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## 5 - Specialist Register: Scheme for Existing Specialists - Annex C

### **Scheme for Inclusion in the Specialist Register of Persons who were Consultants in a Medical Specialty in the National Health Service or the Armed Forces prior to 1 January 1997**

#### *Purpose of the Scheme*

1. The Specialist Register was created on 12 January 1996 under the provisions of the European Specialist Medical Qualifications Order 1995 (the 1995 Order). Among other things, the 1995 Order made it a condition that any doctor who wished to take up a consultant post in the National Health Service after 1 January 1997 would need to be included in the Specialist Register, although it did not compel those already holding a consultant post in the NHS to obtain specialist registration.
2. The 1995 Order provided for those who had already been appointed to a NHS consultant post to obtain specialist registration as 'existing specialists'. Initially they were entitled, on application, to be included in the Specialist Register. This entitlement ceased after 1 December 1998 but the Registrar retained the discretion to accept late applications.
3. The 1995 Order was revoked by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (the 2003 Order) on 30 September 2005. The categories of doctors eligible to apply for inclusion in the Specialist Register were now specified in Article 14 of the 2003 Order. Those categories did not include existing specialists as defined by the 1995 Order.
4. The 2003 Order has been amended to restore the existing specialists route to specialist registration for those who had been appointed to a consultant post in the NHS or Armed Forces before 1 January 1997. In accordance with Article 15B of the 2003 Order, the GMC is required to publish a scheme that makes provision as to the criteria to be considered in determining whether to include a person's name in the Specialist Register.
5. The core criteria that we have identified, and had confirmed when we consulted on our proposals, are that applicants should have been engaged in medical practice during the preceding five years and are able to demonstrate that they are up to date and fit to practise.

6. Many doctors eligible to apply under the scheme will be practising medicine in the UK, probably at consultant level, while others may be practising abroad. There may be some who are not currently engaged in medical practice but were until recently. Our aim is that we should have a consistent approach to all doctors in relation to the evidence they are required to provide to demonstrate that they are up to date and fit to practise for the purposes of inclusion in the Specialist Register.

### *Eligibility*

7. To be eligible, a doctor needs to hold full registration in the register of medical practitioners. Applicants who are not registered must follow a separate process in order to restore their registration.

8. Only those who were consultants in the NHS or Armed Forces before 1 January 1997 are eligible. Applicants must provide evidence, for example a letter of appointment or other evidence from their employer at that time, which confirms:

- a. That they were appointed as a substantive, honorary or fixed term – not a locum – consultant in the NHS or Armed Forces
- b. The date of that appointment
- c. The specialty in which they were appointed.

### *Evidence of being up to date and fit to practise*

9. Applicants must demonstrate that they are up to date and fit to practise. Applicants must provide a statement from each person or organisation with whom they have contracted to provide medical services during the five years immediately preceding their application. The statement must confirm that there are, or were, no concerns about their practice. A copy of the pro forma employer's statement is included with the application form.

10. Doctors who are no longer in medical practice, but were at some point during the five years preceding their application, will be eligible to apply. The Registrar may seek further information from them on the steps they have taken to remain up to date and fit to practise.

11. Doctors who have not practised medicine in any capacity during the five years preceding their application will not normally be considered up to date and fit to practise for the purposes of inclusion in the Specialist Register.

12. In addition to the statement from each person or organisation with whom they have contracted to provide medical services in the five years preceding their application, applicants will be required to make a declaration that they are not aware of any proceedings, or of any act or omission on their part which might render them likely to be referred to the GMC (or any other regulatory body in any country) in relation to their conduct, health or performance.

*Title of Specialty*

13. For successful applicants under the scheme, the specialty to be included in the Specialist Register will be the speciality in which they were appointed before 1 January 1997.

*Right of appeal*

14. Under Article 23 of the 2003 Order, a decision by the Registrar to refuse to include a person's name in the Specialist Register is an appealable decision, to be dealt with under the existing procedures for Registration appeals. The Registrar shall give reasons in the event that an application is refused.