The General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010

Made 24th February 2010

Laid before Parliament 1st March 2010

Coming into force 1st April 2010

At the Council Chamber, Whitehall, the 24th day of February 2010

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

The General Medical Council have made the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010, which are set out in the Schedule to this Order, in exercise of the powers conferred by section 34E(1) and (3) of the Medical Act 1983\(^1\). By virtue of section 34E(6) of that Act, such Regulations shall not come into force until approved by Order of the Privy Council.

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

Notes

\(^1\) Section 34E is inserted by S.I.2010/ 234.

Extent

Preamble: United Kingdom

This Order may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010 and comes into force on 1st April 2010.
Commencement
para. 1: April 1, 2010

Extent
para. 1: United Kingdom

The General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010
The General Medical Council make the following Regulations in exercise of powers conferred by section 34E(1) and (3) of the Medical Act 1983.

1. Citation and commencement
These Regulations may be cited as the General Medical Council (Applications for General Practice and Specialist Registration) Regulations 2010 and come into force on 1st April 2010.

2. Interpretation
(1) In these Regulations—
   “the 2010 Order” means the Postgraduate Medical Education and Training Order of Council 2010;
   “the Act” means the Medical Act 1983;
   “application” means an application for inclusion in the General Practitioner Register under section 34C of the Act or the Specialist Register under section 34D of the Act, and the term “applicant” shall be construed accordingly;
   “Fees provisions” means rules made under article 24(5) of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003¹ or regulations made under section 34O(1) of the Act²;
   “previous legislation” means—
      (a) the European Specialist Medical Qualifications Order 1995³; and
      (b) the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003;
“primary medical qualification” means—
(c) a primary United Kingdom qualification as defined in section 4(3) of the Act⁴;  
(d) a primary European qualification as defined in section 17 of the Act⁵; or  
(e) an acceptable overseas qualification as defined in section 21B(2) of the Act⁶;
“provider” means any hospital, general practitioner, or other body or person in the United Kingdom or elsewhere by whom, or under whose direction or management, any postgraduate education or training, or sub-speciality training, has been given, non-training posts have been undertaken or other experience has been provided;
“statement of eligibility” means a statement issued by the Registrar under regulation 7.

(2) In these Regulations, “relevant authority” means—
(a) in relation to medical education and training conducted in the United Kingdom, a Medical Royal College, Faculty, Postgraduate Deanery, or other body, or any committee, council or grouping of such bodies, which administer or implement a curriculum approved by the [General Council]⁷;  
(b) in relation to medical education and training conducted in a relevant European State […]⁸, the competent authority or authorities of that State under Article 56 of the Directive; and  
(c) in relation to medical education and training conducted in any other country, any body, institution or authority in that country responsible for the supervision, accreditation, certification or approval of courses, programmes, training posts, examinations, assessments or other tests of competence in postgraduate medical education and training.

(3) The reference to a competent authority in paragraph (2)(a) is a reference to an authority which was a competent authority at the time the approval was given.

(4) The reference to a competent authority in paragraph (2)(b) includes references to authorities which are no longer competent authorities of that European State but which were a competent authority of that State at the time the medical education and training was conducted.

Law In Force

3.— Form and content of applications

(1) An application must be made in writing to the Registrar in accordance with the following paragraphs of this regulation.

(2) An application must include the following—
(a) the applicant's name, date of birth and, where applicable, General Council reference number;  
(b) the applicant's registered address or, where applicable, any postal or electronic mail address to which the Registrar is able to send to the applicant written communication relating to the application;  
(c) information regarding whether the application is for inclusion in the General Practitioner Register or the Specialist Register;  
(d) if the application is for inclusion in the Specialist Register, information regarding whether the applicant wishes the Registrar to indicate in that register the name, or a description of, a field within the relevant specialty in accordance with section 34D(9)(b) of the Act⁹; and  
(e) any evidence required to be submitted in accordance with regulation 5.
(3) An application must be accompanied by any fee payable under the Fees provisions.

Law In Force

4. Acknowledgment of applications
The Registrar must, as soon as reasonably practicable, and in any event within one month of receipt of an application—
   (a) acknowledge receipt of the application; and
   (b) inform the applicant of any missing document which is required for the purposes of the application.

