

To consider

Amendment to the GMC Registration Fees Regulations

- 1** Amendments to the GMC Registration Fees Regulations to support the assessment of English language skills for doctors from the European Economic Area.

Recommendations

- 2** Council is asked to:
 - a** Agree to make the revised GMC Registration Fees Regulations, effective from 21 May 2014.
 - b** Authorise the Chair of Council, and the Chief Executive, to apply the Corporate Seal to the revised Regulations.

Amendment to the GMC Registration Fees Regulations

Issue

- 3 All doctors are required to pay a fee for their name to be entered on the Medical Register. The fee is paid at the time of application.
- 4 Where doctors subsequently relinquish their licence to practise, they receive a pro-rata refund of the difference between the fee for registration with a licence and the fee for registration only.
- 5 Under the GMC Licence to Practise and Revalidation (Amendment) Regulations 2014, doctors from the European Economic Area who apply for full registration with a licence to practise but who are unable or unwilling to demonstrate that they have the necessary knowledge of English will be granted registration without a licence to practise. In such circumstances we will issue a refund of the difference between the fee for registration with a licence, and the fee for registration only, in line with our existing rules for doctors who relinquish their licence to practise.
- 6 This situation is not specifically covered in the current Fees Regulations and so Council need to make the revised Regulations, at Annex A [Regulation 3 (2(d))].
- 7 We have also taken the opportunity to update the GMC Registration Fees Regulations to support the electronic delivery of fee notices [Regulation 2(1)], and to allow the Registrar flexibility to deal with low value balances on doctor's accounts. The current Regulations allow us to not seek or issue outstanding fees or refunds below £10. In certain circumstances the rigid application of this limit can be unnecessarily restrictive and insensitive, so Regulation 7 has been revised to allow a greater degree of discretion.

Supporting information

How this issue relates to the corporate strategy and business plan

- 8 Strategic aim 2 is to help raise standards in medical education and practice.
- 9 Strategic aim 5 is to work better together to improve our overall effectiveness, our responsiveness and the delivery of our regulatory functions.

If you have any questions about this paper please contact: Steve Downs, Assistant Director – Finance and Procurement, sdowns@gmc-uk.org, 0161 923 6257.

Annex A

The General Medical Council Registration Fees Regulations 2014

THE GENERAL MEDICAL COUNCIL REGISTRATION FEES REGULATIONS 2014

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 2014 and shall come into force on 21 May 2014.

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....£185
 - (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.....£185
 - (iii) in any case not covered by sub-paragraph (i) or (ii).....£390

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.....£390

(d) On full registration without a licence in accordance with regulations made under sections 29A and 29B of the Act.....£140

(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 or provisionally registered practitioner 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 two 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, 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.....£
390

(b) in the case of a registered practitioner who does not hold a licence as at the due date.....£
140

(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 £300; and
 - (ii) the annual retention fee due under regulation 4(4) in respect of the forthcoming registration year; or
- (b) by virtue of regulations made under section 31A of the Act, until that person pays the annual retention fee due under regulation 4(4) in respect of the forthcoming registration year.

Regulations revoked

10. The General Medical Council Registration Fees Regulations 2013 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 21 May 2014.

Peter Rubin
Chair

Niall Dickson
Registrar