1979 No. 460

GENERAL MEDICAL SERVICES

Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979

Made . . . . . 21*st December* 1979

Coming into operation . . . . 16*th February* 1980

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978(**a**) and of every other power enabling it in that behalf, after consultation with such organisations as appeared to the Department to be representative of the medical profession, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1979 and shall, subject to regulation 3, come into operation on 16th February 1980.

Interpretation

2.—(1) In these regulations—

"the 1972 Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"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 8;

"certificate of prescribed experience" means a certificate issued pursuant to regulation 5;

"certificate of equivalent experience" means a certificate issued pursuant to regulation 6;

"Health and Social Services Board" includes the person or persons responsible for the management of a hospital which is not a health service hospital;

"the Department" means the Department of Health and Social Services;

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

"practitioner" means, a person registered as a fully registered medical practitioner or a medical practitioner with limited registration pursuant to the provisions of section 22 of the Medical Act 1978(**c**), but not otherwise;

"trainee general practitioner"

(**a**) S.I. 1978/1907 (N.I. 26)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) 1978 c. 12

(*a*) means a fully registered medical practitioner who is being trained in general practice under an arrangement approved by the Department;

(*b*) has the meaning assigned to it in regulations made or having effect as if made under section 29 of the National Health Service Act 1977(**d**) or section 19 of the National Health Service (Scotland) Act 1978(**e**); and

(*c*) includes a practitioner who is being trained in general practice under an arrangement approved by the Armed Services General Practice Approval Board.

Requirement and evidence of suitable experience

3.—(1) Subject to paragraph (2), a Health and Social Services Board shall not arrange under Article 56 of the 1972 Order with a medical 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) An applicant who, in pursuance of Article 56 of the 1972 Order, applies to a Health and Social Services Board on or after 16th February 1981 to be included in the list of medical practitioners undertaking to provide general medical services in the Board's area shall produce written 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 issued under regulation 5(2) or a certificate of equivalent experience issued under regulation 6(2); or

(*b*) a statement of the grounds (with evidence in support thereof) upon which the applicant claims exemption from the need to have the prescribed experience by virtue of regulation 7.

Prescribed medical experience

4.—(1) Subject to the provisions of regulations 6(4) and 7(3), the medical experience needed to satisfy Article 8(1) of the 1978 Order—

(*a*) before 16th August 1982 is the satisfactory completion of a period or periods of training, amounting to at least 12 months whole-time employment or its equivalent as a trainee general practitioner;

(*b*) on and after 16th August 1982 is the satisfactory completion of a period or periods of training amounting to at least 3 years whole-time employment or its equivalent of which—

(i) at least 12 months whole-time employment or its equivalent shall be training as a trainee general practitioner; and

(ii) the remainder shall be training as a practitioner in educationally approved posts and shall include not less than six months whole-time employment or its equivalent in each of two of the following specialties:—

General Medicine
Geriatric Medicine
Paediatrics
Psychiatry

(**d**) 1977 c. 49
(**e**) 1978 c. 29

One of Accident and Emergency Medicine or General Surgery
Any one of Obstetrics and Gynaecology or Obstetrics or Gynaecology.

(2) The medical experience prescribed in paragraph (1) shall be acquired within not more than 7 years immediately preceding the date of application for a certificate of prescribed experience.

(3) In computing any period of training for the purposes of this regulation there shall be disregarded any period of part-time employment during which the duties of the person employed occupied less than half of the time usually occupied by the duties of persons employed whole-time in similar employment.

(4) On the satisfactory completion of his period of training with a practitioner with whom an applicant has so completed a period of training as a trainee general practitioner, or with a Health and Social Services Board on whose staff an applicant has so completed a period of training in an educationally approved post in any specialty, the practitioner or Board shall, on request, give to the applicant a statement in the form set out in the Schedule.

(5) For the purposes of this regulation

(*a*) "educationally approved post" means—

(i) in relation to any specialty, a post which is, immediately before the day on which these regulations are made, approved for the purposes of training in a hospital specialty or in the specialty of community medicine by the Royal College or Faculty for that specialty and selected by the Northern Ireland Council for Postgraduate Medical Education for the purposes of training for the provision of general medical services;

(ii) an educationally approved post for the purpose of acquiring prescribed experience in terms of regulations made under section 32 of the National Health Service Act 1977 or section 22 of the National Health Service (Scotland) Act 1978 and which has been selected by a Regional Postgraduate Medical Education Committee for the purposes of training for the provision of general medical services;

(*b*) "satisfactory completion" in relation to a period of training in any employment means the completion of that period of training in such a manner as to have acquired the medical experience which may reasonably be expected to be acquired from training of that duration in that employment.

(6) Where an applicant is undertaking a period of training as a practitioner in a post, which is an educationally approved post by virtue of paragraph 5(*a*)(i) but which ceases to be such a post before he has completed his period of training therein, that post shall nevertheless be deemed to continue to be such an educationally approved post until such time as he has completed his period of training in that post.