Law In Force

5.— Evidence
(1) The applicant must submit the following evidence, in support of an application, of their eligibility for inclusion in the General Practitioner Register or the Specialist Register, including, as applicable—
   (a) evidence verifying the identity of the applicant;
   (b) evidence, where relevant, that the applicant is a national of a relevant European State or is, by virtue of an enforceable [EU] right, entitled to be treated, for the purposes of access to the medical profession, no less favourably than a national of a relevant European State;
   (c) evidence that the applicant is, or will be at the time the application is determined (if granted), a registered medical practitioner;
   (d) a copy of any CCT awarded under section 34L of the Act or of any CCT or equivalent qualification awarded under the corresponding provisions of previous legislation;
   (e) a copy of any certificate of acquired rights issued in accordance with section 34G(2) of the Act or in accordance with previous legislation;
   (f) a copy of any certificate of equivalent experience or certificate of prescribed experience issued under previous legislation by the Postgraduate Medical Education and Training Board or by the Joint Committee on Postgraduate Training for General Practice;
   (g) evidence that the applicant fulfils the criteria set out in any scheme published under section 34D(6) of the Act;
   [h] a statement of eligibility, or a statement of eligibility for registration issued in accordance with article 11(7) or 14(11) of the General and Specialist Practice (Education, Training and Qualifications) Order 2003;] 12
   (i) […] 14
   [j] evidence that the applicant's training is, or qualifications are, or both when considered together are, equivalent to a CCT in general practice for the purposes of article 4(4) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register);
   (k) evidence that the applicant's specialist training is, or specialist qualifications in a recognised specialty are, or both when considered together are, equivalent to a CCT in the relevant specialty for the purposes of article 8(2) of the 2010 Order (specialists eligible for entry in the specialist register);
   (l) evidence that the applicant's level of knowledge and skill is consistent with practice as a consultant in any of the UK health services for the purposes of article 8(3) of the 2010 Order. ] 15

(2)-(3) […] 17
6.— **Collection of information, evidence and advice**

(1) [[The ]\(^1\) Registrar may ]\(^1\), at any time whilst considering the application—
   (a) request the applicant to produce such further information, documents or reports;
   (b) obtain from any person other than the applicant, provider, relevant authority, or other
       body, such information, documents or reports, including advice from one or more medical
       or lay advisers as to whether the applicant is eligible for inclusion in the General Practitioner
       Register or the Specialist Register;
   (c) make such further investigations, and obtain such information, documents or reports;
   or
   (d) refer any question or matter arising to a Registration Panel for advice,
       as in the Registrar’s opinion is appropriate to the determination of the application.

(2) In paragraph (1)(b)—
   “lay” means a person who—
   (a) is not, and never has been, provisionally registered or fully registered;
   (b) was at no time registered with limited registration; and
   (c) does not hold qualifications which would entitle an application to be made by
       that person for provisional or full registration,
       under the Act;
   “medical” means a registered medical practitioner.

7.— [[…]\(^2\)

8.— **Determination of applications**

(1) The Registrar must, subject to paragraph (2), grant or refuse an application and, in considering
    their decision, must take into account—
    (a) where appropriate, any standards and requirements established by the General Council
        under section 34H(1)(a) of the Act […]\(^2\); and
    (b) any failure by the applicant to provide any evidence, information, document or report
        required under regulation 5 or 6.

(2) […]\(^3\)

(3) As soon as reasonably practicable after having determined an application, the Registrar must
    notify the applicant of the determination in accordance with paragraphs 3(1) and 6 of Schedule 3A
    to the Act […]\(^4\).

9. **Correction of errors**

Where it comes to the attention of the Registrar that there is an error in any of the information
contained in a statement of eligibility, the Registrar must—
   (a) request the original statement from the applicant;
(b) provide a corrected statement to the applicant; and
(c) notify such other persons or bodies as the Registrar considers appropriate, that the statement has been corrected, including details of the correction.

