STATUTORY RULES OF NORTHERN IRELAND

1998 No. 13

GENERAL MEDICAL SERVICES

Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998

Made - - - -	*21st January 1998*
Coming into operation	*30th January 1998*

The Department of Health and Social Services being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to training in medical practice, the issue and/or recognition of diplomas or certificates or other evidence of qualifications in relation to medical practice, the titles used by those in medical practice, and the exercise of medical practice, and in exercise of powers conferred by that section and by Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(**3**), and of all other powers enabling it in that behalf, after consultation with such organisations as appeared to the Department to be representative of the medical profession as required by Article 8(5), hereby makes the following Regulations:

Part I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998 and shall come into operation on 30th January 1998.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Personal Social Services (Northern Ireland) Order 1978;

"appeal body" means the body appointed by the Department under regulation 14;

(**1**) S.I.1994/2791
(**2**) 1972 c. 68
(**3**) S.I. 1978/1907 (N.I. 26)

"certificate of prescribed experience" means a certificate issued pursuant to regulation 10 and, for the purposes of regulation 4 includes a certificate of prescribed experience issued under the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979(**4**);

"certificate of equivalent experience" means a certificate issued pursuant to regulation 12 and, for the purposes of regulation 4, includes a certificate of equivalent experience issued under the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979;

"General Practice (GP) Registrar" has the meaning assigned to it in regulation 2 of the General Medical Services Regulations, regulation 2(1) of the National Health Service (General Medical Services) Regulations 1992(**5**) and regulation 2(1) of the National Health Service (General Medical Services) (Scotland) Regulations 1995(**6**), and also includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board;

"the General Medical Services Regulations" means the General Medical Services Regulations (Northern Ireland) 1997(**7**);

"Health and Social Services Board" includes an HSS Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**8**) and any person responsible for the management of a hospital which is not vested in either the Department or an HSS Trust;

"the Joint Committee" means the Joint Committee on Postgraduate Training for General Practice;

"Medical Directive" means Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications(**9**), as amended by Council Directive 97/50/EC of 6th October 1997(**10**);

"the medical list" means a list maintained under regulation 4 of the General Medical Services Regulations;

"practitioner" means a fully registered medical practitioner except for the purposes of regulation 6(4) where it also includes a medical practitioner with limited registration under section 22 of the Medical Act 1983(**11**);

"satisfactory completion", in relation to the period of training in any employment has the meaning assigned to it in regulation 9(1);

"summative assessment" has the meaning assigned to it in regulation 9(2); and

"trainer" has the meaning assigned to it in regulation 7(1).

Power of direction

3.—(1) Subject to paragraph (2), the Department may give directions to the Joint Committee in connection with—

(a) their functions under these Regulations or the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(**12**), in so far as those functions relate to the Community obligations contained in Title IV of the Medical Directive; and

(**4**) S.R. 1979 No. 460
(**5**) S.I. 1992/635 as amended by S.I. 1997/2468, regulation 3
(**6**) S.I. 1995/416 as amended by S.I. 1998/4, regulation 2(2)
(**7**) S.R. 1997 No. 380 as amended by S.R. 1998 No. 9
(**8**) S.I. 1991/194 (N.I. 1)
(**9**) O.J. No. L165, 7.7.93, p. 1
(**10**) O.J. No. L921, 24.10.97, p. 35
(**11**) 1983 c. 54 section 22 was amended by S.I. 1996/1591, regulation 6(5) and (6)
(**12**) S.I. 1994/3130

(b) any other functions of theirs which arise from Community obligations and which relate to specific training in general medical practice;

and it shall be the duty of the Joint Committee to comply with any such directions.

(2) Directions given under paragraph (1) may be as to matters of administration only.

Experience and certificates required

4.—(1) Subject to paragraph (2), a Health and Social Services Board shall not arrange under Article 56 of the principal Order with a practitioner for him to provide general medical services for persons in its area unless he is suitably experienced within the meaning of Article 8(2) of the 1978 Order.

(2) A practitioner who, in pursuance of Article 56 of the principal Order, applies to a Health and Social Services Board to be included in the medical list shall produce evidence that he is suitably experienced.

(3) The written evidence required to be produced pursuant to paragraph (2) shall be in the form of—

(a) a certificate of prescribed experience; or

(b) a certificate of equivalent experience; or

(c) a statement of the grounds (with evidence in support thereof) upon which the practitioner claims exemption from the need to have the prescribed experience by virtue of regulation 5.

