Temporary and occasional registration: Your declaration of intended medical service provision

1 If you are intending to provide services in the UK on a temporary and occasional basis, you may be eligible for temporary and occasional registration.

2 You must be registered and licensed with us to treat patients in the UK. Registration with a licence to practise is required for a diverse range of medical practice, from direct clinical practice to educational and management roles, and it applies also to practice on a temporary and occasional basis.

3 We can register eligible doctors on a temporary and occasional basis where they have an entitlement under the Mutual Recognition of Professional Qualifications Directive (‘the Directive’), which assists the free movement of professionals between EU Member States. The Directive entitles certain professionals to provide services in Member States other than their Home State, on either an established or temporary and occasional basis.

4 We will need to assess the temporary and occasional nature of your intended provision of services to check that you are entitled to practise on this basis. We do this on a case by case basis. We will ask you to make a declaration about the duration, regularity, continuity and frequency of your intended practice.

5 It is important that the information that you provide in your declaration is correct to the best of your knowledge. Making a false or misleading statement, or intentionally withholding information, could put you at risk of being referred to our fitness to practise processes, and the withholding or removal of your registration and licence to practise.

6 We assess the information you give us in your declaration. If we conclude that your intended practice is not temporary and occasional in nature, you will not be eligible for temporary and occasional registration. This does not necessarily mean you cannot be registered with us. We will be able to provide you with information about alternative options to register with us.
Your eligibility for temporary and occasional registration

7 To be eligible for temporary and occasional registration with us you must:

a be a national of a Member State of the European Economic Area or Switzerland, or benefit for these purposes from an enforceable Community right

b be established in another Member State, by which we mean that you meet all the conditions for practising medicine in another Member State, including that you:

i are currently registered (and licensed if necessary), and

ii have no restrictions or prohibitions (including temporarily) on your practice.

c be intending to provide temporary and occasional services (and willing to make a declaration as such)

d be physically in the UK when providing the service(s).

8 You cannot be both established and providing services on a temporary and occasional basis in the same country.

9 If your intended practice is not both temporary and occasional in nature then you will not be eligible for this type of registration.

10 You must submit a declaration of your intention to provide medical services in the UK on a temporary and occasional basis, together with the necessary supporting documents.

11 In line with the Directive, we will assess your eligibility by considering the duration, frequency, regularity and continuity of your intended practice.

12 Read more about how to submit your declaration for the provision of services on a temporary and occasional basis.

Your declaration

13 In order to assess the temporary and occasional nature of your intended practice fairly and consistently, we will ask you to supply verifiable information about the services you intend to provide in the UK.

14 You should give as much information as you can about the post, grade, and start and end dates of each role you intend to undertake. Please tell us about the frequency and regularity with which you intend to practise in the UK, including how long you intend to be physically present in the UK (as opposed to merely providing practice dates).
We make our assessment on the basis of the information you give us so it is important that you tell us as much as you can about your reasons for declaring your intention to provide temporary and occasional services. We may need to follow up with you to seek further information, for example if what you have provided us is unclear.

If you do not know what services you are going to be providing, and cannot give details against each criteria described below, it is unlikely we will be able to make an assessment about the nature of your intended practice. We would recommend that you wait until you do know the nature of your practice before you make your declaration.

Your entitlement to provide services on a temporary and occasional basis ends after a year but can be renewed if you remain eligible. Read more about how to submit a renewal declaration. When renewing, your declaration of intended practice should be informed by your previous experience. You may be able to indicate the duration, frequency, regularity and continuity of your practice based on previous work.

Assessing the temporary and occasional nature of your practice

We assess each doctor’s case individually. The Directive requires us to have regard to the duration, regularity, continuity and frequency of your intended medical practice. These criteria are common across all professions covered by the Directive.

We use the criteria to inform our assessment about whether your intended practice is temporary and occasional in nature. No one criterion will be considered in isolation from the others. We take an overall view of the nature of your intended practice.

Duration

Duration refers to both the length of time that:

- a specific individual role lasts, and
- all the roles to be undertaken within a year will last when combined.

We consider the start and end dates of your intended practice for each role, as well as the total period that you will spend practising in the UK. If there is a difference between the period of time you will be physically present in the UK and the period of time you will be practising, and it is possible to distinguish between these, you should do so. We only consider the period of time you will be practising.

A total period of practice of less than one month in a year, when all roles are combined, would be likely to be considered temporary and occasional practice (i.e. the sum of the duration of all intended roles should be less than one month).
A specialist doctor visiting the UK on two separate teaching posts during the year, who is in the UK for a month or longer each visit, but only practising/teaching for a few days within this time, would be likely to be considered by us to be providing temporary and occasional services for the purposes of duration.

