MEDICAL AND HEALTH ACT

Principal Act

Act. No. 1997-25 *Commencement* 21.8.1997
Assent

Amending enactments	Relevant current provisions	Commencement date
LN. 1998/041	Sch. 8	11.6.1998
Acts. 1998-30	ss. 9(7)(b), 15(1)(a), 28(2), Sch.3 and Sch.12	13.8.1998
1999-02	s.81, Sch.3 and Sch.12	25.3.1999
1999-37	Sch.3	2.12.1999
2005-50	s. 61(2)	2.8.2005
2005-65	ss. 2(1), 8(4A) & (4B), 8A, 9(2A), (2B), (3A), (4)(b) & (d), (4A), (4B), (4C), (8), (9) & (10), 23(3A), (4), (7) & (8), 23A, 32(3A), (3B) & (3C), (4)(a), (b), (c) & (d), 45(1A) & (1B), Sch.3, Sch.5, Sch.6 & Sch.9	4.12.2005
LN. 2008/099	ss. 2(1), 32(4), Schs 3, 5, 6 & 9	1.1.2007
2010/090	Sch. 1	6.5.2010
Act. 2011-22	s. 66(ka) & (kb)	18.8.2011
LN. 2013/002	Sch. 8	17.1.2013
2013/058	ss. 59A-59H	11.5.2013

Transposing:
Directive 98/21/EEC
Directive 98/63/EEC
Directive 1999/46/EEC
Directive 2001/19/EC
Directive 2006/100/EC
Directive 2010/32/EC

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AN ACT TO CONSOLIDATE THE MEDICAL AND HEALTH ACT AND ITS AMENDING PROVISIONS, TO TRANSPOSE INTO THE LAW OF GIBRALTAR COUNCIL DIRECTIVE 77/452/EEC (AS AMENDED BY COUNCIL DIRECTIVES 81/1057/EEC, 89/594/EEC, 89/595/EEC AND 90/658/EEC), COUNCIL DIRECTIVE 78/686/EEC (AS AMENDED BY COUNCIL DIRECTIVES 81/1057/EEC, 89/594/EEC AND 90/658/EEC), COUNCIL DIRECTIVES 80/154/EEC AND 85/433/EEC (AS AMENDED BY COUNCIL DIRECTIVES 80/1273/EEC, 85/584/EEC, 89/594/EEC AND 90/658/EEC) AND COUNCIL DIRECTIVE 93/16/EEC CONCERNING THE MUTUAL RECOGNITION OF DIPLOMAS, CERTIFICATES AND OTHER FORMAL QUALIFICATIONS AND THE FREE MOVEMENT OF MEDICAL PRACTITIONERS, DENTAL PRACTITIONERS, PHARMACISTS AND OF NURSES RESPONSIBLE FOR GENERAL CARE AND OF MIDWIVES, INCLUDING MEASURES TO FACILITATE THE EFFECTIVE EXERCISE OF THE RIGHT OF ESTABLISHMENT AND FREEDOM TO PROVIDE SERVICES, TO DEAL WITH THE CONSTITUTION OF THE MEDICAL REGISTRATION BOARD AND TO GIVE EFFECT TO OTHER AMENDMENTS RELATING TO VARIOUS PURPOSES INCLUDING PROMOTION OF INTERNATIONAL CO-OPERATION IN THE TRAINING OF MEDICAL PRACTITIONERS WHO ARE NOT NATIONALS OF EEA STATES, THROUGH A SYSTEM OF LIMITED REGISTRATION.

Short title and commencement.

1. (1) This Act may be cited as the Medical and Health Act, 1997.

(2) The provisions of this Act shall come into force on such day as the Minister may by notice in the Gazette appoint.

PART I.

PRELIMINARY.

Interpretation.

2. (1) In this Act, unless the context otherwise requires–

"Accession of Greece Act" means the Act annexed to the Treaty relating to the Accession of the Hellenic Republic to the European Community signed at Athens on 28th May 1979;

"Accession of Spain and Portugal Act" means the Act annexed to the Treaty relating to the Accession of the Kingdom of Spain and the

Portuguese Republic to the European Community signed at Madrid and Lisbon on 12th June 1985;

"Accession of Austria, Finland and Sweden Act" means the Act annexed to the Treaty relating to the Accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, signed at Corfu on 24th June 1994, as adjusted by the decision of the Council of the European Union of 1st January 1995 adjusting the Instruments concerning the Accession of new member States to the European Union;

"Act of Accession 2003" means the Act annexed to the Treaty relating to the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the Adjustments to the Treaties on which the European Union is founded signed at Athens on 16th April 2003;

"Authority" means the Gibraltar Health Authority;

"Board" means the Medical Registration Board established under section 4, or the Nurses and Midwives Registration Board established under section 25 as the circumstances may require;

"certificate of registration" means a certificate issued under section 37(2);

"Chief Executive" means the Chief Executive of the Authority;

"diploma" includes any certificate or other document granted to a person passing an examination;

"EEA" means the territories to which the EEA Agreement applies;

"EEA Agreement" means the Agreement of the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 and as amended, so far as relevant to this Act, by Decisions of the EEA Joint Committee Nos. 7/94 of 21st March 1994, 190/1999 of 17th December 1999, 89/2000 of 27th October 2000 and 84/2002 of 25th June 2002 and by the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic signed at Luxembourg on 14th October 2003;

"EEA State" means a State which is a contracting party to the EEA Agreement or Switzerland;

"European Primary and Specialist Dental Qualifications Regulations 1998" means the European Primary and Specialist Dental Qualifications Regulations 1998 (S.I. 1998/811) made under section 2(2) of the European Communities Act, 1972;

"European Specialist Medical Qualifications Order 1995" means the European Specialist Medical Qualifications Order 1995 (S.I. 1995/3208) made under section 2(2) of the European Communites Act, 1972;

"General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003" means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (S.I. 2003/1250) made under sections 60 and 62(4) of the Health Act 1999;

"junior doctor" means a doctor who, by reason of his medical qualification is entitled to practise medicine in any country other than Gibraltar or any other part of the EEA who has had appropriate post-graduate clinical experience for the requisite period concluding with the date of his application to the Board for limited registration pursuant to and subject to the conditions contained in sections 14 to 20 who is employed by the Authority in the capacity of Junior or Senior House Officer or Registrar and who is not an overseas specialist;

"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, as amended from time to time and as adapted by the EEA Agreement;

"Minister" means the person charged with responsibility for health;

"national", in relation to an EEA State, means the same as in the Community Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services;

"prescribed" means prescribed by rules or regulations made under this Act, as the circumstances may require;

"Public Health Director" means the registered medical practitioner appointed as such by the Authority;

"recognised overseas diploma" means a diploma granted in a country overseas and recognised for the time being by the Board for the purposes of this Act, and does not include an appropriate European diploma;

"registered" means registered under this Act;

"register" means the register of Medical and Dental Practitioners, Pharmacists and Dispensers kept under section 7 or the register of Nurses and Midwives kept under section 28 as the circumstances may require;

"scale" means the scale prescribed under the Criminal Procedure Act;

"Swiss Agreement" means the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed at Luxembourg on 21st June 1999;

"visiting EEA dental practitioner entered in the list of such practitioners" means a person entered in the list of EEA dental practitioners kept by virtue of Schedule 7;

"visiting EEA medical practitioner" means a person registered under section 13(4);

"Vocational Training for General Medical Practice (European Requirements) Regulations 1994" means the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 (S.I. 1994/3130) made under powers contained in the European Communites Act 1972, the National Health Service Act 1977 and the National Health Service (Scotland) Act 1978.

(2) Any reference in this Act to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register; and the expression "registered" shall be construed accordingly.

(3) Any person who–

(a) is not a national of an EEA State; but

(b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) 1612/68 or any other enforceable Community right, entitled to be treated for the purposes of access to the profession of medicine, dentistry, or as the case may be pharmacy, or for the purposes of access to the nursing profession or the profession of midwifery, no less favourably than a national of such a State;

shall be treated for the purposes of sections 9 to 13, 23, 32(1), Schedule 6 paragraph 1 or, as the case may be Schedule 10 paragraph 2, as if he were such a national.

(4) In section 8(4) to (10) and sections 14 to 20 in this Act, unless the context otherwise requires–

"an acceptable overseas qualification" means a qualification granted outside the United Kingdom and for the time being accepted by the General Medical Council for the purposes of limited registration in accordance with section 22 of the Medical Act 1983 of the United Kingdom as furnishing a sufficient guarantee of the possession of the knowledge and skill requisite for the practice of medicine under the supervision of a person who is registered as a registered medical practitioner in Part I of the register;

"Fellow of the Royal College" means a Fellow of the Royal College of England and Wales appropriate to the medical specialisation set out in Schedule 4 and in which specialisation the overseas specialist applying for limited registration has practised and proposes to practise in Gibraltar, save that in the case of medicine, in place of "Fellow", the appropriate qualification shall be "Member of the Royal College of Physicians";

"General Medical Council" means the body corporate referred to in section 1(1) of the Medical Act 1983 of the United Kingdom;

"IELTS" means the International English Language Testing System currently operated by–

(a) the British Council;

(b) the University of Cambridge Local Examinations Syndicate;

(c) IDP Education Australia; or

(d) any additional or successor body to those specified in paragraph (a), (b) or (c) which is shown to the satisfaction of the Board to be authorised to operate IELTS;

"IELTS test" means the test administered in accordance with the International English Language Testing System by any of the bodies mentioned in paragraph (a), (b), (c) or (d) in the definition of "IELTS";

"limited registration" has the meaning given to it in section 14;

"overseas specialist" means a doctor who, by reason of his medical qualification is entitled to practise medicine in any country other than Gibraltar or any other part of the EEA and who has specialised in any of the medical specialisations set out in Schedule 4 for a period of at least five years concluding with the date of his application to the Board for limited registration pursuant to and subject to the conditions contained in sections 14 to 20;

"PLAB test" means the examination of that name set and administered by the Professional and Linguistic Assessment Board of the General Medical Council on a periodic basis to doctors;

"supervised employment" means employment in a teaching hospital or clinic with such degree of supervision by a consultant who is a medical practitioner registered in Part I of the register as is appropriate to the level of employment of the overseas specialist being supervised;

"teaching hospital or clinic" means a hospital or clinic in Gibraltar devoted to the practice of one or more of the medical specialisations set out in Schedule 4, operated under the supervision of one or more Fellows of the Royal College appropriate to the medical specialisation or specialisations practised in that hospital or clinic, at which post-graduate training in such medical specialisation or specialisations is provided to the extent that similar training is provided in teaching hospitals in the United Kingdom.

Definition of the practice of dentistry.

3. (1) For the purposes of this Act, the practice of dentistry shall be deemed to include the performance of any such operation and the giving of any such treatment, advice or attendance as is usually performed or given by dentists; and any person who performs any operation or gives any treatment, advice or attendance on or to any person as preparatory to or for the purpose

of or in connection with the fitting, insertion or fixing of dentures, artificial teeth or other dental appliances shall be deemed to have practised dentistry within the meaning of this Act.

(2) Subject to sub-section (3), dental work shall not be treated for the purposes of this Act as amounting to the practice of dentistry if it is undertaken under the direct personal supervision of a registered dentist–

(a) by a person approved as a student of dentistry by an authority awarding dental qualifications or diplomas recognised under this Act; or

(b) by a person approved as a medical student by an authority awarding medical qualifications or diplomas recognised under this Act;

as part of a course of instruction approved by that authority for students of that kind, or as part of an examination so approved.

(3) A person who undertakes dental work in the course of his studies (whether or not under the supervision of a registered dentist) shall be treated for the purposes of this Act as practising dentistry if he would have been treated for those purposes as practising dentistry if he had undertaken that work in the course of earning his livelihood.

PART II.
MEDICAL PRACTITIONERS, DENTISTS AND PHARMACISTS.

Establishment and constitution of Medical Registration Board.

4. (1) There shall be established a Medical Registration Board.

(2) The provisions contained in Schedule 1 shall have effect with respect to the constitution and proceedings of the Board.

(3) The Minister may by order alter, add to or amend, the provisions of Schedule 1.

Committees.

5. (1) The Board may from time to time, by notice published in the Gazette–

(a) appoint committees comprising members of the Board or members of the Board and other persons;

(b) specify quorums for such committees;

(c) delegate to any committee any specified functions, powers and duties of the Board; and

(d) give directions to any committee as to the procedure to be followed by it.

(2) Subject to this Act, and to any directions given to it by the Board, every committee may regulate its procedure in such manner as it may determine.

Secretary to the Board.

6. The Minister may appoint a fit and proper person to be secretary to the Board.

Register of medical practitioners, dentists and pharmacists.

7.(1) Subject to and in accordance with the provisions of this Act, the Board shall keep a register in which shall be entered the name, address, qualifications and date of registration of every person entitled to registration under this Part.

(2) The register shall consist of six parts as follows–

(a) Part I containing the list of fully registered medical practitioners, other than those provisionally registered;

(b) Part IA containing the list of provisionally registered medical practitioners;

(c) Part lB containing the list of junior doctors and overseas specialists;

(d) Part II containing the list of registered dentists;

(e) Part III containing the list of registered pharmacists; and

(f) Part IIIA containing the list of registered dispensers.