Given under the official seal of the General Medical Council this 11th day of February 2010

Peter Rubin
Chair

Niall Dickson
Chief Executive and Registrar

Notes

2. Section 34O is inserted by S.I.2010/234.
3. S.I. 1995/3208. This instrument is revoked by S.I.2003/1250.
4. Section 4(3) is amended by the Medical Qualifications (Amendment) Act 1991 (c.38), section 1.
7. Words substituted in reg.2(2)(a) by Sch.1 para.50(a) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.50(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
8. Words revoked in reg.2(2)(b) by Sch.1 para.50(b) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.50(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
10. Word substituted in reg.5 by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(f) (April 22, 2011)
11. Section 34L is inserted by S.I.2010/234.
12. Reg.5(1)(h) substituted by reg.2(2)(a) (as set out in SI 2011/1248 Sch.1) by General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations Order of Council 2011/1248 Sch.1 para.1 (June 8, 2011)
13. SI 2003/1250; revoked by SI 2010/234 (see article 7(3) and Part 3 of Schedule 3)
14. Reg.5(1)(i) revoked by Sch.1 para.51 by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.51 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
15. Reg.5(1)(j)-(l) inserted by reg.2(2)(b) (as set out in SI 2011/1248 Sch.1) by General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations Order of Council 2011/1248 Sch.1 para.1 (June 8, 2011)
16. Section 55(1) of the Medical Act 1983 defines “CCT” as a certificate of completion of training awarded under section 34L(1) of that Act. Section 34L was inserted by SI 2010/234. Paragraph (2) of that section provides that a CCT may only be awarded in general practice or in a recognised specialty.
17. Reg.5(2) and (3) revoked by reg.2(2)(c) (as set out in SI 2011/1248 Sch.1) by General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations Order of Council 2011/1248 Sch.1 para.1 (June 8, 2011)
18. Words substituted in reg.6(1) by reg.2(3)(a) (as set out in SI 2011/1248 Sch.1) by General Medical Council (Applications for General Practice and Specialist Registration) (Amendment) Regulations Order of Council 2011/1248 Sch.1 para.1 (June 8, 2011)
Words substituted in reg.6(1) by Sch.1 para.52(2) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.52(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Reg.6(3) revoked by Sch.1 para.52(3) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.52(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Reg.7 revoked by Sch.1 para.53 by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.53 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Words substituted in reg.8(1)(a) by Sch.1 para.54(2) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.54(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Reg.8(2) revoked by Sch.1 para.54(3) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.54(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Words revoked in reg.8(3) by Sch.1 para.54(4) by European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019/593 Sch.1(1) para.54(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Commencement

Sch. 1 para. 1: April 1, 2010

Extent

Sch. 1 para. 1: United Kingdom

EXPLANATORY NOTE

(This note is not part of the Order)

The Regulations approved by this Order make provision in respect of the form of, and procedure relating to, applications for inclusion in the General Practitioner Register and the Specialist Register which fall to be made to the General Medical Council (“GMC”) by virtue of provisions in the Medical Act 1983 (c.54) which were inserted by the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I.2010/234).

Regulation 3 makes provision in respect of the form and content of such applications.

Regulation 4 requires the Registrar of the GMC to acknowledge such applications within the period therein specified.

Regulation 5 sets out the evidence required in support of such applications.

Regulation 6 enables the Registrar to obtain evidence, information and advice relating to the application if considered necessary.
Regulation 7 enables the Registrar to provide a written statement of eligibility for inclusion in those Registers and requires notification to be given to the applicant if the Registrar is not satisfied as to such eligibility, such notification informing the applicant of any further education and training which must be undertaken in order to satisfy the Registrar of such eligibility.

Regulation 8 makes provision in respect of the determination of applications.

Regulation 9 allows for correction of errors in statements of eligibility.
Table of Contents

General Medical Council (Applications for General Practice and Specialist Registration) Regulations Order of Council 2010/475 ................................................................. 1

Preamble ............................................................................................................. 1
☑ para. 1 .............................................................................................................. 1
☑ Signatures ....................................................................................................... 2

Schedule 1 ......................................................................................................... 2
☑ para. 1 .............................................................................................................. 2

Explanatory Note ............................................................................................... 7
☑ para. 1 .............................................................................................................. 7

Table of Contents ............................................................................................. 9