

*To consider*

## **Amendment to the General Medical Council Registration Fees Regulations 2015**

### **Issue**

- 1** In December 2014 we introduced a new limit of three years and thirty days for provisional registration which comes into force from 1 April 2015. Under the current fee arrangement doctors who require provisional registration for more than two years pay significantly higher fees.
- 2** Many of those who need an extended period of provisional registration share characteristics protected under the Equality Act 2010. To make sure we comply with the Act and eliminate any risk of discrimination we propose amending the Regulations. As a result the current £90 fee would cover the full period for which a doctor can hold provisional registration (3 years and 30 days), rather than to the first two years only.

### **Recommendations**

- 3** Council is asked to:
  - a** Make the revised General Medical Council Registration Fees Regulations 2015, at Annex A, effective from 1 April 2015.
  - b** Authorise the Chair of Council, and the Chief Executive, to apply the Corporate Seal to the Regulations.

# Amendment to the General Medical Council Registration Fees Regulations 2015

## Issue

- 4 At its meeting on 10 December 2014, Council made the GMC (Maximum Period of Provisional Registration) Regulations Order of Council 2014. The Regulations will, from 1 April 2015, introduce a limit of three years and 30 days on the time that a doctor may hold provisional registration.
- 5 The Regulations include provisions to ensure that doctors with certain protected characteristics (gender, pregnancy and maternity, and disability) are not disadvantaged by the introduction of the time limit. Our equality analysis has identified that we need to amend the current Fees Regulations to comply with our statutory obligations under the Equality Act 2010.
- 6 Provisional Registration (PR) is granted solely for the purpose of participating in the first year of the Foundation Programme (F1). Doctors currently pay a fee of £90 for PR which covers a period of up to two years. Doctors who remain provisionally registered beyond two years are then required to pay an annual retention fee (ARF), currently £390 and increasing to £420 on 1 April 2015.
- 7 Doctors who currently hold PR indefinitely fall into four main groups:
  - a Those who withdraw from F1 as a result of ill health, maternity leave or other circumstances but intend to return to training in due course.
  - b Those who retain PR without intending to continue with a medical career.
  - c Those who despite repeated attempts are unable to demonstrate the required competencies at the end of F1.
  - d Those who have demonstrated the outcomes at the end of F1 but decide not to enter the second year of Foundation Programme training and therefore do not apply for full registration.

## Equality Analysis

- 8 We undertook an equality analysis of the impact of introducing a limit on the maximum period of time that doctors may hold PR.
- 9 Our analysis indicates that female doctors are twice as likely to still be holding PR between two and four years after first being granted it. This is borne out by statistics in the *Foundation Programme Annual Report 2014*, which indicate that 93% of doctors undertaking F1 on a less than full time basis were female. These doctors are therefore significantly more likely to share the characteristics of pregnancy and maternity and gender that are protected under the Equality Act 2010.

- 10** We need to amend the fees arrangement to ensure compliance with our obligations under the Equality Act to have due regard to the need to eliminate discrimination.

### **Purpose of the revised Regulations**

- 11** To comply with our obligations under the Equality Act 2010, we propose to amend the GMC Registration Fees Regulations so that, from 1 April 2015, the PR fee of £90 covers the full period for which any doctor can now hold provisional registration rather than the current two years. We estimate that this will benefit around 128 doctors who have held PR for between two and four years. However, there will be a financial impact as there will be a loss of income of around £40,000 from these doctors in 2015, then £54,000 each year until 2018 when their period of PR naturally expires. These doctors are subject to transitional arrangements and will have a further period of 3 years and 30 days of provisional registration from the date on which the new arrangements take effect on 1 April 2015.
- 12** In addition, around 170 doctors currently have already held PR for more than four years. Introducing the time limit on PR will mean that their registration will expire in 2018. This will result in a loss of income of £54,000 in 2018 and a subsequent loss of £71,000 per year thereafter. This loss of income will inevitably occur as a direct result of the introduction of the time limit on PR and may occur earlier if any of these doctors choose to take voluntary erasure. In the meantime, doctors who have already held PR for more than four years currently pay an ARF and will continue to do so during the transition period to 2018.

## Supporting information

### How this issue relates to the corporate strategy and business plan

- 13 Strategic aim five: to work better together to improve our overall effectiveness, our responsiveness and the delivery of our regulatory functions.