(3) The Minister may prescribe further parts to be added to those parts of the register listed in sub-section (2) so as to make provision for the registration of professions supplementary to medicine and in which shall be listed the particulars mentioned in sub-section (1).

Registration of dentists and pharmacists.

8. (1) Subject to section 23, any person who satisfies the Board that he is of good character and–

(a) is registered in the dental register or the register of Pharmaceutical Chemists of the United Kingdom under or pursuant to any law for the time being in force in the United Kingdom; or

(b) is in possession of such Commonwealth or foreign (other than an EEA) diploma in dentistry or pharmacy and has such professional experience as would entitle him to be so registered in either of those registers; or

(c) has passed such examinations in pharmacy as may be prescribed by the Board;

shall on payment of such fee as may be prescribed be entitled to be registered in the appropriate part of the register.

(2) Notwithstanding anything contained in sub-section (1) the Board may waive any fee which is payable by any person who at the time of registration is in the service of the Authority or of the Ministry of Defence in Gibraltar, as it thinks fit.

(3) Where any person who is not required to pay a fee by reason of the provisions of sub-section (2) leaves the service of the Authority or the Ministry of Defence he shall, if he wishes to remain on the register, pay the prescribed fee within thirty days of leaving such service.

(4) A person applying for registration shall at the time of making his application forward to the Board the fee or fees prescribed in Schedule 2 in respect of that application.

(4A) The Board shall notify the applicant in writing of its decision within three months of the date when the Board received all documents (or any remaining documents) that it needed to determine the application and when that decision is unfavourable to the applicant, of its reasons for that decision and of the applicant's right of appeal under section 45(1A).

(4B) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (4A).

(5) Where an application for registration is refused the Board shall return to the applicant that part of the fee payable under sub-section (4) as relates to the registration but shall not be required to return that part of the fee which relates to the administration of the application.

(6) The Board may require any person making an application for registration to furnish to the Board such information and evidence as in the opinion of the Board it may reasonably require to enable it to be satisfied that the requirements are met in respect of that application, and in the absence of such information or evidence the Board shall not be required to consider or determine the application:

Provided that nothing herein shall permit the Board to require from an applicant information or evidence, or that information or evidence in any form, other than that which may be required of that applicant in accordance with applicable provisions of any relevant legislation of an EEA State.

(7) Registration shall be valid for a period of 12 months unless earlier terminated in accordance with the Act and no fee or part thereof payable by virtue of sub-section (4) shall be refundable in the event of early termination of a registration:

Provided that registration may in a particular case and at the discretion of the Board be valid for such period in excess of 12 months but not in excess of 36 months as the Board may determine in respect of that registration.

(8) The date of commencement of a registration and the date until which, unless earlier terminated, that registration is valid shall be entered in the register beside the name of the person registered.

(9) Where a person has been registered and applies to register for a further period of one year commencing at the termination of the earlier period of registration the provisions of this section shall be treated as satisfied if the applicant provides to the Board together with such fee as may be prescribed, his declaration–

(a) that there has been no change in the information or evidence upon the basis of which he was registered; or

(b) setting out the change in the information or evidence upon the basis of which he was registered and the Board are satisfied that the change is not of the kind or extent that would result in the applicant ceasing to be entitled to registration.

The declaration referred to in this sub-section shall be in such form as may be prescribed by the Board.

(10) The Board may cause to be erased from the register the name of any person whose registration has ceased to be valid.

8A. The Board shall be the competent authority for the purposes of Council Directive No 78/686/EEC (defined in Schedule 5), the Dental Training Directive, the Pharmacists Recognition Directive and the Pharmacists Training Directive.

Full registration as medical practitioners.

9. (1) Subject to the following provisions of this section a person who is of good character shall on payment of the prescribed fee be entitled to be entered in the medical register, as a fully registered medical practitioner if he is–

(a) a medical practitioner with a United Kingdom or a European primary qualification;

(b) a medical practitioner with a United Kingdom or a European qualification in specialised medicine; or

(c) a medical practitioner with an overseas qualification as prescribed in sub-section (6), but not being a qualification referred to in paragraphs (a) or (b).

(2) The qualifications and specialisations, if any, of each medical practitioner shall be entered against his name in the register.

(2A) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)) applies for registration as a medical practitioner under this section, the Board shall notify him of the result of his application in writing–

(a) within three months of the date when the Board received all documents (or any remaining documents) that it needed to determine the application; or

(b) within such longer period as is allowed by the Medical Directive; and

(c) when that decision is unfavourable to the applicant, of its reasons for that decision and of the applicant's right of appeal under section 45(1A).

(2B) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (2A).

(3) A person is a medical practitioner with a United Kingdom or a European primary qualification if he is–

(a) fully registered on the coming into effect of this section and has obtained such qualification entitling him to be so registered in an EEA State;

(b) registered, or is entitled to be registered, as a fully registered medical practitioner under section 3 of the Medical Act 1983; or

(c) a national of an EEA State who has obtained a European primary qualification set out in Part I of Schedule 3 or who has satisfied the Board that his diploma, certificate or other formal qualification should be treated as such a qualification in accordance with Part III of that Schedule.

(3A) A medical practitioner with primary medical qualifications may apply to the Board to be registered as a general medical practitioner if–

(a) he is a person who has been awarded a Certificate of Completion of Training in general practice under article 8 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003; or

(b) he is a national of an EEA State who has obtained a vocational training certificate listed in Part IA of Schedule 3, together with the corresponding professional title or a certificate of acquired rights issued in an EEA State other than the United Kingdom in accordance with Title IV of the Medical Directive to the effect that he has an acquired right to practise as a general practitioner under the national social security scheme of the issuing State without a vocational training certificate in general practice; or

(c) he is a national of an EEA State who–

(i) holds a vocational training certificate awarded by a Member State that is not listed in Part IA of Schedule 3, and

(ii) that certificate is accompanied by a certificate of the competent authorities of that State to the effect that the

qualification was awarded following training in accordance with the relevant provisions of Title IV of the Medical Directive and is treated by that State as if it were a qualification set out under the heading relating to the State in that Part.

(4) A person is a medical practitioner with a United Kingdom or a European qualification in specialised medicine if–

(a) he applies to and satisfies the Board under section 10(7);

(b) he is a person who has been awarded a Certificate of Completion of Specialist Training under article 6 of the European Specialist Medical Qualifications Order 1995 or a Certificate of Completion of Training in a scheduled speciality under article 8 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003" are inserted at the end of paragraph (b);

(c) he is a person who has been granted a vocational training certificate under the Vocational Training for General Medical Practice (European Requirements) Regulations 1994;

(d) he is a national of an EEA state who has obtained in a State mentioned in column 1 of Part II of Schedule 3 a diploma, certificate or other formal qualification (European qualification in specialised medicine) set out in column 2 of that Part, or who has satisfied the Board that his diploma, certificate or other qualification on specialised medicine should be treated as such a qualification in accordance with Part III of that Schedule; or

(e) he is a national of an EEA State and is a person who has undertaken specific training in general medical practice in an EEA State which meets the requirements of article 31 of the Medical Directive, or has been awarded a certificate which is required to be recognised under article 39(2) of the Medical Directive,or has been awarded a certificate which is required to be recognised under article 37(2) of the Medical Directive.

(4A) The Board shall, within the specified period, give the applicant notice of its decision as to whether it is satisfied that he is a medical practitioner with an EEA qualification in specialised medicine and where it is not so satisfied, of the reasons for its decision and of the applicant's right to appeal under section 45(1A).

(4B) In sub-section (4A), "the specified period" means–

(a) the period of four months beginning with the date on which the Board receives the application together with all supporting documents (or any remaining documents); or

(b) such longer period as is allowed by the Medical Directive.

(4C) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (4A).

(5) A national of an EEA State who engages in general medical practice without being registered under sub-section (1)(b) as having a European qualification in specialised medicine in general medical practice or under sub-section (6), shall be guilty of an offence.

(6) A person is a medical practitioner with an overseas qualification if he is–

(a) fully registered under section 7(1)(b) of the Medical and Health Act 1973 on the coming into effect of this section but has not obtained the qualifications which would entitle him to be registered in an EEA State;

(b) registered or is entitled to be registered under section 19 of the Medical Act 1983; or

(c) in possession of such Commonwealth or foreign diploma (other than one granted in an EEA State) in medicine and has such professional experience as would entitle him to be so registered in the United Kingdom and as the Board considers appropriate.

(7) The provisions of sub-sections (2) to (10) of section 8 shall apply to the medical practitioners specified in sub-section (1) of this section provided that, as respects limited registration–

(a) sub-sections (2) and (7) of that section shall apply subject to section 14(2)(c); and

(b) sub-section (7) of that section shall apply subject to section 15(1)(f)(i).

(8) In the case of a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)), the Board shall, when considering whether it is satisfied that the person has primary or specialist medical

qualifications awarded outside the United Kingdom or an EEA State, take into account-

(a) all his medical qualifications, knowledge or experience, wherever acquired, which are relevant to its determination; and

(b) where the person has primary or specialist qualifications awarded outside the EEA which have been accepted by an EEA State as qualifying him to practise as a medical practitioner with primary or specialist medical qualifications in that State, that acceptance.

(9) The Board shall give the applicant notice of its decision under sub-section (8)–

(a) within three months of the date when the Board received all documents (or any remaining documents) that it needed to determine the application; or

(b) within such longer period as is allowed by the Medical Directive; and

(c) where it is not so satisfied, of the reasons for its decision and of the applicant's right to appeal under section 45(1A).

(10) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (9).

Acquired rights.

10. (1) For the purposes of article 36(2) of the Medical Directive (which requires each EEA State to specify the acquired rights that it recognises for the purpose of exercising general medical practice under its national social security scheme without a qualification referred to in article 30 of that Directive), a doctor has an acquired right to practise as a general medical practitioner providing general medical services in Gibraltar if–

(a) on 31 December 1994 his name was included in Part I of the register; or

(b) on 31 December 1994 he was established in Gibraltar by virtue of a qualification in medicine awarded in an EEA State other than the United Kingdom which had in his case to be recognised in Gibraltar by virtue of the Medical Directive (whether or not as read with the EEA Agreement), or by virtue

of any enforceable Community right, as entitling him to be registered, or to practise as if he were registered, as a fully registered medical practitioner;

(c) subject to sub-section (2), on at least 10 days in the period of 4 years ending with 31 December 1994, or at least 40 days in the period of 10 years ending with that date, he had been engaged as a deputy by, or provided as a deputy to, a doctor whose name was included in the medical list of the Government or Authority Hospital.

(2) For the purposes of sub-section (1)(c), engagement or provision as a deputy for a period of less than 24 hours beginning before but ending after midnight counts as engagement or provision on the second day only.

(3) The Board shall, if a doctor so requests in writing, issue a certificate of acquired rights to him if it is satisfied that he has an acquired right specified in sub-section (1).

(4) It is hereby declared that a restricted services principal is not entitled to practise otherwise than in accordance with the restriction which applies in his case merely because he has the acquired right specified in sub-section (1)(a).

(5) Subject to sub-section (4) and for the avoidance of doubt, no provision of this Act or of any subordinate legislation made under it shall have the effect of depriving any person registered in the medical register of such right to practise as he had immediately before the coming into effect of this Act.

(6) In the foregoing provisons of this section–

"restricted services principal" means a person who has undertaken to provide general medical services limited to–

(a) child health surveillance services;

(b) contraceptive services;

(c) maternity medical services; or

(d) minor surgery services;

or to any combination of the above.

(7) A person may apply to satisfy the Board under section 9(4)(a) if–

(a) he is a registered medical practitioner and, in the case of an oral and maxillo-facial surgeon, he is also a registered dentist; and

(b) he falls within sub-section (8).

(8) A person falls within this sub-section if–

(a) he is, or has been, a consultant in a Government or Authority Hospital in a medical specialisation other than general practice; or

(b) he has been accredited in such a specialisation; or

(c) he has satisfied the Board that–

(i) he has been trained in the United Kingdom in such a specialisation and that training complied with the requirements relating to training in that specialisation current in the United Kingdom at the time he undertook it; or

(ii) he has qualifications awarded in the United Kingdom or another EEA State in such a specialisation that are equivalent to that specialisation as mentioned in Part II of Schedule 3.

(9) In sub-section (8)(b), "accredited" refers to the former practice whereby certain medical Royal Colleges and Faculties in the United Kingdom acknowledged the satisfactory completion of a period of specialist training, to a level previously determined by that body, by granting an application for accreditation made by the person who had completed the training.

(10) A person registered with full registration (within the meaning of section 9) at the time of the passing of this Act shall continue to be so registered, provided that he continues to meet the requirements of that section, but shall not be registered as having a European primary qualification or a European diploma in specialised medicine unless he otherwise meets the requirements for being registered under section 9 as having such a qualification or diploma.

Effect of disqualification in an EEA State on registration in Gibraltar.

11. (1) A person who is subject to a disqualifying decision in an EEA State (which includes disqualification in the United Kingdom) in which he is or

has been established in medical practice shall not be entitled to be registered by virtue of section 9 for so long as the decision remains in force in relation to him.