Exemptions

5.—(1) A practitioner shall be exempt from the need to have acquired the prescribed experience—

(a) if on the 15th February 1981 his name was included on the medical list;

(b) if on the 15th February 1981 an application pursuant to Article 56 of the principal Order had not been finally determined, but in consequence of its final determination his name was later included in the medical list(**13**);

(c) if his name was included in the medical list by virtue of his having made an application within 9 years after 15th February 1981 in a case where his name was not included in such a list on 15th February 1981, but had been so included before that day;

(d) in respect of an application for his name to be included in the medical list for the provision of general medical services limited to—

(i) child health and surveillance services only;

(ii) contraceptive services only;

(iii) maternity medical services only;

(iv) minor surgery services only; or

(v) any combination of the services mentioned in paragraphs (i) to (iv);

but only if the practitioner's name was included in the medical list on 31st December 1994 for the provision of general medical services limited in a way which included those specified in the application;

(e) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under regulations made under section 32 of the National Health Service Act 1977(**14**) or under section 22 of the National Health Service (Scotland) Act 1978(**15**) or

(**13**) *See*S.R. 1979 No. 460, regulation 7
(**14**) 1977 c. 49
(**15**) 1978 c. 29

is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations;

(f) if he—

(i) is entitled to be registered under section 3 of the Medical Act 1983(**16**) as a fully registered medical practitioner by virtue of subsection (1)(*b*) or (2) of that section, and

(ii) was established in the United Kingdom on 31st December 1994 by virtue of the primary European qualification(**17**) giving rise to that entitlement; or

(g) if he holds a vocational training certificate or a certificate of acquired rights issued in an EEA State other than the United Kingdom which must in his case be recognised in the United Kingdom by virtue of the Medical Directive (whether or not as read with the EEA Agreement) or by virtue of any enforceable Community right.

(2) In this regulation—

"certificate of acquired rights" means a certificate issued under Article 36(4) of the Medical Directive, to the effect that its holder has an acquired right to practise as a general medical practitioner under the national social security scheme of the issuing State without a vocational training certificate(**18**);

"child health surveillance services", "maternity medical services" and "minor surgery services" have the meaning assigned by regulation 2 of the General Medical Services Regulations;

"contraceptive services" has the meaning assigned by regulation 3(1)(*c*) of the General Medical Services Regulations;

"EEA agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**19**);

"EEA State" means a state which is a contracting party to the EEA Agreement; and

"vocational training certificate" means a diploma, certificate or other evidence of formal qualifications awarded on completion of a course of specific training in general medical practice and referred to in Article 30 of the Medical Directive.

Part II

Prescribed Experience

Prescribed Medical experience

6.—(1) Subject to regulation 12(9), the medical experience prescribed for the purposes of Article 8(2) of the 1978 Order is the satisfactory completion of a period or periods of training amounting to at least three years employment, and meeting the other requirements of this regulation.

(2) The reference in paragraph (1) to three years employment, and the references in paragraphs (3) and (4) to other periods of employment, are to periods of whole-time employment; but, subject to paragraph (8), the requirements of this regulation may be satisfied by periods of part-time employment of equivalent duration.

(**16**) 1983 c. 54. Section 63 was substituted by S.I. 1996/1591, regulation 3
(**17**) *See* section 17 of the Medical Act 1983, substituted by S.I. 1996/1591 regulation 4
(**18**) See for the issue of certificates of acquired rights by the Joint Committee, S.I. 1994/3130, regulation 5(3)
(**19**) Cm. 2183 and O.J. No. L1, 3.1.1994, p. 572

(3) The training shall include a period or periods amounting to at least 12 months employment as a General Practice (GP) Registrar with a trainer who falls within regulation 7(1).

(4) The remainder of the training—

(a) shall be spent as a practitioner in posts falling within regulation 8;

(b) shall include a period or periods amounting to not less than 6 months nor more than 12 months employment in each of two specialties mentioned in different paragraphs below—

(i) General Medicine;

(ii) Geriatric Medicine;

(iii) Paediatrics;

(iv) Psychiatry;

(v) One of—

Accident and Emergency Medicine; or

General Surgery; or

Accident and Emergency Medicine together with either

General Surgery or Orthopaedic Surgery;

(vi) One of—

Obstetrics; or Gynaecology; or

Obstetrics and Gynaecology.

(5) Where training is spent in employment in specialties which are not mentioned in paragraph (4) (*b*), not more than six months in any one such specialty may be taken into account in calculating, for the purposes of paragraph (1), the period or periods of training undertaken.

(6) The Joint Committee shall supervise training and shall in particular secure that it complies with the requirements of Article 31(1) of the Medical Directive, or (in the case of part-time training) Article 31(1) as appropriately modified together with Article 34 (the text of Articles 30, 31(1) and 34 as they had effect on the date these Regulations were made is reproduced at Schedule 1).

(7) The prescribed experience must be acquired within the period of seven years ending on the day on which a practitioner makes an application for a certificate of prescribed experience under regulation 10.

(8) In relation to periods of part-time employment—

(a) in computing any period of training which began on or before 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the practitioner employed occupied less than half of the time usually occupied by the duties of practitioners employed whole-time in similar employment; and

(b) in computing any period of training which began after 31st December 1994 there shall be disregarded any period of part-time employment during which the duties of the practitioner employed, taken week by week,occupied less than 60% of the time usually occupied by the duties of practitioners employed whole-time in similar employment;

and in relation to any period of training which began after 31st December 1994 employment which is not whole-time shall not be regarded as equivalent to whole-time employment unless it includes at least two periods of whole-time employment, each lasting not less than one week, one such period falling within paragraph (3) and one within paragraph (4).

(9) For the purposes of this regulation, a "month" includes a period which begins on the first Wednesday of the month (whether or not that is the first day of the month) and ends on the last day of the month.