### How the issues support the principles of better regulation

- 14 The proposals to time limit PR include arrangements to allow those who are participating in F1 the time they need in light of their individual circumstances. However we also need to ensure that our fees arrangements do not create a disproportionate differential impact between this and other groups of provisionally registered doctors.

### What engagement approach has been used to inform the work (and what further communication and engagement is needed)

- 15 We have consulted widely on proposals to introduce a time limit on provisional registration. Subject to endorsement of the proposed amendments to the fees framework, we will write to all doctors affected by the fees changes to let them know what the financial impact will be.

### What equality and diversity considerations relate to this issue

- 16 We have undertaken an equality analysis on the introduction of a time limit on provisional registration and the potential impact of our current fees arrangements when the time limit comes into effect.
- 17 We do not collect data on disability, pregnancy or maternity status. However, it is reasonable to assume that doctors needing to take a break from F1, or undertake it on a less than full time basis, do so because of a disability (or other ill health), maternity leave and childcare arrangements.
- 18 Amending the fees framework as proposed in this paper will minimise the differential impact on these doctors.
- 19 Our analysis did not identify any other disproportionate trends relating to other protected characteristics.

**If you have any questions about this paper please contact: Steve Downs, Assistant Director – Finance and Procurement, [sdowns@gmc-uk.org](mailto:sdowns@gmc-uk.org), 0161 923 6257; or Jane Durkin, Assistant Director – Registration, [jdurkin@gmc-uk.org](mailto:jdurkin@gmc-uk.org), 0161 923 6685.**

**The General Medical Council Registration Fees Regulations  
2015**

## **THE GENERAL MEDICAL COUNCIL REGISTRATION FEES REGULATIONS 2015**

The General Medical Council, in exercise of their powers under Section 32 of the Medical Act 1983 hereby make the following Regulations –

### *Citation and commencement*

1. These regulations may be cited as the General Medical Council Registration Fees Regulations 2015 and shall come into force on 1 April 2015.

### *Interpretation*

2.

(1) In these regulations, unless the context otherwise requires: -

“the Act” means the Medical Act 1983;

“annual retention fee” means any fee payable by a registered practitioner under regulation 4;

“due date” is the date on which a registered practitioner becomes liable to pay an annual retention fee in accordance with regulation 4(2);

“licence” means a licence to practise;

“income threshold” means the figure published by the Registrar from time to time representing the gross annual income below which a person is entitled to a refund or discount in accordance with regulation 6;

“primary medical qualification” means one of the primary medical qualifications set out in sections 4(3), 17 and 21B (2) of the Act;

“the Principal List” means the list of that name established in accordance with sections 2(2) (a) and 30(1) (a) and paragraph 20(2) of Schedule 6 to the Act;

“the register” means the register of medical practitioners established under section 2 of the Act;

“registered address” means the electronic mail or postal address entered into the register in respect of a registered practitioner;

“registered practitioner” means a person registered under any provision of the Act; and

“registration year” means, in respect of a registered practitioner, the period of twelve months commencing on:-

(a) if fully registered:-

- (i) the date on which the practitioner was granted full registration or restored to the register if applicable, or the anniversary of that date; or
- (ii) if the practitioner became liable for the payment of an annual retention fee under regulation 8(1) of the General Medical Council Registration Fees Regulations 2008, each anniversary of 1 January 2009,

(b) if provisionally registered, the date on which the practitioner was granted provisional registration or restored to the register if applicable, or the anniversary of that date.

*Fees for registration*

3

(1) The Registrar shall not make any entry in the register until the fee, if any, prescribed by this regulation has been paid.

(2) The fees for the making or amending of an entry in the register shall be:-

- (a) On provisional registration under section 15, 15A, 21 or 21C of the Act .....£90
- (b) On full registration under section 3, 14A, 19, 19A or 21B of the Act:-
  - (i) where the practitioner holds or has previously held provisional registration....£200
  - (ii) where the date of application for full registration is within two years of passing a primary medical qualification and the practitioner does not hold, or has not previously held provisional registration.....£200
  - (iii) in any case not covered by sub-paragraph (i) or (ii).....£420

save where full registration is granted without a licence in accordance with regulations made under sections 29A and 29B of the Act, in which case sub-paragraph (d) shall apply.