(2) A disqualifying decision in respect of a person is a decision, made by competent authorities of the EEA State in which he was established in medical practice or in which he acquired a primary United Kingdom or primary European qualification, and–

(a) expressed to be made on the grounds that he has committed a criminal offence or on grounds related to his professional conduct; and

(b) having in that State the effect either that he is no longer registered or otherwise officially recognised as a medical practitioner, or that he is prohibited from practising medicine there.

(3) If a person has been registered by virtue of section 9 and it is subsequently shown to the satisfaction of the Board that he was subject to a disqualifying decision in force at the time of registration, and that the decision remains in force, the Board shall remove the person's name from the register.

(4) If registration is refused or a person's name is removed from the register in accordance with sub-section (3) above–

(a) the Board shall, on request, state in writing the reasons for the refusal, or the removal, as the case may be;

(b) the person may appeal by lodging such appeal with the Registrar of the Supreme Court within thirty days (or such longer period as the Court may allow) of the receipt of such reasons; and

(c) any such appeal shall be determined by the Supreme Court.

(5) If a person has been registered as a fully registered medical practitioner by virtue of section 9 at a time when a disqualifying decision was in force in respect of him, the Board may suspend his registration for a period, not exceeding the period for which such registration is valid, and the period of suspension shall begin on a date to be specified by the Board.

Competent authority.

12. The Board shall be the competent authority for the purposes of the Medical Directive.

Visiting EEA medical practitioners.

13. (1) If he complies with the requirements of this section it shall be lawful for a person who is a national of an EEA State and lawfully established in medical practice in an EEA State on visiting Gibraltar to render medical services in Gibraltar temporarily without first being registered under section 9.

(2) Such a person intending so to render services shall provide the Board with –

(a) a declaration giving particulars of the service to be rendered and the period or periods in which he expects to render them; and

(b) a certificate or certificates issued by the competent authority or body and bearing a date not less recent than 12 months prior to the date on which it is provided, which shows –

(i) that he is lawfully practising medicine in an EEA State; and

(ii) that he holds medical qualifications which EEA States are required by the Medical Directive to recognise;

and for the purposes of this sub-section the competent authority or body means the authority or body designated by the EEA State concerned as competent for the purposes of article 17 (3) of that Directive.

(3) In an urgent case the declaration to be provided under sub-section (2) (a) may be provided after the services have been rendered, but where it is so provided it shall be provided as soon as possible thereafter and in any event not more than 15 days after the date on which the practitioner first rendered such services.

(4) Where a person complies with the requirements of sub-section (2), the Board shall register him under this section in Part 1A of the register as a visiting EEA medical practitioner for such period or periods as, having regard to the particulars given in the declaration referred to in sub-section (2)(a), it considers appropriate.

(5) Registration of a person as a visiting EEA medical practitioner shall cease if –

(a) he becomes established in medical practice in Gibraltar; or

(b) he renders, save in a case of urgency, medical services in Gibraltar otherwise than in accordance with a declaration made by him under sub-section (2)(a).

(6) Section 56 and sub-section (1) of this section shall not apply to a person and that person shall not be registered as a visiting EEA medical practitioner at any time when he is subject to a disqualifying decision imposed by the competent authority of an EEA State.

Limited registration of junior doctors and overseas specialists.

14. (1) In this section "limited registration" means registration in Part 1B of the register of either–

(a) a junior doctor who gained his qualifications in a non-EEA state and who–

(i) is employed by the Government or the Authority in the capacity of Junior or Senior House Officer or Registrar; and

(ii) receives vocational training and supervision in the course of performance of his duties in order to gain knowledge and skills in the field of medicine; or

(b) an overseas specialist of high calibre for the purpose of–

(i) enabling that overseas specialist to further in Gibraltar his knowledge of and practise his skill in his particular specialisation in one or more supervised training environments in one or more teaching hospitals or clinics; and

(ii) fostering of valuable technical, professional and social links between Gibraltar and overseas countries;

in each case subject to compliance with the requirement in section 9 relating to good character and limited in accordance with sub-section (2)(c) in respect of the period for which and the supervised employment for the purposes of which it has effect.

(2) The limits of a person's registration referred to in sub-section (1) shall be–

(a) determined by the Board on the occasion on which it determines the eligibility of the person to be registered;

(b) recorded in the register beside the name of the person; and

(c) in accordance with the following provisions, that is to say–

(i) for a period, not exceeding 36 months; and

(ii) in respect of the particular supervised employment for the purposes of which the limited registration is granted;

and subject to payment of the fee prescribed in Schedule 2 that person's registration shall have effect for the period and for the purposes of the employment so determined.

(3) Where the supervised employment specified by virtue of sub-section (2)(c)(ii) terminates before the end of the period specified by virtue of subparagraph (i) of that sub-section, the registration of a person under this section shall cease to have effect when that supervised employment terminates.

(4) A person registered with limited registration in accordance with this section shall be treated as registered in Part lB of the register in relation to the following matters, that is to say–

(a) the supervised employment in which he is engaged during the currency of his registration, being the supervised employment specified by virtue of sub-section (2)(c)(ii); and

(b) things done or omitted in the course of that supervised employment; and

(c) any other thing incidental to his work in that supervised employment which, by virtue of the Act or any other statutory provision, may not be lawfully or validly done except by a registered medical practitioner entered in Part I of the register;

but in relation to other matters he shall be treated as not so registered.

(5) Continuation of the limited registration for the period determined in accordance with sub-section (2)(a), shall be subject to the person registered fulfilling and continuing for the period of the registration to comply with such conditions as are referred to in section 16(1).

(6) At the expiry of the period of limited registration determined in accordance with sub-section (2)(a) unless that limited registration shall have earlier terminated, the registration shall cease to have effect and the entry shall be removed from the register.

Eligibility for limited registration.

15. (1) Subject to section 14, where a person seeking registration as a junior doctor satisfies the Board that–

(a) he has been accepted for supervised employment in one of the capacities set out in section 14(1)(a) (i);

(b) he holds, has held, or has passed the examination necessary for obtaining an acceptable overseas qualification;

(c) he has at least 12 months post-graduate clinical experience in a teaching hospital (save that an applicant for a post in casualty or in accident or emergency departments must have practised clinical medicine for two years since qualification of which at least 12 months was spent in a teaching hospital which included 6 months surgical experience of which not less than 18 weeks was spent in a department of General Surgery);

(d) either–

(i) he has passed the PLAB test; or

(ii) he satisfies the Board (in a manner to be prescribed by the Board) that he has the necessary knowledge of English and that he has the knowledge and skill which are necessary for practice as a medical practitioner and are appropriate in his case;

(e) he has confirmed in writing that he will leave Gibraltar at the end of his period of employment in Gibraltar;

the Board shall be satisfied that the requirements of section 9(1)(c) have been met, and subject to–

(f) (i) payment of the prescribed fee; and

(ii) satisfying the Board that he is of good character;

the junior doctor shall be entitled to be registered in Part IB of the register, such registration to be subject to the conditions imposed by the Board in accordance with section 17, which conditions shall be entered in the register

beside the name of the person registered together with the statement that the registration is a limited registration under the provisions of sections 14 to 20, the date of commencement of the registration and the date until which, unless earlier terminated, the registration is valid.

(2) Subject to section 14, where a person seeking registration as an overseas specialist satisfies the Board that–

(a) he has been selected for supervised employment in his specialisation in a teaching hospital or clinic in Gibraltar as an overseas specialist for a period not less than the duration of his proposed registration;

(b) he holds, has held, or has passed the examination necessary for obtaining an acceptable overseas qualification in the medical specialisation in which he has been selected for supervised employment;

(c) he has at least 12 months post-graduate clinical experience in a hospital in the country in which he obtained his acceptable overseas qualification;

(d) he has specialised in one or more of the medical specialisations set out in Schedule 4 in which he proposes to take up supervised employment for a period of at least 5 years concluding with the date of his application to the Board for registration;

(e) he has passed module B of the IELTS test to an average of band 7.0 in all four categories;

(f) he has letters of support for his application from–

(i) a Fellow of the appropriate Royal College familiar with the teaching clinic or hospital at which the overseas specialist is to be employed certifying that the writer of the letter referred to in subparagraph (ii) is known personally to him and that he is a distinguished practitioner in the medical specialisation or specialisations in which the person proposes to take up supervised employment; and

(ii) a distinguished practitioner in that medical specialisation or specialisations from either the country in which the overseas specialist obtained the overseas qualification or qualifications or, if different, the country in which that

person practised the medical specialisations in accordance with paragraph (d) certifying that that person is known personally to the distinguished practitioner, but is not a close relative of his, that he is of exceptional ability and selected on merit, that he is a fit and proper person who will benefit from practising his specialisation in a teaching environment in Gibraltar and that the practice of his skill will be of benefit to patients of the teaching clinic or hospital;

(g) he has not taken and failed the PLAB test set by the General Medical Council;

(h) he has confirmed in writing that he will leave Gibraltar at the end of his period of employment in Gibraltar;

the Board shall be satisfied that the requirements of section 9(1)(c) have been met, and subject to–

(i) payment of the prescribed fee; and

(j) satisfying the Board that he is of good character;

the overseas specialist shall be entitled to be registered in Part IB of the register, such registration to be subject to the conditions imposed by the Board in accordance with section 17, which conditions shall be entered in the register beside the name of the person registered together with the statement that the registration is a limited registration under the provisions of sections 14 to 20, the specialisation or specialisations of the overseas specialist, the teaching hospital or clinic at which the overseas specialist is employed, the date of commencement of the registration and the date until which, unless earlier terminated, the registration is valid.

(3) For the purposes of section 37, proof of the matters set out in paragraphs (b) and (c) of section 15(1) and paragraphs (b), (c) and (d) of section 15(2) may be given by production of the appropriate acceptable overseas qualification or original letter on the official headed notepaper of the university or hospital–

(a) at which the junior doctor or overseas specialist received his qualification; and

(b) at which he undertook 12 months post-graduate clinical experience; and

(c) at which, in the case of an overseas specialist, he carried out at least five years practice in his medical specialisation.

(4) Any junior doctor or overseas specialist aggrieved by the refusal of the Board to approve his application for registration pursuant to sections 14 to 20 may appeal to the Minister and the procedure to be followed and the consequences upon such appeal shall be that set out in sub-sections (2), (3) and (4) of section 48.

Registration subject to compliance with conditions.

16. (1) Limited registration shall be subject to compliance by the junior doctor and by the overseas specialist with the conditions set out in section 17, save that the Board may in its discretion in any individual case waive some or all of those conditions.

(2) If any registered junior doctor or registered overseas specialist fails to comply with any condition of his registration the Board may, after inquiry and if it sees fit, suspend him from practice until the condition is complied with or order his name to be removed from the register.

(3) Where the Board makes inquiry under the provisions of this section the junior doctor or the overseas specialist against whom any non-compliance with a condition of his registration is alleged shall first be informed of the nature of the allegation and shall be entitled to appear in person before the Board and heard thereon.

(4) Where after due inquiry the Board decides under the provisions of this section to suspend the junior doctor or the overseas specialist from limited registration until the condition is complied with or order his name to be removed from the register, notice of such intention should be served upon the junior doctor or the overseas specialist on the same basis and in the same manner as the notice referred to in section 44(4).

(5) Upon service of a notice under sub-section (4) the provisions of sub-sections (5) and (6) (including the proviso) of section 44 and sections 45 and 46 shall apply in relation to such notice as they apply to a notice served under section 44(4).

Conditions with which the junior doctor and the overseas specialist must comply during the period of his registration.

17. Subject to section 16 the junior doctor shall comply with conditions (a) (b) and (e) of this section and the overseas specialist shall comply with all of the following conditions during the period of his registration–

(a) he shall work only in the supervised employment offered to him and referred to in section 14(2)(c)(ii) and under the supervision of a medical practitioner registered pursuant to section 9;

(b) he shall accept and at all times comply with the requirements of his supervisor;

(c) he shall satisfactorily attend the courses, lectures and seminars of the teaching hospital or clinic at which he is employed;

(d) at six monthly intervals he shall produce to the Board a letter from a Fellow of the Royal College of the teaching hospital or clinic at which the overseas specialist is employed certifying that the overseas specialist has diligently applied himself to and made satisfactory progress in his training and studies;

(e) he is and remains in possession of a valid residence permit issued under the Immigration Control Act and the teaching hospital or clinic by which he is employed is and remains in possession of a valid employment permit in respect of the overseas specialist issued under the Employment Act.

Notices.

18. The provisions of section 49 relating to the service of notices shall apply to the service of any notice under sections 14 to 20.

Convictions, malpractice and negligence.

19. For the avoidance of doubt the provisions of sections 44 to 46 inclusive shall apply to any junior doctor and to overseas specialists registered pursuant to the provisions of sections 14 to 20.

Applicability of the Act.

20. The following additional provisions of the Act shall apply in relation to junior doctors and to overseas specialists applying for registration or who are registered in accordance with sections 14 to 20–

(a) sections 37 and 39;

(b) section 40, subject to the substitution of a reference to sections 14 to 20 for the reference to Part II of the Act;

(c) sections 41 to 43 inclusive, sections 50, 51, 75, 79, 87 and 88.

Provisional registration as medical practitioner.