**Frequency**

23 Frequency is:

   a how often you will undertake the intended practice, and/or

   b may also be calculated by the interval between occurrences, over the period of the registration year.

24 We ask for details about the frequency of your intended practice. You should tell us whether the practice is a one-off occurrence, the number of hours or days you intend to work, and/or how much time there will be between visits.

25 Guidance in the UK indicates that working anything above 10% of available working time is eligible for permanent part-time employment, which would constitute establishment.* Therefore temporary and occasional practice would usually need to fall below this limit, because we would never consider any practice undertaken on a permanent basis to be temporary and occasional.

26 Three days per month or less is approximately 10% of available working time, and would therefore be likely to be considered temporary and occasional practice.

27 This basic threshold has also been informed by our decision around duration and the need to align our requirements for doctors. Our interpretation has also been influenced by guidance on the Directive issued by the European Commission, which used three days’ practice per month as an example of temporary and occasional practice.

**Example**

We are likely to consider that a doctor undertaking three posts in the course of a year, lasting for around three days each time, was providing temporary and occasional services for the purposes of duration and frequency (as this constitutes less than a month’s total practice, and is around, or less than, 10% of available working time in a month).

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Regularity

28 We need to understand how regularly or irregularly your planned practice will be undertaken. For example whether it is likely to be constant, at fixed intervals, seasonal, or with reference to a repeating pattern.

29 Anything irregular, with no discernible pattern, is likely to be considered temporary and occasional for the purposes of regularity. Any occurrences of practice that follow an obvious pattern on the basis of a specific day of the week, or date or week of the month, or other period of time in the year, would indicate regularity and not be likely to be considered temporary and occasional practice.

Example

A doctor is scheduled to perform a number of specialised surgeries over the course of three days, on the basis of a repeating pattern throughout the year e.g. on the first week of every month. We are likely to consider that this practice shows regularity (and would therefore be likely to not be considered temporary and occasional).

Continuity

30 We expect temporary and occasional practice to be sporadic, for example a few hours or days interspersed through the year. Continuous practice for more than three days in a row would indicate continuity, so would be likely not to be considered temporary and occasional practice. This refers to each role undertaken separately.

Example

A rugby team doctor visiting the UK with their team for five matches during the rugby season (and potentially a few extra visits, depending on the team's success), who will be practising for approximately a full day on each occurrence, will likely fall within our parameters for temporary and occasional practice for the purposes of regularity and continuity (as the team's fixtures are unlikely to be regular, and there is no continuity with practice only constituting a day each time).

31 The above criteria will all be considered together, so no one factor will determine absolutely how we view your intended practice. We will take a holistic case-by-case approach to our assessment of your intended practice. For this reason it is important that you provide us with as much information as possible.

Type/nature of practice

32 The nature of your intended practice may affect how broadly the criteria will be applied, and whether temporary and occasional registration is appropriate for you.
Some factors that we may consider when assessing the nature of your intended practice include:

a  Where possible we consider who your **employer** is. For example, whether it is a UK organisation, a private organisation within the UK, or whether you remain solely employed by your Home State.

b  We consider any relevant **contract and the conditions of employment**, if any exist.

c  We look at whether you intend to be in **direct contact with patients**, and if so on what scale.

d  We consider whether you will be subject to **supervision**. For example, are you undertaking a training role?

e  Details about the **type of patients** involved in your intended practice are also relevant, for example whether they are UK citizens or only citizens of your Home State. The latter scenario might occur, for example, if you are travelling to the UK with a sports team from your Home State, in order to exclusively treat those team members.

f  In some cases it may be appropriate for us to consider your practice over the course of several years (that is, where you have renewed your registration a number of times). A practice that we might consider temporary and occasional in nature for the first year of practice may develop more of a pattern when examined over the course of several years.

**Becoming established**

33  You will no longer be eligible to practice on a temporary and occasional basis if your intended practice is, or actual practice has become, established.

34  We are unlikely to consider your practice is of a temporary and occasional nature if:

a  you are permanently employed

b  you are participating in the economic life of the UK on a stable and continuous basis

c  your practice constitutes the actual pursuit of an economic activity, through a fixed establishment, for an indefinite period

d  you are practising on a stable and continuous basis and holding yourself out to UK nationals from an established professional base.
35 You are able to be established in more than one Member State at a time (meaning that establishment in another Member State does not in itself exclude us from determining that you have become established in the UK).

36 Having an office within the UK does not necessarily mean that you are established in the UK as it is recognised that you may equip yourself with the infrastructure necessary for the purposes of practising.