Draft Order in Council laid before Parliament under section 62(9) of the Health Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 000

HEALTH CARE AND ASSOCIATED PROFESSIONS

DOCTORS

The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010

Made - - - - 2010

Coming into force in accordance with article 1(2) to (4)

At the Court at Buckingham Palace, the day of

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62 of, and Schedule 3 to, the Health Act 1999(**1**).

The Secretary of State published a draft Order and invited representations as required by paragraph 9(1) and (1A) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(2) of that Schedule expired before a draft of this Order in Council was laid before Parliament.

A draft of this Order in Council has been approved by resolution of each House of Parliament in accordance with section 62(9) of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of Her Privy Council, to make the following Order in Council:

(**1**) 1999 c.8. Section 60 has been amended by: the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"), section 26(9); the Health and Social Care Act 2008 (c.14) ("the 2008 Act"), Schedule 8, paragraph 1, and Schedule 10, paragraph 10; and S.I 2002/253 and 254. Section 62 has been amended by: the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraphs 194 and 197, and Schedule 4; and the 2008 Act, Schedule 8, paragraph 2, and Schedule 10, paragraph 11. Schedule 3 has been amended by: the 2002 Act, section 26(10); the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 11, paragraph 67, and Schedule 14, Part 4; the Health Act 2006 (c.28), section 33 and Schedule 9; the 2008 Act, Schedule 8, paragraphs 3 to 10 (although paragraph 10 is not yet in force); and S.I. 2002/254.

Citation and commencement

1.—(1) This Order may be cited as the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010.

(2) This article, articles 2, 5, 6 and 8 and Schedule 2 come into force on the day after the day on which this Order is made.

(3) Any other provision of this Order which confers, amends or substitutes powers enabling rules, regulations or orders to be made, comes into force on the day after the day on which this Order is made, but only for the purpose of the exercise of those powers.

(4) Except as provided for by paragraph (2) or (3), the provisions of this Order come into force on such day as the Privy Council may by order appoint.

(5) Different days may be appointed by an order under paragraph (4) for different provisions or different purposes.

Interpretation

2. In this Order, "the 1983 Act" means the Medical Act 1983(**2**).

Abolition of the Postgraduate Medical Education and Training Board

3. The Postgraduate Medical Education and Training Board is abolished.

Amendments to the 1983 Act

4. The amendments to the 1983 Act set out in Schedule 1 have effect.

Transitional, transitory and saving provisions

5.—(1) The transitional, transitory and saving provisions set out in Schedule 2 have effect.

(2) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

(3) The power to make an order under paragraph (2) may be exercised—

(a) so as to make different provision with respect to—

(i) different cases or different classes of cases, or

(ii) the same case or class of case for different purposes;

(b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or

(c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.

Privy Council procedures etc.

6.—(1) The power of the Privy Council to make an order under article 1(4) or 5(2) may be exercised by any two or more members of the Privy Council.

(2) The power to make an order under article 1(4) or 5(2) shall be exercisable by statutory instrument.

(3) The making of an order under article 1(4) or 5(2) shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(**2**) 1983 c.54.

(4) For the purposes of section 1 of the Statutory Instruments Act 1946(**3**) (definition of "Statutory Instrument"), any power to which paragraph (2) applies is to be taken to be conferred by an Act of Parliament.

(5) Where an order of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

(a) the fact that the order was duly made; and

(b) the order's terms.

Consequential amendments and revocations

7.—(1) The consequential amendments to primary legislation set out in Part 1 of Schedule 3 have effect.

(2) The consequential amendments to subordinate legislation set out in Part 2 of Schedule 3 have effect.

(3) The revocations of subordinate legislation set out in Part 3 of Schedule 3 have effect.

Extent

8.—(1) Subject to paragraph (2), this Order extends to England and Wales, Scotland and Northern Ireland.

(2) The extent of the amendment or revocation of any enactment in Schedule 3 is the same as that of the amended or revoked enactment.

Name
Clerk of the Privy Council

(**3**) 1946 c.36; section 1 is amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.

SCHEDULE 1

Article 4

Amendments to the 1983 Act

1. In section 29A(5)(**4**) (regulations as to licence to practise and revalidation), omit—

(a) the definition of "General Practitioner Register";

(b) the definition of "Specialist Register" and the word "and" immediately before it.