21. (1) Notwithstanding the provisions of section 9 any person who satisfies the Board that–

(a) he is of good character; and

(b) is provisionally registered or is entitled to be provisionally registered in the medical register of the United Kingdom or is in possession of such Commonwealth or foreign diploma in medicine as would entitle him to be so registered; and

(c) is employed by the Authority in a hospital in Gibraltar;

shall be entitled to be provisionally registered in Part IA of the register, without payment of any fee.

(2) Any person who is provisionally registered under the provisions of sub-section (1) shall be deemed to have been registered for the purposes of this Act:

Provided that–

(a) such person may only practise in a hospital maintained by the Authority;

(b) the name of such person shall be removed from the register if–

(i) he ceases to be employed by the Authority in a hospital; and

(ii) at the time of so ceasing he is not entitled to be registered under the provisions of section 9.

(3) Any person who has been provisionally registered shall be entitled to be registered under the provisions of section 9, upon satisfying the Board that he is entitled to be registered under those provisions.

Rules.

22. It shall be lawful for the Minister to make rules providing for –

(a) regulating the formation and maintenance of the register;

(b) prescribing categories of specialization for the purposes of registration of any person in any part of the register (subject to the right of persons entitled to practise the specialisations set out in Part II of Schedule 3 and Schedule 4 to be registered in categories appropriate to such specialisation);

(c) regulating the proceedings of the Board;

(d) enabling the Board to constitute committees and for authorising the delegation by the Board to committees of any of the powers of the Board and for regulating the procedure of such committees;

(e) prescribing and regulating courses of training and the conditions and conduct of examinations in pharmacy;

(f) regulating the conditions of admission to the register and prescribing the conditions to be observed by applicants for registration and regulating the issue and prescribing the form of the register and of certificates of registration;

(g) the procedure for removal from and restoration to the register;

(h) regulating the practice of medical practitioners, dentists, pharmacists and dispensers;

(i) prescribing the conditions under which and the manner in which any registered person may be suspended from practice by the Board;

(j) prescribing fees;

(k) prescribing anything to be prescribed under this Act in relation to the Board and the register;

(l) generally for carrying into effect the purposes of this Act.

Qualification by appropriate European diploma for registration in Part II containing the list of registered dentists or Part III containing the list of registered pharmacists.

23. (1) Subject to the provisions of this Act any person who is a national of an EEA State and holds an appropriate European diploma shall, on payment of such fee as may be prescribed, be entitled to be registered in Part II (list of registered dentists) or, as the case may be, Part III (list of registered pharmacists) of the register for which his qualifications entitle him.

(2) In sub-section (1), "appropriate European diploma" shall be construed in accordance with Schedule 5 in respect of qualifying European dental qualifications and Schedule 6 in respect of qualifying European pharmaceutical qualifications.

(3) A person shall not be entitled to be registered in Part II or, as the case may be, Part III of the register under sub-section (1) unless he satisfies the Board as to the following matters, namely–

(a) his identity;

(b) that he is of good character; and

(c) that he is in good health both physically and mentally.

(3A) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)) the Board shall accept as sufficient evidence of good character for the purposes of sub-section (3)(b)-

(a) a certificate issued by the competent authority in the EEA State which awarded the appropriate European diploma, or in which he has subsequently become established, attesting that the requirements of that State in relation to good character for the taking up the relevant profession have been met; or

(b) where the State does not require proof of good character for taking up of the profession of dentistry, an extract from the judicial record or an equivalent document issued by a competent authority in the State showing that he is of good character.

(4) In relation to a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)) the Board shall accept as sufficient evidence of good health for the purposes of sub-section (3)(b) or (c) the document required in the EEA State which awarded the appropriate European diploma, or in which he has subsequently been established, as proof of good health.

(5) The Board shall not accept any document referred to in sub-section (4) if it is presented more than three months after the date on which it was issued.

(6) Any person to whom section 2(3) applies and who applies to be registered by virtue of sub-section (3) shall produce or send to the secretary

of the Board evidence of the enforceable Community right on which he relies.

(7) Where a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)) applies for registration under sub-section (1), the Board shall notify him of the result of his application–

(a) within three months of the date when the Board received all documents (or any remaining documents) that it needed to determine the application; or

(b) within such longer period as is allowed by–

(i) Council Directive No. 78/686/EEC (defined in Schedule 5) in the case of dentists; or

(ii) the Pharmacists Recognition Directive in the case of pharmacists; and

when that decision is unfavourable to the applicant, of its reasons for that decision and of the applicant's right of appeal under section 45(1A).

(8) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (7).

Qualification by recognised overseas diploma for registration in Part II containing the list of registered dentists.

23A.(1) Subject to the provisions of this Act, any person who holds a recognised overseas diploma shall, on payment of such fee as may be prescribed, be registered in Part II (list of dentists) if he satisfies the Board as to the following matters, namely–

(a) his identity;

(b) that he is of good character;

(c) that he has the requisite knowledge and skill;

(d) that he is a national of an EEA State (or is treated as such for the purposes of section 2(3)) or has the necessary knowledge of English; and

(e) that he is in good health, both physically and mentally.

(2) In deciding for the purposes of sub-section (1)(c) whether a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)) has the requisite knowledge and skill, the Board–

(a) shall take into account all his dental qualifications, knowledge or experience, wherever acquired which are relevant to that decision;

(b) if the person holds a dental qualification granted outside the EEA which has been accepted by another EEA State as qualifying him to practice as a dentist in that State, shall take that acceptance into account; and

(c) may treat a qualification which is not of a kind recognised for the time being by the Board as furnishing sufficient guarantees that he has the requisite knowledge and skill as if it were such a qualification.

Visiting EEA dental practitioners.

24. Schedule 7 (which makes provision for persons established in dental practice in an EEA State to render dental services during a visit to Gibraltar without being registered under this Act), shall have effect.

PART III.
NURSES , MIDWIVES AND HEALTH VISITORS.

Establishment and constitution of Nurses, Midwives and Health Visitors Registration Board.

25. (1) There shall be established a Nurses, Midwives and Health Visitors Registration Board.

(2) The provisions contained in Schedule 8 shall have effect with respect to the constitution and proceedings of the Board.

(3) The Minister may by order alter, add to or amend the provisions of Schedule 8.

Committees.

26. (1) The Board may from time to time, by notice published in the Gazette—

(a) appoint committees comprising members of the Board, or members of the Board and other persons;

(b) specify quorums for such committees;

(c) delegate to any committee any specified functions, powers and duties of the Board; and

(d) give directions to any committee as to the procedure to be followed by it.

(2) Subject to this Act, and to any directions given to it by the Board, every committee may regulate its procedure in such manner as it may determine.

Secretary to the Board.

27. The Minister may appoint a fit and proper person to be secretary to the Board.

Register of Nurses, Midwives and Health Visitors.

28. (1) Subject to the provisions of this Act the Board shall keep a register in such parts and in such form as may be prescribed in which shall be entered the name (including every other name by which such person may have been known), address, qualifications and date of registration of all persons entitled to registration under sections 29 and 30 or accepted for registration under section 31or section 32.

(2) Without prejudice to the generality of sub-section (1) there shall be parts of the register in which shall be entered the names and addresses of enrolled nurses being persons who are not entitled to registration under section 29 or 30 or who have not been accepted for registration under section 31 or section 32 but who satisfy such conditions as may be prescribed. Subject to paragraph 1(h) of Schedule 8, none of the rights conferred on registered nurses by this Act shall be conferred on enrolled nurses.

Registration.

29. (1) Any person who satisfies the Board that he is of good character and–

(a) has undergone the prescribed training in the nursing of the sick, in midwifery or, as the case may be, in health visiting either in an institution approved by the Board in that behalf, or in the service of the Crown; and

(b) possesses the prescribed experience in the nursing of the sick, in midwifery or, as the case may be, in health visiting;

(c) has passed such examination applicable to that part of the register to which he seeks admission as may be prescribed;

shall, on payment of such fee as may be prescribed, be entitled to be registered in the appropriate part of the register.

(2) Registration shall be valid for a period of thirty-six months unless earlier terminated in accordance with the provisions of this Act and no fee or part thereof, payable by virtue of sub-section (1), shall be refundable in the event of early termination.

(3) Subject to sub-section (4), where a person has been registered and applies to register for a further period of thirty-six months commencing at the termination of the earlier period of registration, the provisions of this section and sections 30, 31 and 32 shall be treated as satisfied if the applicant provides to the Board together with such fee as may be prescribed, his declaration–

(a) that there has been no change in the information or evidence upon the basis of which he was registered; or

(b) setting out the change in the information or evidence upon the basis of which he was registered and the Board are satisfied that the change is not of the kind or extent that would result in the applicant ceasing to be entitled to registration.

The declaration referred to in this sub-section shall be in such form as may be prescribed by the Board.

(4) (a) Any nurse who–

(i) applies under sub-section (3) to register for a further period of thirty-six months; and

(ii) has been in practice immediately before such application;

shall satisfy the Board that he has undertaken such courses and training during that practice as may have been prescribed.

(b) Any nurse who has not practised as such for a continuous period in excess of three years terminating with the date of

application for registration shall undertake and complete such refresher course as may be prescribed, prior to registration.

(5) For the purpose of this section "prescribed" other than in relation to the fee payable on registration, means prescribed by the Board.

Admission to register of Nurses, Midwives and Health Visitors trained in the United Kingdom.

30. (1) Any person wishing to be admitted to practise as a nurse, midwife or health visitor in Gibraltar and whose name is registered in any part or parts of the register kept by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting shall make written application to the secretary of the Board.

(2) Every application under sub-section (1) shall be accompanied by a certificate issued and duly authenticated by the Council on whose register the said person is registered to the effect that his name is so registered as a nurse, midwife or, as the case may be, a health visitor.

(3) Upon satisfying the Board of his identity and good character, and upon paying the prescribed fee for ordinary applications for registration under this Act, an applicant under this section shall be entitled to be registered under this Part.

Admission to register of Nurses, Midwives and Health Visitors of countries other than Gibraltar and the United Kingdom.

31. Subject to section 32 any person wishing to be admitted to practise as a nurse, midwife or health visitor in Gibraltar, who–

(a) proves to the satisfaction of the Board that he has been trained in a country or territory outside Gibraltar or the United Kingdom where the standard of training is not lower than the standard of training and examination required under this Act, either as a nurse, a midwife or, as the case may be, a health visitor; and

(b) satisfies the Board as to his identity and good character;

may either after examination or without examination, and upon payment of the prescribed fee, be registered in the appropriate part of the register.

Admission to register of Nurses and Midwives who are nationals of EEA States.

32.(1) Any person who is a national of an EEA State, who holds an appropriate European diploma and who satisfies the Board as to his identity and character shall, on payment of such fee as may be prescribed, be entitled to be registered in the appropriate part of the register of nurses and midwives.

(2) In sub-section (1) "appropriate European diploma" shall be construed in accordance with Part I of Schedule 9 in respect of qualifying European nursing and midwifery qualifications.

(3) In any case where–

(a) an application for admission to be registered as a nurse or midwife is made by an applicant within sub-section (1); and

(b) the Board has received all the documentary evidence as to his identity, character and qualifications required to enable him to be registered;

he shall be registered within three months of the date on which the Board was in receipt of that evidence or such longer period as may be permitted by article 10 of the First Nursing Directive or article 11 of the First Midwifery Directive.

(3A) The Board shall be the competent authority for the purposes of the Nursing Directives and the Midwifery Directives.

(3B) The Board shall notify the applicant in writing of its decision within three months of the date when the Board received all documents (or any remaining documents) that it needed to determine the application and when that decision is unfavourable to the applicant, of its reasons for that decision and of the applicant's right of appeal under section 45(1A).

(3C) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-section (3B).

(4) In this Part, in Schedule 9 and, in so far as relevant, Schedule 10 –

(a) "the First Nursing Directive" means Council Directive 77/452/EEC, concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, as adapted, amended or extended by the Accession of Greece Act, Council Directive 81/1057/EEC, the Accession of Spain and Portugal Act, Council Directives 89/594/EEC, 89/595/EEC, 90/658/EEC and

2001/19/EC, the EEA Agreement, the Accession of Austria, Finland and Sweden Act, the Swiss Agreement and the Act of Accession 2003;

(b) "the Second Nursing Directive" means Council Directive 77/453/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of the activities of nurses responsible for general care, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC, the Accession of Spain and Portugal Act, Council Directives Nos. 89/595/EEC and 2001/19/EC, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

(c) "the First Midwifery Directive" means Council Directive 80/154/EEC, concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in midwifery as adapted, amended or extended by Council Directive 80/1273/EEC, Accession of Spain and Portugal Act, Council Directives 89/594/EEC, 90/658/EEC and 2001/19/EC, the EEA Agreement, the Accession of Austria, Finland and Sweden Act, the Swiss Agreement and the Act of Accession 2003;

(d) "the Second Midwifery Directive" means Council Directive 80/155/EEC, concerning the coordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of the activities of midwives, as adapted, amended or extended by the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC and 2001/19/EC, the EEA Agreement and the Accession of Austria, Finland and Sweden Act.

Community documents.