(c) On registration under section 27A of the Act.....£420

(d) On full registration without a licence in accordance with regulations made under sections 29A and 29B of the Act.....£150

(2A) The fee, if any, for the making or amending of an entry in the register on registration under section 27B of the Act shall be the amount prescribed in paragraph 2(c) save where otherwise determined by the Registrar.

(3) Where a person:-

(a) has made an application for registration under the Act which has been refused or withdrawn; and

(b) has paid a fee under paragraph (2),

the Registrar shall refund to him the amount of the fee and may withhold or charge a scrutiny fee of £90 in respect of the handling of that application.

*Annual retention fee*

4

(1) Any fully registered practitioner, or practitioner who is provisionally registered at the date these regulations come into force, shall be liable to pay a fee in respect of the retention of his name in the register in accordance with this regulation.

(2) Subject to paragraph (6), any person who is required to pay an annual retention fee under this regulation shall become liable to pay it in full:-

(a) in relation to:-

(i) a fully registered practitioner, on each anniversary of the date on which he was granted full registration; and

(ii) a provisionally registered practitioner, in any year subsequent to a period of four years beginning with the date on which he was granted provisional registration, on each anniversary of the date on which he was granted provisional registration;

(b) where the person's name has been restored to the register by way of full registration, on the date on which his name was restored to the register and on each anniversary of that date; or

(c) where the person became liable for the payment of an annual retention fee under regulation 8(1) of the General Medical Council Registration Fees Regulations 2008, on each anniversary of 1 January 2009.

(3) Paragraph (2) shall apply to a person first registered or restored to the register on 29 February as if he had been first registered or restored to the register on 1 March.

(4) The annual retention fee shall be:-

(a) in the case of a registered practitioner who holds a licence as at the due date.....£420

(b) in the case of a registered practitioner who does not hold a licence as at the due date.....£150

(5) Any person who is required to pay an annual retention fee under this regulation may instruct, by way of a Direct Debit, his bank or building society to pay the Registrar the fee, and may instruct the Registrar to collect this either:-

(a) in one annual instalment;

(b) by four quarterly instalments, due at the beginning of each quarter of the registration year; or

(c) by ten instalments, due at the beginning of each month for the first ten months of the registration year.

(6) Any person whose registration has been suspended under Part V of the Act shall not be required to pay a fee under this regulation in respect of the period during which his registration is suspended.

#### *Adjustments*

5.

(1) Where a person has paid a fee under regulation 3(2)(b), 4(4)(a) or 5(2) and, in the current registration year:-

(a) is granted registration without a licence;

(b) relinquishes his licence; or

(c) his licence is withdrawn under section 29B(2) of the Act,

the Registrar shall refund to him any proportion of the fee paid which corresponds to the number of calendar days from the date his registration without a licence is granted, his licence is relinquished or is withdrawn, until his next due date, less any amount which he is liable to pay under regulation 3(2) (d) or 4(4) (b) in respect of that period.

(2) Where a person has paid a fee under regulation 4(4)(b) or paragraph (1) applies and, in the current registration year:-

(a) he is granted a licence;

(b) where his licence has been relinquished, this is restored;

(c) where his licence has been withdrawn, this is restored,

he shall become liable, immediately upon grant or restoration of a licence to practise, to pay a fee which corresponds to the difference between the fee paid in respect of the number of calendar days from the date of grant or restoration of his licence until his next due date, and that which he would have been liable to pay under regulation 3(2) (b) or 4(4) (a) in respect of that period.

(3) Where a person's registration has been suspended under Part V of the Act and his registration ceases to be suspended, the Registrar shall calculate the amount of fees paid by him in respect of the most recent due date on which his registration was not suspended, and the number of calendar days:-

(a) between that date and the date his registration was suspended; and

(b) between the date his registration ceased to be suspended and his next due date,

and issue to him a refund or a fee notice in respect of the difference, as appropriate.

(4) Where a person has paid a fee under regulation 4(4) and:-

(a) that person's name has been erased from the register by virtue of regulations made under section 31A of the Act;

(b) that person dies; or

(c) that person's name has been erased from the register under:

(i) Part V of the Act;

(ii) section 30(5) of the Act; or

(iii) regulation 8(4),

the Registrar shall refund to him or his estate (as appropriate) the proportion of the fee paid which corresponds to the number of calendar days in the current registration year following the date of receipt of his application for voluntary erasure under section 31A of the Act, the date of his death, or the date of erasure under Part V, section 30(5) of the Act or regulation 8(4).

