010 and delegated to the Chair the power formally to make them once the relevant Section 60 Order powers are in force.

15. The power to proceed in this way is contained in the Schedule of Delegation. This provides for urgent decisions of this kind to be taken outside of scheduled Council meetings:

'To authorise the Chair, having consulted the Chief Executive and other members wherever possible, to authorise on behalf of the Council urgent action of a kind which would normally be dealt with at a meeting. Any action taken will be reported at the next Council meeting and recorded in the minutes.'

## **Discussion**

### *Consultation report*

16. The report on the consultation covering the four main sets of rules and regulations is at Annex A. The rules and regulations consulted on are at Annexes B - E.

17. The consultation responses indicate clear support both for the principles we have followed in preparing the rules and regulations, and for the detail of those rules and regulations.

18. The report highlights a number of issues which those responding to the consultation have raised. For the reasons detailed in the report, we do not propose to change the content of the draft rules and regulations in the light of those comments prior to the merger. The report nevertheless acknowledges that following merger we will need to review various procedures in the light of experience in carrying out our new functions. This may lead to further refinement of the rules and regulations.

19. More generally, the consultation confirms the need for us to work closely with our key interests in setting the standards for and monitoring postgraduate medical education and training so that regulation continues to be fit for purpose.

**Recommendation:** To note the report on the outcome of the consultation.

### *General Medical Council (Form and Content of the Register) Regulations*

20. The Form and Content of the Register Regulations were not covered by the consultation. However, a minor amendment is required to update the interpretation section of the Regulations. This now refers to 'the registers' (plural) and cross refers to the General Practitioner (GP) Register and Specialist Register maintained under the Act as amended by the Section 60 Order. The amended Regulations are at Annex F.

### *General Medical Council (Marking of the General Practitioner Register) Regulations*

21. There is one further set of Regulations to be made. The Section 60 Order amends section 31 of the Medical Act 1983 to require the GP Register to distinguish between different categories of persons who are eligible to be included in that register by virtue of their acquired rights.<sup>1</sup> The Marking of the General Practitioner Register Regulations (Annex G) will give effect to this requirement. As this is a simple technical provision which does not affect the rights of doctors seeking inclusion in the GP Register we have not consulted.

### *Agreeing the rules and regulations*

22. As explained in paragraphs 12-15 above, the statutory powers necessary for Council formally to make the required rules and regulations will not come into force until 11 February 2010.

23. Council therefore agreed to authorise the Chair to make the rules and regulations at Annexes B - G once the necessary statutory powers come into force on 11 February 2010.

**Recommendation:** To note that Council authorised the Chair to agree to make the rules and regulations at Annexes B-G on its behalf when the necessary statutory powers came into force on 11 February 2010.

24. The rules and regulations necessary to support the merger of PMETB with the GMC will therefore be made on 11 February 2010.

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<sup>1</sup> The term acquired rights derives from the European Directive on the recognition of professional qualifications (2005/36/EC). This Directive sets out the minimum training requirements for doctors across the EEA and provides for their qualifications to be recognised by other EEA countries. A certificate of acquired rights means that a doctor who was previously eligible to work as a general practitioner does not lose that eligibility simply because the eligibility criteria have subsequently changed.

**Recommendation:** To note that the following rules and regulations have been agreed and made:

- a. The draft General Medical Council (Award of Certificates) Rules.
- b. The draft General Medical Council (Applications for General Practice and Specialist Registration) Regulations.
- c. The draft General Medical Council (Registration Appeals Panel Procedure) Rules).
- d. The draft General Medical Council (Constitution of Panels and Investigation Committee) (Amendment) Rules.
- e. The draft General Medical Council (Form and Content of the Registers) Regulations.
- f. The draft General Medical Council (Marking of the General Practitioner Register) Regulations.

### **Resource implications**

25. None.

### **Equality**

26. The consultation document asked whether the approach we had taken to the rules and regulations would impact adversely on any particular groups and, if so, how this might be mitigated. The response is discussed in paragraphs 62-68 of the consultation report at Annex A.