33. A registered nurse or midwife who–

(a) wishes to practise as a nurse or midwife in any other part of the EEA; and

(b) requires for that purpose any such documentary evidence relating to his qualification as is referred to in the First Nursing Directive or, as the case may be, the First Midwifery Directive;

may apply to the Board for, and the Board shall provide, the necessary documents.

Deemed registration of Visiting Nurses and Midwives from EEA States.

34. (1) A visiting nurse to Gibraltar from an EEA State may practise as a nurse responsible for general care during the period specified in his relevant documents and while he is so practising he shall be deemed to be registered as a nurse responsible for general care.

(2) A visiting midwife to Gibraltar from an EEA State shall be deemed to be registered as a midwife during the period specified in her relevant documents.

(3) In this Part and in Schedule 10 "relevant documents", in relation to any person, means–

(a) a written declaration stating–

(i) that he is intending to practise in Gibraltar as a nurse responsible for general care or, as the case may be, as a midwife; and

(ii) the address of the place where and the period during which he intends so to practise; and

(b) a certificate or certificates issued, not more than twelve months before the date on which the Board is provided with the relevant documents, by the competent authority of the EEA State in which he is practising as mentioned in paragraph 3(b) of Schedule 10 certifying–

(i) that he is lawfully practising as a nurse responsible for general care or, as the case may be, as a midwife in that State; and

(ii) that he holds an appropriate diploma.

(4) Schedule 10 (which makes provision for a person lawfully practising as a nurse or midwife in an EEA State, visiting Gibraltar to provide services), shall have effect.

Relief from fees.

35.(1) Notwithstanding anything contained elsewhere in this Part the Board may waive the fees of any person who at the time of registration is in the

service of the Government, the Authority or the Ministry of Defence in Gibraltar, as it thinks fit.

(2) Where any person who is not required to pay a fee by reason of the provisions of sub-section (1) leaves the service of the Government, the Authority or the Ministry of Defence, he shall, if he wishes to remain on the register, pay the prescribed fee within thirty days of leaving such service.

Regulations.

36. It shall be lawful for the Minister to make regulations providing for–

(a) regulating the conditions of admission to the register and prescribing the conditions to be observed by applicants for registration, and regulating the issue and prescribing the form of the register and certificates of registration;

(b) regulating the practice of nurses, midwives and health visitors;

(c) regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matters ancillary to or connected with any such examinations;

(d) prescribing the conditions under which and the manner in which any registered person may be suspended from practice by the Board;

(e) the procedure for removal from and restoration to the register;

(f) regulating the proceedings of the Board;

(g) the titles which may be used and the uniforms or badges which may be worn by nurses, midwives and health visitors registered under this Act;

(h) regulating the practice and providing for the registration in an appropriate part of the register of nursing assistants and nursing auxiliaries;

(i) prescribing anything to be prescribed under this Act in relation to the Board and the register; and

(j) generally for carrying this Act into effect.

PART IV.
GENERAL PROVISIONS ON REGISTRATION AND DISCIPLINE.

Evidence of qualification to be given before registration, etc.

37. (1) No person shall be registered, and no additional qualification shall be inserted in the register under section 39 in respect of any person, unless the Board is satisfied by the proper evidence that the person claiming such registration or qualification is entitled to be registered or have such additional qualification added; and any entry which shall be proved to the satisfaction of the Board to have been fraudulently or incorrectly made may be erased from the register by the Board.

(2) Upon the registration of a person under this Act there shall be issued to him a certificate under the hand of the secretary to the appropriate Board stating that he has been registered on the date specified in the certificate and that certificate shall reproduce any entry in the appropriate register against that person's name.

(3) The Board shall, in respect of a national of an EEA State accept for the purpose of establishing that the person is of good character a certificate issued by a competent authority in the EEA State where he is entitled to practise attesting that the requirements of that EEA State as regards good character have been met by that person:

Provided that if the EEA State does not require proof of good character the Board shall accept in place of such certificate referred to above, an extract from the judicial record of that EEA State or an equivalent document issued by the competent authority in that State.

(4) The Board shall have a duty where it considers it appropriate to inform the competent authority in the EEA State from which a migrant originates of information about that migrant in the Board's possession which is of a serious nature and which in the opinion of the Board that competent authority ought to know.

Examinations.

38. (1) It shall be the duty of the Board to make such arrangements as may be necessary for the holding or recognition of examinations for the purposes of this Act, to appoint examiners therefor, and to determine the time when and the place where any such examination shall be held.

(2) Such fee as may be prescribed shall be paid by every person who presents himself for any such examination as is mentioned in sub-section (1) and all such fees shall be paid into the Consolidated Fund.

Registered person may have subsequent qualification inserted.

39. Any registered person who may have obtained any degree higher than, or any qualification other than the qualification in respect of which he may have been registered, shall be entitled on proof to the satisfaction of the Board of such degree or qualification to have such higher degree or additional qualification inserted in the register in substitution for or in addition to any qualification previously registered.

Registration to be gazetted.

40. Upon registering any person under Part II of this Act the Board shall as soon as may be convenient cause the name and address of such person and the qualifications in respect of which he is registered, to be notified in the Gazette.

Correction of register.

41. (1) The Board shall cause to be inserted in the register from time to time any alteration which may come to its knowledge in the name or address of any registered person.

(2) The Board may cause to be erased from the register the name of any deceased person and the name of any person whose registration has lapsed pursuant to, or as otherwise provided by, this Act .

Inspection of register.

42. The register shall be open to the inspection of any person on payment of such fee as may be prescribed, during the usual office hours.

Evidence.

43. A certificate purporting to be a certificate under the hand of the secretary to the Board that any person is or was at any date or is not, or was not at any date, duly registered, or stating that any particulars are or were at any date, or are not, or were not at any date, contained in the register kept by such Board, with respect to any person, shall be prima facie evidence in all courts of law of the facts stated in the certificate.

Persons convicted of certain offences, etc. may be suspended etc. or struck off register.

44. (1) If any registered person–

(a) shall be convicted of an offence punishable with imprisonment for two years or more, or of an offence under section 75; or

(b) shall after due inquiry be judged by the Board to have been guilty of malpractice, negligence or infamous conduct in any professional respect;

the Board may, if it sees fit, caution or censure such registered person or suspend him from practice, or order his name to be removed from the register.

(2) Where the Board is satisfied that a decision has been made by responsible authorities in an EEA State to the effect that any person ceases to be registered or otherwise officially recognised to practise dentistry, pharmacy or, as the case may be, nursing or midwifery or is prohibited from practising dentistry, pharmacy or, as the case may be, nursing or midwifery there and the decision is expressed to be made on the grounds that the person has committed a criminal offence or has been guilty of any misconduct in a professional respect, the Board shall be entitled to exercise its powers under sub-section (1) in relation to that person on the assumption that the grounds on which the decision was expressed to be made constitutes a criminal offence or malpractice, negligence or infamous conduct in a professional respect rendering that person unfit to have his name on the register as would (apart from this sub-section) justify the exercise of that power.

(3) Where the Board makes any inquiry under the provisions of this section the person against whom any offence is alleged shall be first informed of the nature of the allegation, and shall be entitled to appear in person before the Board and be heard thereon.

(4) Where after due inquiry the Board decides under the provisions of this section to order the removal of the name of, caution, censure or suspend any person from the register, notice of the intention of the Board so to do shall be served on such person by the secretary to the Board either personally or, if such person cannot be found, by leaving it at the place stated to be his address in the register.

(5) The Board shall not put into effect such caution, censure, suspension or removal until one month has elapsed since the date of the service of the notice referred to in sub-section (4) and it has been ascertained that no appeal under the provisions of section 45 has been lodged, or, if an appeal has been lodged, until the determination thereof.

(6) Any person whose name has been removed from the register by the Board or has been suspended under the provisions of sub-section (1) shall, within fourteen days after the service on him of such removal, surrender his

certificate of registration to the Board, and if he fails so to do is guilty of an offence:

Provided that if, on appeal from the decision of the Board cautioning, censuring or suspending him or removing his name from the register, such decision shall be reversed, his certificate of registration shall thereupon be restored to him and the Board shall cause to be placed in any record or register containing any note or reference to such caution, censure, suspension or removal that the decision noted has been reversed on appeal to the Supreme Court.

Appeal from decision of the Board.

45. (1) Any person whose name has been ordered by the Board to be removed from the register or has been cautioned, censured or suspended from practice by the Board under the provisions of section 44 may, within twenty one days of the date of the service upon him of the notice of the decision of the Board (or within such further period as the Court may allow), appeal in the manner provided by the rules of court to the Supreme Court, and upon any such appeal the Court may confirm or reverse the order appealed against and the decision of the Supreme Court thereon shall be final and conclusive.

(1A) Where the Board refuses an application for registration, readmission, renewal, or for the recognition of specialist or other qualifications, the person aggrieved may appeal in the manner provided by the rules of court to the Supreme Court and upon any appeal the Court may confirm or reverse the decision appealed against; and the decision of the Supreme Court thereon shall be final and conclusive.

(1B) No appeal shall lie to the Supreme Court where the person aggrieved has been refused registration solely because he has failed to pay the prescribed fee for registration or has failed to apply in the prescribed form and manner in accordance with this Act.

(2) The Chief Justice may make rules of court for prescribing forms and fees and generally regulating appeals under this section.

Restoration to the register.

46. Any person who has been suspended or whose name has been removed from the register under the provisions of section 44 may apply to the Board for the lifting of the suspension or for the restoration of his name to the register, and the Board, in their absolute discretion and after such inquiry as they may deem expedient, may allow or refuse to allow the lifting of the suspension and the name of such person to be restored to the register.

Suspension of registration of midwives.

47. (1) Without prejudice to the provisions of section 44 the Public Health Director may in his discretion suspend a certificate of registration of a midwife for a period not exceeding two months if he is satisfied that–

(a) she is liable to spread infection; or

(b) to his knowledge such midwife has contravened any directions approved by the Board for the use of disinfectants or for the employment of proper safeguards against the spread of infection.

(2) Where the Public Health Director proposes to take action against any person under sub-section (1) such person shall first be informed of the nature of the allegation and shall be entitled to appear before the Public Health Director and to be heard thereon.

(3) The Public Health Director shall as soon as possible inform the Board of the fact that he has suspended the certificate of registration of any midwife in pursuance of sub-section (1) and shall transmit for the information of the Board a statement of the reasons for such suspension.

(4) Any midwife whose certificate of registration is suspended by the Public Health Director may appeal to the Board in the manner prescribed and the decision of the Board thereon shall be final and conclusive.

Appeal against refusal to approve institution.

48. (1) Any person aggrieved by the refusal of the Board to approve any institution for the purpose of section 29(1)(a) (relating to prescribed training) may appeal against the refusal to the Minister, and the Minister may give such directions therein as he thinks proper and the Board shall comply with any directions so given.

(2) Every appeal under this section shall be by means of a written petition and such petition, unless otherwise provided, shall be presented within fourteen days of the date of service of the decision of the Board.

(3) With any petition presented under sub-section (2) there may be presented to the Minister any written reply of the Board to such petition.

(4) The decision of the Minister on any appeal under this section shall be final and conclusive.

Service of notice.

49. Any notice directed to be served on any person under the provisions of this Act or any rules or regulations made thereunder shall be deemed to have been served on such person if such notice has been posted by registered post to his address given in the register or, if the name of such person is not registered, then to the address furnished by him or as known to the Board.

PART V.
EFFECT OF REGISTRATION.

Practice of medicine.

50. Every medical practitioner registered under this Act and every visiting EEA medical practitioner shall be entitled to practise medicine, surgery and midwifery and shall be entitled to take or use the description of medical practitioner or registered medical practitioner.

Recovery of fees in relation to medical or dental services.

51. (1) Every medical practitioner and dentist registered under this Act and every visiting EEA medical or dental practitioner entered in the list of such practitioners shall be entitled to demand, sue for and recover in any court with full costs of suit, reasonable charges for professional aid, advice and visits, and the value of any medicine or of any medical or surgical appliance rendered or supplied by him to his patients.

(2) No person shall be entitled to recover any charge in any court for any medical or surgical aid , advice or attendance or for the performance of any operation as a medical practitioner or dentist or for any medicine which he shall have prescribed or supplied within Gibraltar unless he was at the time of rendering such aid, advice or attendance registered under this Act or was a visiting EEA medical or dental practitioner entered in the list of such practitioners.

Use of description of Dentist, etc.

52. A person registered under this Act as a dentist or who is a visiting EEA dental practitioner entered in the list of such practitioners shall, by virtue of being so registered or such a visitor, be entitled to practise and to take or use the description of dentist, registered dentist or dental practitioner.

Use of description of Pharmacist and Dispenser.

53. A person registered in the register established under section 7–

(a) as a pharmacist shall, by virtue of being so registered, be entitled to practise pharmacy and to take or use the description of pharmacist or registered pharmacist;

(b) as a dispenser shall, by virtue of being so registered, be entitled to prepare, mix, compound or dispense any drug or supply any poison, under the supervision of a registered pharmacist.

Use of description of Nurse, Midwife or Health Visitor.

54. A person registered under this Act as a nurse (other than as an enrolled nurse), midwife or health visitor shall, by virtue of being so registered, be entitled to practise nursing, midwifery or as a health visitor and to take or use the description of registered nurse, registered midwife or registered health visitor, as the case may be.

