

2014 No. ****

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General Medical Council (Licence to Practise and Revalidation) (Amendment) Regulations Order of Council 2014

Made - - - - - ***

Laid before Parliament ***

Coming into force - - - - - ***

At the Council Chamber, Whitehall the *** day of *** 2014

By the Lords of Her Majesty's Most Honourable Privy Council

The General Medical Council has made the General Medical Council (Licence to Practise and Revalidation) (Amendment) Regulations 2014 which are set out in the Schedule to this Order, in exercise of the powers conferred by sections 29A(2) to (4), 29B(1), (1A), (1B), (2D) and (3), 29E(1) to (2A), 29J(2E), and (3) of the Medical Act 1983(a).

The General Medical Council has consulted with such bodies of persons representing medical practitioners, and such medical practitioners, as appeared to the General Medical Council requisite to be consulted in accordance with section 29J(5) of that Act.

By virtue of section 29J(4) of that Act such Regulations shall not have effect until approved by Order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Medical Council (Licence to Practise and Revalidation) (Amendment) Regulations Order of Council 2014 and comes into force on xxx 2014.

Privy Council approval

2. Their Lordships, having taken these Regulations into consideration, are pleased to and do approve them.

(a) 1983 c.54. Part IIIA was inserted by S.I. 2002/3135 and amended by S.I. 2006/1914 (relevant provisions commenced as notified in the London Gazette appointed day 3rd December 2012), S.I. 2008/3131 (commenced by S.I. 2012/2686) and S.I. 2014/xxx.

SCHEDULE

Article 2

The General Medical Council (Licence to Practise and Revalidation) (Amendment) Regulations 2014

These Regulations are made by the General Medical Council in exercise of the powers conferred by sections 29A(2) to (4), 29B(1), (1A), (1B), (2D) and (3), 29E(1) to (2A), 29J(2E) and (3) of the Medical Act 1983.

The General Medical Council has consulted with such bodies of persons representing medical practitioners, and medical practitioners of any such description, as appeared to the General Medical Council requisite to be consulted in accordance with section 29J(5) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Medical Council (Licence to Practise and Revalidation) (Amendment) Regulations 2014 and come into force on 25 June 2014.

(2) In these Regulations “the Licence to Practise and Revalidation Regulations” means the General Medical Council (Licence to Practise and Revalidation) Regulations 2012(a).

Amendments to the Licence to Practise and Revalidation Regulations

2.—(1) The Licence to Practise and Revalidation Regulations are amended as follows.

(2) In regulation 3 (grant or refusal of a licence)—

(a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”;

(b) after paragraph (1), insert—

“(1A) The Registrar may refuse to grant a licence—

(a) under paragraph (1)(a), (c) or (d), or

(b) upon restoration of the practitioner’s name to the register where the practitioner’s name had been erased from the register under the provisions set out in subparagraph (i) or (ii) of paragraph (1)(b) before the coming into force of the General Medical Council (Licence to Practise) Regulations 2009(b),

to a medical practitioner in any case where the person has not demonstrated the necessary knowledge of English.

(1B) In determining whether a medical practitioner has demonstrated the necessary knowledge of English under paragraph (1A) the Registrar must take account of the guidance published by the General Council under section 29G(2A) of the Act and such evidence as a person provides of his knowledge of English in accordance with that guidance.”;

(c) for paragraph (5) substitute—

“(5) Where in the Registrar’s opinion it is reasonable to do so for the purpose of determining whether to grant a licence, including a determination as to whether a practitioner has the necessary knowledge of English, the Registrar may—

(a) Scheduled to S.I. 2012/2685.

(b) Scheduled to S.I. 2009/2739 which came into force on 16th November 2009 and repealed by S.I. 2012/2685.

- (a) by notice to the practitioner, request that the practitioner—
 - (i) provide further evidence or information,
 - (ii) undertake, at the practitioner’s own cost, an assessment designed to evaluate the practitioner’s knowledge of English;
 - (b) carry out other investigations.”;
 - (d) for paragraph (8), substitute—

“(8) The Registrar may refuse to grant a licence if the Registrar considers that—

 - (a) without reasonable excuse, the practitioner has—
 - (i) failed to satisfy the requirements of paragraph (3),
 - (ii) failed to provide any evidence or information requested by the Registrar under paragraph (5)(a)(i),
 - (iii) failed to undertake an assessment requested by the Registrar under paragraph (5)(a)(ii), or
 - (b) having taken account of any evidence as to the practitioner’s knowledge of English, a practitioner falling within paragraph (1) or applying for a licence under paragraph (2) has failed to demonstrate the necessary knowledge of English.”.
- (3) In regulation 6 (revalidation), in paragraph (8), after “assessment” insert “(which may include an assessment of the practitioner’s knowledge of English)”.

Savings Provision

3. The amendments made by regulation 2(1) and 2(2) do not apply—
- (a) to any application for registration as a medical practitioner, or
 - (b) to any application for a licence to practise,
- received by the General Council before the day on which these regulations come into force and which has not been determined before that date.

Given under the official seal of the General Medical Council this 30th day of April 2014.

Peter Rubin
Chair

Niall Dickson
Chief Executive and Registrar

EXPLANATORY NOTE

(This note is not part of the Order)

This Order approves the Regulations set out in the Schedule to it which amend the General Medical Council (Licence to Practise and Revalidation) Regulations 2012 (scheduled to S.I. 2012/2685) (“the 2012 Regulations”).

Regulation 2(2)(b) amends regulation 3 of the 2012 Regulations enabling the Registrar to refuse to grant a licence to any medical practitioner if that person is unable to demonstrate the necessary knowledge of English. In determining whether a medical practitioner has demonstrated the necessary knowledge of English the Registrar must take account of guidance published by the General Medical Council under section 29G(2A) of the Medical Act 1983.

Regulation 2(2)(c) also amends regulation 3 of the 2012 Regulations enabling the Registrar to request that the practitioner provides further information or, for the purposes of evaluating the practitioner’s knowledge of English, to undertake an assessment. This provision also enables the Registrar to carry out other investigations.

Regulation 2(2)(d) also amends regulation 3 of the 2012 Regulations enabling the Registrar to refuse a licence if the practitioner has failed to: provide any information requested by the Registrar; undertake a language assessment requested by the Registrar; or demonstrate the necessary knowledge of English.

Regulation 2(3) of the Schedule expressly states that the reference to an assessment required for revalidation purposes, under regulation 6(8) of the 2012 Regulations, includes an assessment of a person’s knowledge of English.

Regulation 3 makes saving provisions in relation to the amendments made by regulation 2(1) and 2(2).