Certificate of prescribed experience

5.—(1) An applicant, who claims to have acquired the prescribed experience, shall give particulars of that experience to the Joint Committee, together with any statements given to him under regulation 4(4) or, in default thereof, such evidence as the Joint Committee may require of the satisfactory completion of his period or periods of training for the purposes of regulation 4(1)(*a*) or (*b*), as the case may require.

(2) The Joint Committee shall, if satisfied that the applicant has acquired the prescribed medical experience, issue to him a certificate of prescribed experience.

(3) The Joint Committee shall, if not satisfied that the applicant has acquired the prescribed medical experience, issue to him a statement setting out the reasons why they are not so satisfied.

Certificate of equivalent experience

6.—(1) An applicant, who has not acquired the prescribed experience but who considers that the medical experience which he has acquired is, or ought to be regarded as, equivalent to the prescribed experience, shall give particulars of that experience to the Joint Committee, together with such evidence in support thereof as that Committee may require.

(2) The Joint Committee shall, if satisfied that his medical experience is equivalent to the prescribed experience, issue to him a certificate of equivalent experience.

(3) The Joint Committee shall, if not satisfied that his medical experience is equivalent to the prescribed experience, issue to him a statement setting out the reasons why they are not so satisfied.

(4) An applicant who holds a certificate of equivalent experience shall be treated as having acquired the prescribed medical experience for the purposes of Article 8(2)(*a*) of the 1978 Order (but not for the purposes of obtaining a certificate of prescribed experience).

Exemptions

7.—(1) Subject to paragraph (2), a practitioner shall be exempt from the need to have acquired the prescribed experience—

(*a*) if his name is on the medical list on 15th February 1981 or is included in that list thereafter in pursuance of an application made on or before that day;

(*b*) in respect of an application made within 9 years after 15th February 1981 for his name to be included in the medical list, if, on 15th February 1981 his name is not included in that list but it had been so included before that day;

(*c*) if, having made an application to which paragraph (1)(*b*) applies, his name is included in the medical list pursuant to that application;

(*d*) in respect of an application for his name to be included in the medical list only for the provision of maternity medical services or contraceptive services or both such services;

(*e*) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under section 32 of the National Health Service Act 1977 or is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations;

(*f*) if he holds a certificate of prescribed experience or a certificate of equivalent experience issued under or by virtue of regulations made under Section 22 of the National Health Service (Scotland) Act 1978 or is, by virtue of those regulations, exempt from the need to have acquired the medical experience prescribed by those regulations.

(2) A practitioner shall be exempt from the need to have acquired the medical experience prescribed by regulation 4(1)(*b*) if he has acquired, before 16th August 1982, the medical experience prescribed by regulation

4(1)(*a*) or medical experience which is equivalent thereto and, subject to paragraph (3), the Joint Committee have, before that date, issued to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof.

(3) Where an applicant—

(*a*) claims to have acquired, before 16th August 1982, the medical experience prescribed by regulation 4(1)(*a*) or medical experience which is, or ought to be regarded as, equivalent to that medical experience; but

(*b*) has not, before that date, obtained a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in respect thereof,

then, provided he has applied to the Joint Committee for a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience before that date or within 3 months thereafter, the provisions of these regulations shall have effect in relation to that application until it is determined by the Joint Committe or, on appeal, by the appeal body as if that date had not yet arrived and, if the Joint Committee issue to him a certificate of prescribed experience or, as the case may be, a certificate of equivalent experience in pursuance of such an application, the provisions of paragraph (2) shall apply to him as if such a certificate had been issued before that date.

(4) For the purposes of this regulation, the expressions—

(*a*) "maternity medical services" and "contraceptive services" shall have the meaning respectively assigned to them in regulations 2(1) and 3(1)(*b*) of the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(**f**);

(*b*) "the medical list" means

(i) the list maintained by the Central Services Agency in pursuance of regulation 4 of the regulations to which sub-paragraph (*a*) refers,

(ii) any corresponding list drawn up by the Northern Ireland General Health Services Board pursuant to section 6 of the Health Services Act (Northern Ireland) 1948(**g**),

and shall be deemed to include a statement issued to a practitioner in the Armed Services of the Crown by the Director-General of Medical Services, howsoever described, of the relevant Armed Service that the practitioner had been providing services in the Armed Services equivalent to general medical services.

Appeals

8.—(1) An applicant may appeal against a refusal by the Joint Committee to issue to him a certificate of prescribed experience or a certificate of equivalent experience by sending to the Department, within 28 days after the decision of the Joint Committee has been given to the applicant, or such extended period as may be allowed pursuant to the provisions of paragraph (2), a notice of appeal containing a concise statement of the facts and contentions on which the applicant intends to rely.

(2) An applicant, who wishes to appeal and who has failed to give notice thereof to the Department within the period of 28 days specified in paragraph

(f) S.R. & O. (N.I.) 1973 No. 421 (II, p. 2528) as amended by S.R. 1975 No. 180 (II, p. 950)
(g) 1948 c. 3 (N.I.)