Registration as a Nurse, Midwife or Health Visitor not to confer rights of medical practitioner.

55. Registration as a nurse, midwife or health visitor shall not confer upon any person so registered any right–

(a) to be registered in the register established under section 7;

(b) to take or use any name, title or addition implying a qualification to practise medicine or surgery;

(c) to grant any medical certificate or any certificate of birth, still-birth or death; or

(d) to take charge of cases of abnormality or disease in connection with parturition.

Saving of specialist consultants.

56. Subject to section 13(6), nothing in this Act shall be deemed to prevent the occasional practice of medicine, midwifery or surgery–

(a) by any consultant or specialist practitioner who is in possession of any of the qualifications by virtue of which he is entitled to be registered and who does not within Gibraltar open or use any office or place wherein to meet patients or receive calls; or

(b) by any consultant or specialist who is not in possession of such qualification and who practises his specialisation in medicine,

midwifery or surgery in a Government or Authority hospital only and with the consent of the Board.

Saving for medical practitioners in regard to dentistry.

57. Nothing in the Act shall prohibit–

(a) the practice of dentistry or midwifery or the dispensing of medicines by a registered medical practitioner; or

(b) the recovery of any fee or charge made in respect of such practice.

PART VI.
HOSPITALS AND NURSING HOMES.

Interpretation.

58. In this Part–

"hospital" includes any institution provided it is maintained for the reception and treatment of persons suffering from illness including any maternity departments and clinics, dispensaries and out-patients' departments and including any health centre or isolation hospital maintained by the Authority;

"maternity home" means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth;

"nursing home" means any premises used or intended to be used for the reception of, and the providing of nursing for, persons suffering from any sickness, injury or infirmity, and includes a maternity home, but does not include any hospital or other premises maintained or controlled by the Authority;

"premises" includes land and buildings.

Rules.

59. The Minister may make rules providing for–

(a) specifying the persons or class or description of persons who may be admitted to or receive medical attendance at any hospital;

(b) prescribing the conditions subject to which any person may be admitted to or permitted to remain in or receive medical attendance at any hospital;

(c) prescribing the fees to be paid in respect of any person or class or description of persons for accommodation in hospitals or the provision of medical attendance thereat, and providing for the time and the manner of payment, the giving of security for payment, and the recovery, remission and reduction of such fees;

(d) the registration, regulation, conduct, good management and inspection of nursing homes, and the fees to be paid in respect of accommodation therein;

(e) generally the better regulation and management of hospitals and nursing homes.

PART VIA
PREVENTION OF SHARP INJURIES

Interpretation.

59A. In this Part−

"employee" has the meaning assigned to it by section 2 of the Employment Act;

"healthcare contractor" means an employer whose main activity is not the management, organisation or provision of healthcare, but who provides services under contract to a healthcare employer;

"healthcare employer" means an employer whose main activity is the management, organisation and provision of healthcare;

"injury" includes infection;

"medical sharp" means an object or instrument used for the exercise of healthcare activities and which are able to cut, prick or cause injury and is considered as work equipment as defined in regulation 2 of the Factories (Provision and Use of Work Equipment) Regulations, 1999;

"safer sharp" means a medical sharp that is designed and constructed to incorporate a feature or mechanism which prevents or minimizes the risk of accidental injury from cutting or pricking the skin.

Application of requirements to employers.

59B. (1) The requirements imposed by this Part on an employer apply to−

(a) a healthcare employer; and

(b) a healthcare contractor whose employees, or other persons who work under the healthcare contractor's supervision and direction, are exposed to a risk of injury from medical sharps in relation to the provision of services to a healthcare employer.

(2) A requirement imposed by this Part on an employer that applies in relation to that employer's employees also applies, so far as is reasonably practicable, in relation to any other person who is not an employee of that employer but who works under than employer's supervision and direction.

Application of requirements to healthcare contractors.

59C.(1) The requirements imposed by this Part on a healthcare contractor apply only in relation to work−

(a) on a healthcare employer's premises; or

(b) under the authority of a healthcare employer.

(2) The requirements imposed by this Part on a healthcare contractor apply only to the extent that the healthcare contractor controls−

(a) a person who uses, supervises or manages the use or disposal of medical sharps; and

(b) the activities which give rise to the risk of injury from medical sharps.

Risk Assessments.

59D.(1) The procedure for risk assessments under this Part shall be conducted in accordance with regulation 7 of the Management of Health and Safety at Work Regulations, 1996, and regulation 4 of the Factories (Protection of workers from risks related to exposure to biological agents at work) Regulations 2006.

(2) Risk assessments referred to in subsection (1) shall−

(a) include an exposure determination, understanding the importance of a well resourced and organized working environment;

(b) cover all situations where there is injury, blood or other potentially infectious material; and

(c) take into account technology, organization of work, working conditions, level of qualifications, work related psycho-social factors and the influence of factors related to the working environment in order to−

(i) identify how exposure could be eliminated; and

(ii) consider possible alternative systems;

(d) consider the use of personal protective equipment.

Use and disposal of medical sharps.

59E.(1) An employer must ensure that−

(a) use of medical sharps at work is avoided so far as is reasonably practicable;

(b) when medical sharps are used at work, safer sharps are used so far as is reasonably practicable;

(c) needles that are medical sharps are not capped after use;

(d) in relation to the safe disposal of medical sharps that are not designed for reuse−

(i) written instructions for employees; and

(ii) clearly marked and secure containers,

are located close to where medical sharps are used at work.

(2) An employer must review at suitable intervals the policies and procedures in place to meet the requirements of subsection (1) so as to ensure that those policies and procedures remain up to date and effective.

Information and training.

59F. (1) An employer must provide each employee of that employer who is exposed to a risk of injury at work from medical sharps with information on the following matters−

(a) the risk of injury from medical sharps;

(b) legislative requirements relating to the protection of persons at work from the risk to health and safety from medical sharps, including duties on employers and employees;

(c) good practice in preventing and reporting injury from medical sharps;

(d) the benefits and drawbacks of vaccination and non-vaccination in respect of blood-borne diseases; and

(e) the support provided by the employer to an employee who is injured at work by a medical sharp;

(2) In complying with subsection (1) the employer must cooperate with representatives in that employer's undertaking in developing and promoting the information specified in that subsection.

(3) In subsection (2), "representative" shall be interpreted in accordance with regulation 2 of the Management of Health and Safety at Work Regulations, 1996.

(4) In addition to any provision in any other enactment requiring an employer to train its employees, an employer must provide each employee who is exposed to a risk of injury at work from medical sharps with training on the following matters to the extent that those matters are relevant to the type of work carried out by that employee−

(a) the safe use and disposal of medical sharps;

(b) the correct use of safer sharps;

(c) induction for all new and temporary staff;

(d) the risk associated with blood and body fluid exposures;

(e) preventive measures including standard precautions, safe systems of work, the correct use and disposal procedures, the importance of immunisation, according to the procedures at the workplace;

(f) the reporting, response and monitoring procedures and their importance;

(g) what employees should do if they are injured at work by a medical sharp; and

(h) the health surveillance and other procedures to be conducted by the employer where an employee is injured by a medical sharp.

Arrangements in the event of injury.

59G. (1) Where an employer is notified of an incident at work in which an employee has suffered an injury from a medical sharp, the employer must−

(a) record the incident;

(b) investigate the circumstances and cause of the incident; and

(c) take any necessary action to prevent a recurrence.

(2) Where an employer is notified of any incident at work in which an employee has suffered an injury caused by a medical sharp that exposed, or may have exposed, the employee to a biological agent, the employer must−

(a) take immediate steps to ensure that the employee receives medical advice;

(b) ensure that any treatment advised by a registered medical practitioner, including post-exposure prophylaxis, is made available to the employee; and

(c) consider providing the employee with counselling and guaranteed medical treatment.

(3) An employer must, in addition to any other duty imposed by law, respect the employee's confidentiality regarding the injury, diagnosis and treatment.

(4) In this section−

(a) "biological agent" means a micro-organism, cell culture or human endoparasite, whether or not genetically modified, which may cause infection, allergy, toxicity or otherwise create a hazard to human health;

(b) "post-exposure prophylaxis" means a course of treatment of medicine administered to a person after exposure or suspected exposure, to a biological agent in order to prevent infection or development of disease caused by that biological agent.

Notification of injuries.

59H.(1) Person "A", who is an employee or other person working under the supervision and direction of a healthcare employer or a healthcare contractor, must−

(a) as soon as practicable, notify A's employer, or any other employee of that employer with specific responsibility for the health and safety of persons at work, of any incident at work in which A has suffered an injury from a medical sharp; and

(b) provide when requested by that employer sufficient information as to the circumstances of the incident to enable the employer to comply with section 59G.

(2) In the case of an employee or other person working under the supervision and direction of a healthcare contractor, this section only applies to incidents which take place−

(a) on a healthcare employer's premises; or

(b) under the authority of a healthcare employer.

PART VII.
PHARMACY AND MEDICINES.

Interpretation.

60. (1) In this Part, unless the context otherwise requires–

"administer" means administer to a human being or an animal, whether orally, by injection or by introduction into the body in any other way or by external application, whether by direct contact with the body or not; and any reference in this Part to administering a substance or article is a reference to administering it either in its existing state or after it has been dissolved or dispersed in or diluted or mixed with some other substance, used as a vehicle;

"advertisement" includes every form of advertising, whether in a publication, or by the display of any notice, or by means of any catalogue, price list, letter (whether circular or addressed to a

particular person) or other document, or by words inscribed on any article, or by means of a photograph, film, sound recording, broadcast or cable programme, or in any other way, and any reference to the issue of an advertisement shall be construed accordingly except that "advertisement" does not include spoken words other than–

(a) words forming part of a sound recording; and

(b) words broadcast or included in a cable programme service;

"animal" includes any bird, fish or reptile;

"assemble" in relation to a medicinal product, means enclosing the product (with or without other medicinal products of the same description) in a container which is labelled before the product is sold or supplied, or, where the product (with or without other medicinal products of the same description) is already enclosed in the container in which it is to be sold or supplied, labelling the container before the product is sold or supplied in it, and "assembly" has a corresponding meaning;

"composition", in relation to a medicinal product, means the ingredients of which it consists and the proportions, and the degree of strength, quality and purity, in which those ingredients are contained in it respectively;

"container" in relation to a medicinal product, means the bottle, jar, box, packet or other receptacle which contains or is to contain it, not being a capsule, sachet or other article in which the product is or is to be administered, and where any such receptacle is or is to be contained in any other such receptacle, includes the former but does not include the latter receptacle;

"dentist" means any person registered as a dentist in Part II of the register established under section 7;

"disease" includes any injury, ailment or adverse condition, whether of body or mind;

"dispenser" means any person registered as a dispenser in Part IIIA of the register established under section 7;

"export" means export from Gibraltar whether by land, sea or air, and includes re-export; and "import" has a corresponding meaning;

"general sale list" means a list specifying the descriptions or classes of medicinal products, prescribed by regulations made under section 63 which can with reasonable safety be sold or supplied other than in premises registered as a dispensary;

"health prescription" means a prescription issued by a medical practitioner or dentist or as the case may be under the Medical Group Practice Scheme;

"hospital" means a hospital as defined in Part VI;

"ingredient" in relation to the manufacture or preparation of a substance includes anything which is the sole active ingredient of that substance as manufactured or prepared;

"label" in relation to a container or package of medicinal products, means a notice describing or otherwise relating to the contents;

"manufacture" in relation to a medicinal product includes any process carried out in the course of making the product, but does not include dissolving or dispersing the product in, or diluting or mixing it with some other substance used as a vehicle for the purpose of administering it and does not include the incorporation of the product in any animal feeding stuff;

"medical practitioner" means any person registered as a medical practitioner in Part I, Part IA or Part IB of the register established under section 7;

"medicinal product" means any substance or article (not being an instrument, apparatus or appliance) which is manufactured, sold, supplied, imported or exported for use wholly or mainly in either or both of the following ways, that is to say–

(a) use by being administered to one or more human beings or animals for a medicinal purpose;

(b) use in any of the following circumstances–

(i) in a pharmacy or hospital;

(ii) by a practitioner; or

(iii) in the course of a business which consists of or includes the retail sale or the supply in circumstances corresponding to retail sale, of herbal remedies;

as an ingredient in the preparation of a substance or article which is to be administered to one or more human beings or animals for a medicinal purpose;

"medicinal product" does not include–

(a) substances used in dental surgery for filling dental cavities;

(b) bandages and other surgical dressings, except medicated dressings where the medication has a curative function which is not limited to sterilising the dressing;

(c) substances and articles of such other descriptions or classes as may be specified by an order made by the Minister for the purposes of this sub-section;

"medicinal purpose" means any one or more of the following purposes, that is to say–

(a) treating or preventing disease;

(b) diagnosing disease or ascertaining the existence, degree or extent of a physiological condition;

(c) inducing anaesthesia;

(d) otherwise preventing or interfering with the normal operation of a physiological function, whether permanently or temporarily, and whether by way of terminating, reducing or postponing or increasing or accelerating the operation of that function or in any other way;

"pharmacist" means any person registered as a pharmacist in Part III of the register established under section 7;

"practitioner" means a medical practitioner, dentist or veterinary practitioner;

"proprietary designation" in relation to the sale of a medicinal product, means a word or words used or proposed to be used in connection with the sale of medicinal products for the purpose of indicating that they are the goods of a particular person by virtue of manufacture, selection, certification, dealing with or offering for sale; and the expression "proprietor", in relation to such

designation means the person whose goods are indicated or intended to be indicated as aforesaid by the designation;

"representation" means any statement or undertaking (whether constituting a condition or a warranty or not) which consists of spoken words, other than words forming part of a sound recording or embodied in a soundtrack associated with a cinematograph film and words broadcast by way of sound broadcasting or television or transmitted to subscribers to a diffusion service, and any reference to making a representation shall be construed accordingly;

"sale by retail" means selling a substance or article to a person as being a person who buys it otherwise than for–

(a) selling or supplying it; or

(b) administering it or causing it to be administered to one or more human beings;

in the course of a business carried on by that person;

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

"substance recommended as a medicinal product" in relation to the sale of an article consisting of or comprising a substance so recommended, means a substance which is referred to–

(a) on the article, or on any wrapper or container in which the article is sold, or any label affixed to or in any document or advertisement enclosed in, the article or such a wrapper or container;

(b) in any placard or advertisement or document exhibited or representation made at the place where the article is sold; or

(c) in any document or advertisement published or representation made by or on behalf of the manufacturer of the article, or the person carrying on the business in the course of which the article was sold or, in a case where the article was sold under a proprietary designation, the proprietor of the designation;

in terms which are calculated to lead to the use of the substance for a medicinal purpose not being terms which give a definite indication that the substance is intended to be used as, or as part of, a food or drink, and not as, or as part of, a medicinal product;

"treating" in relation to disease, includes anything done or provided for alleviating the effects of the disease, whether it is done or provided by way of cure or not;

"veterinary practitioner" means any qualified veterinary surgeon and any person appointed as a Government veterinary surgeon for the purposes of the Animals and Birds Act.