(5) Where a provisionally registered person has paid a fee under regulation 4(4) and, in the current registration year, is granted full registration, the Registrar shall, on payment of the fee under regulation 3(2) (b) refund to him the proportion of the fee paid under regulation 4(4) which corresponds to the number of calendar days representing the remainder of what would have been his current registration year but for the grant of full registration.

#### *Refunds and discounts relating to income*

6.

(1) Where the Registrar is satisfied that a person's gross annual income in the current or forthcoming registration year will be less than the income threshold applicable in respect of that year, the Registrar shall grant to that person a refund or discount of one half of any fee which has been paid or would otherwise be payable by that person under regulation 3(2) (b) (iii), 4(4), 5(2) or 5(3) in respect of that year.

(2) If the Registrar becomes aware that a person who has been granted a refund or a discount under paragraph (1):-

(a) has earned or will earn more than the income threshold applicable in the registration year in respect of which the refund or discount was granted;

(b) has made a false declaration of his gross annual income;

(c) has supplied incorrect information in connection with the application for a refund or a discount; or

(d) has, following a request in writing by the Registrar, refused or failed to declare or failed to supply evidence of his gross annual income in the year in respect of which the refund or discount was granted;

the Registrar shall as soon as practicable give notice to the person in accordance with paragraphs (3) and (4) below.

- (3) Where the Registrar becomes aware of any of the circumstances at paragraph 2(a) to (d), otherwise than by being informed by the person of the circumstances at paragraph 2(a), the Registrar shall give notice to the person:-
- (i) stating the matters which appear to raise a question that the person has received a discount or refund to which he is not entitled;
  - (ii) providing the person with copies of any documents in support of sub-paragraph (a) above; and
  - (iii) inviting the person to make written representations or to pay the balance of any fee owing within the period of 14 days from the date of the notice
- (4) Where the Registrar is informed by the person of the circumstances at paragraph 2(a) the Registrar shall give notice to the person inviting the person to pay the balance of any fee owing within the period of 14 days from the date of the notice.
- (5) On the expiry of 14 days from the date of the notice under paragraph (3) or (4), the Registrar may, having considered any written representations, send the person notice that if any outstanding amount is not paid within 28 days of the date of the notice his name may be erased from the register.

#### *Exceptions*

7.

The Registrar may decide not to seek or issue any outstanding fees or refunds due under these regulations where he considers it is not appropriate to do so.

#### *Reminder notices and sanction for non-payment*

8.

- (1) The Registrar shall send a notice not less than seven days before the due date to each fully or provisionally registered practitioner who is liable to pay a fee under regulation 4(4).
- (2) Where a person is liable to pay a fee under the provisions of regulation 4(4), 5(2) or 5(3) and is in arrears of payment of the fee or any part of the fee due from him for more than 14 days,

the Registrar shall send him notice warning that if the outstanding amount is not paid within 28 days of the date of the notice his name may be erased from the register.

(3) Notices sent to a person under paragraphs (1) and (2) or under regulation 6(3) shall be sent to that person's registered address.

(4) Where a person is liable to pay a fee under regulation 4(4), 5(2) or 5(3) and:-

(a) a notice has been sent to the practitioner under regulation 6(3) or paragraph (2);

(b) a period of 28 days has elapsed from the date of the notice; and

(c) the outstanding amount has not been received by the Registrar;

the Registrar may erase the person's name from the register.

#### *Fees for restoration to the Principal List*

9.

The Registrar may refuse to restore to the Principal List the name of any person whose name has been erased:-

(a) by virtue of section 30(5) of the Act, or by virtue of regulation 8(4), until that person pays:-

(i) a restoration fee of £325; and

(ii) any annual retention fee due under regulation 4(2)(b) in respect of the forthcoming registration year; or

(b) by virtue of regulations made under section 31A of the Act, until that person pays any annual retention fee due under regulation 4(2)(b) in respect of the forthcoming registration year.

*Regulations revoked*

10. The General Medical Council Registration Fees Regulations 2014 are hereby revoked.
11. Notwithstanding anything contained in these regulations any fees due to the Council under or by virtue of the regulations that have been revoked shall remain due to the Council as though they were payable under these regulations and the powers contained in these regulations in the case of non-payment shall apply in the case of such fees.

Given under the official seal of the General Medical Council this day of 24 February 2015.

*Terence Stephenson*  
*Chair*

*Niall Dickson*  
*Registrar*