2. In section 29B(2A)(a)(**5**) (grant, refusal and withdrawal of licence), for "area" substitute "field".

3. In section 29G(**6**) (guidance on licences to practise)—

(a) in subsection (2)(b), for "the health service, the Scottish health service or the Northern Ireland health service", substitute "any of the UK health services";

(b) omit subsection (3).

4. In section 30(**7**) (the registers)—

(a) before subsection (1), insert—

"(A1) In this Part, "the registers" means—

(a) the register;

(b) the General Practitioner Register; and

(c) the Specialist Register.";

(b) in subsection (4), after "the register", insert ", the General Practitioner Register and the Specialist Register".

5. In section 31(**8**) (power to make regulations with respect to the registers)—

(a) in subsection (1)—

(i) for "the register" substitute "the registers";

(ii) for "in it" substitute "in them";

(b) in subsection (2)—

(i) for "the register" in the first place where those words occur substitute "the registers";

(ii) for "the register is" substitute "the registers are";

(c) after subsection (4A) insert—

"(4B) Regulations under this section shall provide for the marking of the General Practitioner Register so as to distinguish between different categories of persons who are eligible to be registered in that register by virtue of section 34C(2)(b).";

(d) in subsection (8)—

(i) for "the register" substitute "the registers";

(ii) for "it" substitute "them";

(e) in subsection (9)(a), for "the register" substitute "the registers";

(f) in subsection (10), after "(4A)," insert "(4B),".

(**4**) Section 29A is inserted by S.I.2002/3135. The relevant amending instrument is S.I.2008/3131.
(**5**) Section 29B is inserted by S.I.2002/3135. Subsection (2A) is inserted by S.I.2008/3131.
(**6**) Section 29G is inserted by S.I.2002/3135 and amended by S.I.2008/3131.
(**7**) Relevant amendments are made to section 30 by S.I.2006/1914.
(**8**) Relevant amendments are made to section 31 by S.I.2002/3135 and 2006/1914.

6. In section 31A(**9**) (voluntary removal from the register)—

(a) in the heading, for "the register" substitute "any of the registers";

(b) in subsection (1)(a)—

(i) for "the register of medical practitioners" substitute "any of the registers";

(ii) for "the register" substitute "any of the registers";

(c) in both subsections (1)(c) and (1A), for "the register" substitute "any of the registers".

7. In section 34(**10**) (publication of the register)—

(a) in the heading, for "the register" substitute "the registers";

(b) in subsection (1), for "the register" substitute "each of the registers";

(c) in subsection (2)—

(i) omit "and" at the end of paragraph (b);

(ii) after paragraph (b), insert—

"(ba) in relation to the list of persons on the Specialist Register—

(i) the specialty in respect of which a person's name is included in that register; and

(ii) the name, or a description of, any field within that specialty which is indicated in respect of that person in that register; and".

8. In section 34A(**11**) (proof of registration)—

(a) after "registered", wherever that word occurs, insert "in any of the registers";

(b) after subsection (1), insert—

"(1A) In relation to a person who is registered in the Specialist Register, the Registrar may issue a certificate that that person is, or is not, registered on that register with a particular specialty and in a particular field within that specialty.";

(c) in subsection (2), after "(1)" insert "or (1A)".

9. In section 34B(**12**) (registration appeals), renumber the existing text as subsection (1) of section 34B and—

(a) in the heading and in that subsection, after "registration" insert "and training";

(b) after that subsection insert—

"(2) The General Council may by regulations make provision with respect to the charging of fees in connection with appeals under Schedule 3A.

(3) Regulations under subsection (2) may provide for the charging of different fees in different cases and may provide that fees shall not be chargeable in cases prescribed by the regulations.".

10. After Part 4, insert the following Part—

(**9**) Section 31A is inserted by the Medical (Professional Performance) Act 1995 (c.51), section 2 and amended by S.I.2002/3135.
(**10**) Section 34 is substituted by S.I.2002/3135.
(**11**) Section 34A is inserted by S.I.2002/3135.
(**12**) Section 34B is inserted by S.I.2002/3135.