(2) For the purposes of this Part–

(a) an article shall be deemed to be sold under a designation or title if, but not unless, the designation or title is used for naming the article or the substance which it consists of or comprises–

(i) by any person in connection with the sale; or

(ii) on the article, or on any wrapper or container in which the article is sold, or on any label affixed to, or in any document or advertisement enclosed in the article or such a wrapper or container;

(b) a reference to an edition of the British Pharmacopoeia or the British Pharmaceutical Codex published before a certain date shall be construed as a reference to that edition as amended by any addendum thereto published before that date;

(c) a reference to a description set out at the head of any monograph contained in an edition of the British Pharmacopoeia or the British Pharmaceutical Codex shall be construed as including a reference to any synonym or abbreviation of that description being a synonym or abbreviation set out at the head of that monograph.

(3) (a) In this Part any reference to selling anything by way of wholesale dealing is a reference to selling it or supplying it to a person lawfully conducting a retail pharmacy business being a person who buys it for one or more of the purposes specified in paragraph (b);

(b) the purposes referred to in paragraph (a) in relation to a person lawfully conducting a retail pharmacy business to whom anything is sold, are the purposes of selling or supplying it, or administering or causing it to be administered to one or more human beings, in the course of a retail pharmacy business carried on by that person;

(c) in this Part any reference to selling by retail, or to retail sale, is a reference to selling a substance or article to a person as being a person who buys it otherwise than for a purpose specified in paragraph (b), provided that the provision of any substance or article by any person registered in Part I, Part 1A, Part 1B, or Part II of the register in the course or for the purpose of any medical treatment of any patient shall not be treated as a retail sale;

(d) in this Part any reference to supplying anything in circumstances corresponding to retail sale is a reference to supplying it otherwise than by way of sale to a person as being a person who receives it otherwise than for a purpose specified in paragraph (b).

(4) In this section references to the sale of an article include references to the supply of an article as a sample for the purpose of inducing persons to buy by retail the substance of which the article consists or which it comprises.

Import of medicinal products not on general sale list.

61.(1) No person other than the owner of a registered pharmacy or a medical practitioner registered in Part I, Part IA or Part IB of the register shall import or procure the importation of any medicinal product, other than a medicinal product specified on a general sale list, for the purposes of sale, whether by retail or wholesale, except in accordance with a licence granted for the purpose of this Act by the Public Health Director.

(2) For the purpose of subsection (1) the term "medicinal product" does not include any controlled drug as defined in the Drugs (Misuse) Act[1] unless it is a product which is a Schedule 5 controlled drug as specified in the Drugs (Misuse) Regulations 2005[2].

Sale or supply of medicinal products not on general sale list.

62. (1) No person shall sell by retail, offer or expose for sale by retail, or supply in circumstances corresponding to retail sale, any medicinal product other than a medicinal product on a general sale list, unless–

(a) the product is sold, offered or exposed for sale, or supplied on premises which are a registered pharmacy; and

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[1] **1973-06**

[2] **2005/106**

(b) that person, or, if the transaction is carried out on his behalf by another person, then that other person, is or acts under the supervision of a pharmacist.

(2) No medicinal product, other than a medicinal product on the general sale list, shall be offered or exposed for sale in a manner which will make it easily accessible to the general public.

Sale or supply of medicinal products on general sale list.

63. No person shall sell by retail, or offer or expose for sale by retail or supply in circumstances corresponding to retail sale, any medicinal product on a general sale list elsewhere than at a registered pharmacy unless the conditions specified in any regulations made under this Act and relating to the general sale list are complied with.

Provisions as to export.

64. (1) No person shall, other than under a licence issued by the Public Health Director export or procure the exportation of a medicinal product specified or of a description falling within a class specified in any regulations relating to medicinal products which may only be supplied on the prescription of a medical practitioner.

(2) The provisions of sub-section (1) shall not apply to the supply of medicinal products to the master of a ship in port in Gibraltar, by a pharmacist, against a requisition signed, in the case of a ship carrying a doctor on board as part of her complement by that doctor, or, if the ship does not carry a doctor as part of her complement, by the master of the ship.

(3) The requisition referred to in sub-section (2) shall specify the medicinal products required and shall contain a statement to the effect that such medicinal products are necessary for the equipment of the ship.

(4) In sub-sections (2) and (3) the expression “ship” does not include a harbour craft or a pleasure yacht or any vessel of less than 100 gross tons:

Provided that nothing in this section shall apply to the supply of a medicinal product prescribed by a practitioner for the treatment of a person residing in a ship under a permit of residence issued under the provisions of the Immigration Control Act.

(5) The provisions of this section shall not apply to a person who, on leaving Gibraltar, takes with him medicinal products which are for his

personal use and which have been prescribed for him under the provisions of this Act.

Disclosure of composition of medicines.

65. (1) No person shall–

(a) sell by retail any article consisting of or comprising a substance recommended as a medicinal product; or

(b) supply any such article as a sample for the purpose of inducing persons to buy by retail the substance of which it consists or which it comprises;

unless there is written so as to be clearly legible on the article or a label affixed thereto, or, if the article is sold or supplied as aforesaid in a container, on the container or a label affixed thereto, or if the article is sold or supplied as aforesaid in more than one container, on the inner container or label affixed thereto, the appropriate designation and composition of the substance so recommended, or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded:

Provided that this sub-section shall not apply to any article made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person.

(2) In sub-section (1) the expression "appropriate designation", in relation to a substance, constituent or ingredient, means–

(a) in a case where the substance, constituent or ingredient is described in any of the monographs contained in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex which was last published before the date on which the article was sold or supplied, the description set out at the head of that monograph;

(b) in a case where the substance, constituent or ingredient is not so described, the accepted scientific name, or other name descriptive of the true nature of the substance, constituent or ingredient.

Regulations.

66. The Minister may make regulations–

(a) prescribing the substances which are poisons within the meaning of this Part;

(b) providing for the registration of premises selling medicinal products or poisons whether by retail or wholesale;

(c) prescribing the forms and books to be used by pharmacists, and other persons and the particulars to be registered therein;

(d) specifying the description or classes of medicinal products, as being products which can with reasonable safety be sold or supplied otherwise than by or under the supervision of a pharmacist;

(e) specifying the description or classes of medicinal products as being products which subject to such exemptions, if any, as may be specified in such regulations, shall not be sold or supplied except in accordance with a prescription given by a medical or other practitioner;

(f) prescribing the conditions under which medicinal products and poisons may be imported, exported, stored or sold wholesale whether under licence or not;

(g) regulating the issue of advertisements and representations relating to medicinal products;

(h) prohibiting the sale, supply or importation of medicinal products or poisons of any description;

(i) specifying the description or class of articles or substances in respect of which the provisions of this Part applicable to medicinal products and to poisons shall apply to such articles or substances;

(j) prescribing the shape and colour of the container in which a medicinal product or a poison may be supplied;

(k) for regulating the issue of prescriptions containing medicinal products which shall not be sold or supplied except in accordance with a prescription given by a medical practitioner, and the supply of such medicinal products on prescription and for requiring persons issuing or dispensing prescriptions containing such medicinal products to furnish to the Chief Executive such information relating to those prescriptions as may be prescribed;

(ka) providing that certain nurses who have undertaken approved relevant training may have prescribing rights appropriate to such training in relation to repeat prescriptions for the management of specified chronic diseases where the original therapy has been initiated or is followed by a GHA employed medical practitioner or visiting consultant contracted to provide clinical services;

(kb) providing that optometrists who have undertaken approved relevant training may have prescribing rights appropriate to such training in relation to specified medications;

(l) providing for the issue, suspension and revocation of licences issued for the purpose of section 61 and section 64 and the terms and conditions of such licences;

(m) notwithstanding the provisions of section 67, for regulating the ownership of a business registered as a pharmacy;

(n) generally for carrying into effect the purpose of this Part.

Ownership of registered pharmacies.

67. (1) No person other than a person registered as a pharmacist shall own any business registered as a pharmacy notwithstanding that the manager or person in charge thereof is registered under the provisions of this Act:

Provided that such prohibition shall not apply to any business which is owned by a company incorporated under the provisions of the Companies Act in any case where a registered pharmacist is the bona fide owner of at least fifty-one per cent of the share capital.

(2) Notwithstanding anything contained in sub-section (1) the Minister may, in his discretion, authorise any person or company to own a business registered as a pharmacy if it is considered in the public interest to do so.

Conditions imposed on carrying on a retail pharmacy business.

68. No business registered as a pharmacy shall be under the control of a person who is a pharmacist registered by virtue of section 23 if the pharmacy has been registered in Gibraltar for less than three years.

Restriction on use of premises.

69. No premises shall be used for the sale by retail of any medicinal product (other than a medicinal product specified in the general sale list) or poison unless the premises have been registered as a pharmacy by the Board.

Register of prescriptions to be kept and produced.

70. (1) No person other than a pharmacist or any other person under the supervision of a pharmacist shall manufacture or assemble any medicinal product.

(2) A pharmacist and dispenser shall number consecutively every medical prescription which shall be made up in his establishment and shall also register in a book, to be called the "register of prescriptions", such particulars as may be prescribed.

(3) The register of prescriptions shall be produced whenever required by any person appointed by the Minister or by any court in the course of any judicial enquiry or investigation.

Articles to be deemed poisons.

71. Such articles as may from time to time be prescribed by the Minister under section 66(a) shall be deemed to be poisons within the meaning of this Part.

Regulations to be observed in the sale of poisons.

72. (1) No person shall sell any poison, either by wholesale or retail, unless the container in which such poison is contained be distinctly labelled with the name of the article and the word "poison" and with the name and address of the seller of the poison.

(2) Where the poison is in the form of a liquid supplied for external application such bottle or vessel shall be of such shape and colour as may be prescribed.

(3) It shall be unlawful to sell any article prescribed as a poison to any person unknown to the seller, unless introduced by some person known to the seller, and on every sale of any such article the seller shall, before delivery, make, or cause to be made, an entry, in a book to be kept for that purpose, stating in such form as may be prescribed the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduced him shall be affixed.

(4) For the purposes of this section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller, but the provisions of this section shall not apply to any article when forming part of the ingredients of any medicines dispensed on the prescription of any registered medical practitioner, provided such medicine be labelled in the manner aforesaid with the name and address of the seller, and provided also that the prescription be duly entered as required by section 66.

Power of inspection and seizure.

73. The Board may authorise in writing any person to enter any premises registered under this Part at any reasonable time and such person may inspect any book or register required to be kept by this Part and any medicinal product or poison, and may seize and hand over to the authority to be prescribed any article in respect of which he considers any offence to have been committed.

Saving.

74. Nothing in this Part shall prejudice any civil remedy to which any person may be entitled.

PART VIII.
OFFENCES.

Procuring registration by false pretences.

75. A person who procures or attempts to procure himself to be registered by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, is guilty of an offence and on summary conviction is liable to imprisonment for six months and to a fine up to level 4 of the scale.

Misleading title, unqualified practice, etc.

