

2015 No. 92

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

**The General Medical Council (Maximum Period of Provisional
Registration) Regulations Order of Council 2015**

Made - - - - *21st January 2015*

Laid before Parliament *2nd February 2015*

Coming into force - - *1st April 2015*

At the Council Chamber, Whitehall the 21st day of January 2015

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

The General Medical Council has made the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014 which are set out in the Schedule to this Order, in exercise of the powers conferred by section 31(1) and 31(4A) of the Medical Act 1983(a).

By virtue of section 31(10) of that Act, these Regulations are not to have effect until approved by order of the Privy Council.

Citation and commencement

1. This Order may be cited as the General Medical Council (Maximum Period of Provisional Registration) Regulations Order of Council 2015 and comes into force on 1st April 2015.

Privy Council approval

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

Richard Tilbrook
Clerk of the Privy Council

(a) 1983 c. 54. Section 31(4A) was inserted by regulation 30 of S.I. 2006/1914.

The General Medical Council (Maximum Period of Provisional Registration) Regulations 2014

The General Medical Council, in exercise of their powers under section 31(1) and (4A) of the Medical Act 1983 make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014 and come into force on 1st April 2015.

(2) In these Regulations—

“the Act” means the Medical Act 1983;

“the Fitness to Practise Rules” means the General Medical Council (Fitness to Practise) Rules 2004(a);

“provisional registration” means registration under section 15, 15A, 21 or 21C(b).

(3) In these Regulations, references to numbered Parts, sections and subsections are references to so numbered Parts, sections and subsections of the Act.

Maximum period of provisional registration

2.—(1) The maximum period for which a person can be provisionally registered is 1,125 days.

(2) That period begins on—

(a) the date registration is granted, in the case of a person granted provisional registration on or after the date these Regulations come into force;

(b) the date on which these Regulations come into force, in the case of a person who is already provisionally registered at that date.

Periods of disregard

3.—(1) In calculating the maximum period in respect of a person, no account is to be taken of the following periods (“periods of disregard”)—

(a) any period during which, having been removed from the register under any provision of the Act, that person’s name does not appear in the register;

(b) any period during which that person’s registration in the register is suspended under Part V(c);

(c) any period following receipt by the registrar of a notification referred to in paragraph (3) during which that person, being a person whose period of provisional registration has commenced, is unable to complete an acceptable programme they are participating in pursuant to section 10A(d).

(2) A person may have more than one period of disregard pursuant to sub-paragraph (c) of paragraph (1), but each such individual period—

(a) lasts only for so long as that person continues to participate in the acceptable programme in question, and

(a) Scheduled to S.I. 2004/2608.

(b) Section 15 was substituted by articles 2 and 26 of S.I. 2006/1914; section 15A was inserted by regulation 2 of S.I. 2000/3014 and last amended by regulation 9 of S.I. 2007/3101; section 21 was last amended by regulation 15 of S.I. 2007/3101 and section 21C was inserted by articles 2 and 35 of S.I. 2006/1914 and last amended by regulation 17 of S.I. 2007/3101.

(c) Part V was substituted by articles 2 and 13 of S.I. 2002/3135.

(d) Section 10A was inserted by articles 2 and 24 of S.I. 2008/3131.

- (b) cannot exceed 365 days from the date of receipt of the notification.
- (3) A notification referred to in sub-paragraph (c) of paragraph (1) must—
 - (a) be in writing and given by the person referred to in that sub-paragraph stating that they are unable to complete the programme referred to in that sub-paragraph during the maximum period or, as the case may be, during any period of disregard pursuant to that sub-paragraph, and
 - (b) be accompanied by a declaration, signed by a person responsible for the programme in question, confirming that the person is participating in an acceptable programme and will be unable to complete it within the maximum period or, as the case may be, within any period of disregard pursuant to that sub-paragraph.
- (4) A notification cannot be given earlier than—
 - (a) 180 days before the end of the maximum period, or
 - (b) in the case of a second or subsequent period of disregard pursuant to sub-paragraph (c) of paragraph (1), 180 days before the end of the preceding period of disregard pursuant to that sub-paragraph.

Lapse of registration

- 4.—**(1) A person’s provisional registration lapses upon expiry of the maximum period.
- (2) Where a person is subject to fitness to practise proceedings under Part V, that person’s provisional registration will not lapse until the proceedings have been disposed of on the occurrence of—
- (a) a decision not to refer the allegation to a medical and a lay Case Examiner or, for any other reason, not to proceed beyond rule 4 of the Fitness to Practise Rules(a);
 - (b) a decision not to refer the allegation to the Investigation Committee or a Fitness to Practise Panel under rule 8 of the Fitness to Practise Rules(b), or to cancel any such referral under rule 28(3)(b) of those Rules(c);
 - (c) a decision to issue a warning in accordance with rule 11(2), (4) or (6) of the Fitness to Practise Rules;
 - (d) a decision to cease consideration of the allegation upon receipt of undertakings;
 - (e) a final determination by a Fitness to Practise Panel under rule 17 of the Fitness to Practise Rules(d) or, where the next hearing in the proceedings following the end of the prescribed period is held under rule 22(e), under that rule.
- (3) A person whose provisional registration has lapsed cannot apply for a further period of provisional registration.

Given under the common seal of the General Medical Council this 10th day of December 2014.



Peter Rubin
Chair
Niall Dickson
Chief Executive and Registrar

(a) Rule 4 was amended by rule 3 of the Rules in the Schedule to S.I. 2009/1913.
 (b) Rule 8 was last amended rule 4 of the Rules in the Schedule to S.I. 2009/3168.
 (c) Rule 28 was substituted by rule 12 of the Rules in the Schedule to S.I. 2009/1913 and last amended by rule 2 of the Rules in the Schedule to S.I. 2013/815.
 (d) Rule 17 was last amended by rule 6 of the Rules in the Schedule to S.I. 2013/815.
 (e) Rule 22 was last amended by rules 1 and 15 of the Rules in the Schedule to S.I. 2009/1913.

EXPLANATORY NOTE

(This note is not part of the Order)

The Schedule to this Order contains the General Medical Council (Maximum Period of Provisional Registration) Regulations 2014.

Regulation 2 sets out the maximum period for which a person may be provisionally registered in the register of medical practitioners. That maximum is set at 1,125 days.

Regulation 3 provides that in determining the maximum period, certain periods are to be ignored (periods of disregard), namely, periods during which the person's name has been removed from the register; during which the person's registration is suspended and periods during which the person is unable to complete an approved course the person is participating in. That regulation also provides for certain notifications to be given to the registrar in respect of periods of disregard.

Regulation 4 deals with lapse of provisional registration. It provides (a) that provisional registration lapses at the end of the 1,125 day period (b) that provisional registration does not lapse until the disposal of any fitness to practise proceedings the person is subject to and (c) that a person whose provisional registration has lapsed, cannot apply for a further period of such registration.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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