76. (1) A person who–

(a) wilfully and falsely takes or uses any name, title or addition implying a qualification to practise medicine, surgery or dentistry, or (subject to the provisions of section 56) not being registered or entitled to the privileges of persons so registered under this Act, or of a visiting EEA medical or dental practitioner entered in the list of such practitioners, practises or professes to practise or publishes his name as practising medicine, surgery or dentistry; or

(b) any person other than a person duly registered as a pharmacist under this Act who –

(i) in the course of any trade or business prepares, mixes, compounds or dispenses any medicinal product or supplies any poison except by such person or category of person as may be prescribed acting under the supervision of a registered pharmacist;

(ii) assumes the use of the word “pharmaceutist chemist", "pharmacist" or "chemist or "druggist" or "dispenser" or any similar combination of such words, or takes or uses in connection with the sale of goods by retail, any such title or otherwise represents himself as being a pharmacist;

(iii) uses in connection with any business any title, emblem or description reasonably calculated to suggest that he or anyone employed in the business possesses any qualification with respect to the selling, dispensing or compounding of medicinal products or poisons other than the qualification which he in fact possesses;

is guilty of an offence and is liable on summary conviction to imprisonment for three months and to a fine up to level 4 of the scale.

(2) For the purposes of sub-section (1) the use of the description “dispensary” or “pharmacy”, or any of the words or combination of words mentioned in sub-section (1) in connection with a business carried on on any premises, shall be deemed to be reasonably calculated to suggest that the owner of the business or the manager or person in charge of such business on those premises is registered as a pharmacist under the provisions of Part II.

Use of title and description by dentists.

77. (1) A person registered under this Act as a dentist or a visiting EEA dental practitioner entered in the list of such practitioners shall not take or use, or affix to or use in connection with the premises any title or description reasonably calculated to suggest that he possesses any professional status or qualification other than such which he in fact possesses and which is indicated by particulars entered in the register in respect of him or, as the case may be, the particulars of diplomas entered against his name in the list of visiting EEA dental practitioners kept by the Board in compliance with paragraph 3 of Schedule 7 of this Act.

(2) A person who contravenes the provisions of sub-section (1) is guilty of an offence and is liable on summary conviction to imprisonment for three months and to a fine up to level 3 of the scale.

Penalties for unlawful assumption of title of Nurse, Midwife or Health Visitor.

78. A person who–

(a) not being a person duly registered under this Act takes or uses the title of registered nurse, enrolled nurse, midwife or health visitor or its equivalent in any other language, either alone or in combination with any other words or letters, or uses any name, title, addition, description, uniform or badge implying that he is registered under this Act or is recognised by law as a registered nurse, enrolled nurse, midwife or health visitor, or uses any title, uniform or badge prescribed for the use of nurses, midwives or health visitors registered under this Act; or

(b) being neither a person registered in Part I, Part IA or Part lB of the register kept under section 7 nor a registered nurse or midwife, attends a woman in childbirth other than in a case of sudden or urgent necessity;

is guilty of an offence and is liable on summary conviction to a fine up to level 3 of the scale:

Provided that the provisions of paragraph (b) shall not apply in the case of a person who, while undergoing training with a view to becoming a registered midwife, attends a woman in childbirth as part of a course of training prescribed by the Board.

Offences relating to the register.

79. (1) A person who–

(a) being a person whose name is included in any part of the register, uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register in which it is not included; or

(b) with intent to deceive makes use of any certificate of registration issued under this Act to him or to any other person; or

(c) knowing that some other person is not registered, makes any statement or does any act calculated to suggest that that other person is registered;

is guilty of an offence and is liable on summary conviction, in the case of a first offence, to a fine as provided by level 2 of the scale and, in the case of a second or any subsequent offence, to a fine as provided by level 3 of the scale.

(2) A person who wilfully makes or causes to be made any falsification in any matter relating to the register is guilty of an offence and is liable on summary conviction to imprisonment for six months and to a fine as provided by level 4 of the scale.

Employing unregistered substitute.

80. A registered nurse, midwife or health visitor who employs an unregistered person as his or her substitute is guilty of an offence against this Act.

Penalty for sale in contravention of section 62.

81. A person who sells or supplies a medicinal product in contravention of section 62(1) is guilty of an offence and, subject to the provisions of this Part, is liable on summary conviction–

(a) in the case of a first conviction, to a fine as provided by level 4 of the scale; and

(b) in the case of a subsequent conviction, to imprisonment for three months and to a fine as provided by level 5 of the scale.

Defences.

82. It shall be a defence for a person charged with selling or supplying in contravention of any of the provisions of sections 62 and 65, an article consisting of or comprising a substance recommended as a medicinal product to prove–

(a) that he did not know, and had no reason to believe that the article consisted of or comprised such a substance; or

(b) that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

Penalty relating to section 64.

83. A person who contravenes the provisions of section 61 or 64 is guilty of an offence and is liable on summary conviction to a fine as provided by level 3 of the scale and in the case of a continuing offence, a further fine as provided by level 4 of the scale for every day subsequent to the day on which he is convicted of the offence during which the contravention continues, and in addition to such penalty the court before which a person is so convicted may order any articles in respect of which the offence has been committed to be forfeited.

Penalty for refusing to produce or for not properly keeping the register of prescriptions.

84. If a person other than a pharmacist or dispenser makes up a medical prescription or if any pharmacist or dispenser refuses or neglects to produce his register of prescriptions kept under section 70 when lawfully required to do so, or if, on being produced, it appears and it is the case that the register of prescriptions has not been kept by the pharmacist or dispenser as required by that section, such person is guilty of an offence and is liable on summary conviction to a fine as provided by level 3 of the scale and for a second and any subsequent offence to a fine as provided by level 4 of the scale.

Penalty relating to section 72.

85. A person who sells poison otherwise than as provided by section 72 is guilty of an offence and is liable on summary conviction to a fine as provided by level 4 of the scale and for the second and any subsequent offence is liable to imprisonment for three months and to a fine as provided by level 5 of the scale.

No commission on prescriptions to be paid.

86. It is unlawful for any person who retails, dispenses or compounds any medicinal product or compound thereof to make any agreement with any medical practitioner or dentist to pay or allow to such medical practitioner or dentist any fee or commission in respect of any prescription and any person so offending is liable on summary conviction to a fine as provided by level 3 of the scale.

General penalty.

87. A person who commits an offence against this Act or any rule or regulation made thereunder for which no special penalty is provided is liable on summary conviction to a fine as provided by level 3 of the scale.

Legal proceedings.

88. A prosecution for an offence against this Act shall not be instituted without the consent of the Attorney General.

PART IX.
GENERAL AND SUPPLEMENTARY.

Saving.

89. Nothing in this Act shall apply to any dispensary maintained by the Crown or to any person employed therein and acting in the course of his duties.

Continuity of the Law.

90. (1) The substitution of this Act for the repealed enactments does not affect the continuity of the law.

(2) Any instrument in force before the commencement of this Act and made or having effect as if made under any enactment repealed by this Act, and, anything whatsoever done under or by virtue of any such enactment, shall be deemed to have been made, or done, as the case may be, under or by virtue of the corresponding provision of this Act; and anything begun under such enactment may be continued under this Act as if begun under this Act.

(3) Save where the provisions of this Act or any subordinate legislation made thereunder specifically so direct or indicate, anything lawfully done or carried out or having effect as if lawfully done or carried out under the provisions in force immediately before the coming into force of this Act shall not be deprived of such effect by virtue of the provisions of this Act.

(4) Any reference, whether express or implied, in any enactment instrument or document to a provision of the repealed enactments shall be construed, so far as is required for continuing its effect, as including a reference to the corresponding provision of this Act.

(5) "The repealed enactments" means the enactments repealed by this Act.

Repeals and minor and consequential amendments.

91. (1) The enactments mentioned in Schedule 11 to this Act are repealed.

(2) The enactments mentioned in Schedule 12 to this Act shall have effect with the amendments there specified (being minor and consequential amendments).

SCHEDULE 1.

MEDICAL REGISTRATION BOARD

Section 4(2)

1. The Board shall consist of–

(a) The Public Health Director, who shall be the Chairman of the Board;

(ab) one registered medical practitioner appointed by the Minister;

(b) four other members who shall be appointed by the Minister, of whom one shall be a registered dentist, one shall be a registered pharmacist, one shall be a person possessing legal qualifications which would entitle him to be admitted as a barrister or solicitor of the Supreme Court of Gibraltar, and one shall be an independent person;

(c) one member of such professions or occupations supplementary to medicine as the Minister may determine.

2. The members of the Board shall hold office for three years and shall be eligible for re-appointment.

3. The Board shall meet at least once every three months in every calendar year at such time and place as the Chairman shall appoint.

4. If the place of any member of the Board becomes vacant before the expiration of his term of office the Minister may appoint another person of the same description to fill the vacancy for the unexpired portion of the term of the vacating member.

5. The Minister may in his discretion terminate the appointment of any member of the Board.

6. If any member of the Board be temporarily absent from Gibraltar and occasion arises which in the opinion of the Chairman necessitates a meeting of the full Board, the Minister may, upon the request of the Chairman, appoint some other person of the same description temporarily to fill the vacancy.

7. The powers of the Board may be exercised notwithstanding any vacancy in their number.

8. Three members of the Board shall form a quorum, except at the investigation of any complaint made against a person registered under Part II of the Act, when the quorum shall be five.

9. The Board may, subject to rules made under section 22(c) make standing orders regulating the proceedings of the Board.

SCHEDULE 2

Sections 8(4) and 14(2)

FEES

1. Full registration under Part I of the register –

1st registration for each 12 month period or part thereof.... £ 50.00

2nd or subsequent registration for each 12 month period or part thereof £30.00

2. Limited registration under Part IB of the register under sections 14 to 20 for each 12 month period or part thereof £100.00

Dentists.

3. Registration under Part II of the register for each 12 month period or part thereof..... £50.00

Pharmacists.

4. Registration under Part III of the register for each 12 month period or part thereof £50.00

Dispensers.

5. Registration under Part IIIA of the register for each 12 month period or thereof £25.00

SCHEDULE 3

Section 9(3)(c) and (4)(d)

PART I

PRIMARY EUROPEAN MEDICAL QUALIFICATIONS

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	1 Urkunde über die Verleihung des akademischen Grades Doktor der gesamten Heilkunde (bzw. Doctor medicinae universae, Dr.Med.univ.) 2 Diplom über die spezifische Ausbildung zum Arzt für Allgemeinmedizin bzw. Facharztdiplom	1 Medizinische Fakultät einer Universität 2 Österreichische Ärztekammer	
Belgium	—Diploma van arts —Diplôme de docteur en médecine	1 De universiteiten/les universités 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
BULGARIA	Диплома за висше образование на образователно-квалификационна степен "магистър" по "Медицина" и професионална квалификация "Магистър-лекар"	Медицински факултет във Висше медицинско училище (Медиц-ински университет, Висш медиц-ински институт в Република България)	

Cyprus	Piostopoihtik ó EggrajhV Iatrou	Iatrik ó Sumboulio	
Czech Republic	Diplom u ukoncení studia ve studijním programu všeobecné lékarství (doktor medicíny, MUDr)	Lékárská fakulta univerzity v Ceské republice	Vysvedcení o státni rigorózni zkousce
Denmark	Bevis for bestået lægevidenskabelig embedseksamen	Medicinsk universitetsfakultet	1 Autorisation som læge, udstedt af Sundhedsstyrelsen og 2 Tilladelse til selvstændigt virke som læge (dokumentation for gennemført praktisk uddannelse), udstedt af Sundhedssty-relsen
Estonia	Diplom arstite aduse õppekava läbimise kohta	Tartu Ülikool	
Finland	Lääketieteen lisensiaatin tutkinto/medicine licentiatexamen	1 Helsingin yliopisto /Helsingfors universitet 2 Kuopion yliopisto 3 Oulun yliopisto 4 Tampereen yliopisto 5 Turun yliopisto	Todistus lääkärin perusterveyden-huollon lisäkoulutuksesta/ examensbevis om tilläggsutbildning för läkare inom primärvården
France	Diplôme d'Etat de docteur en médecine	Universités	
Germany	1 Zeugnis über die Ärztliche Prüfung 2 Zeugnis über die Ärztliche Staatsprüfung und Zeugnis über die Vorbereitungszeit als Medizinalassistent, soweit diese nach den deutschen	Zuständige Behörden	1 Bescheinigung über die Ableistung der Tätigkeit als Arzt im Praktikum 2 —

	Rechtsvorschriften noch für den Abschluss der ärztlichen Ausbildung vorgesehen war		
Greece	Ptuc í o latrikhV	1 Iatrikh Skolh Panepisthmiou 2 Skolh Episthmwn Uge í aV, Tmhma IatrikhV Panepisthmiou	
Hungary	Általános orvos oklevél (doctor medicinae universae, abbrev: dr med univ)	Egyetem	
Iceland	Lækningaleyfi	Heilbrigðis-og tryggingamálaráðuneyti	
Ireland	Primary qualification	Competent examining body	Certificate of experience
Italy	Diploma di laurea in medicina e chirurgia	Università	Diploma di abilitazione all'esercizio della medicina e chirurgia
Latvia	ãrsta diploms	Universitãtes tipa augstskola	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Schedule		Certificate on the completed practical training issued by the competent authorities
Lithuania	Aukstojo mokslo diplomas, nurodantis suteikta gydytojo kvalifikacija	Universitetas	Internaturos pazymejimas, nurodantis suteikta medicinos gydytojo profesine kvalifikacija
Luxembourg	Diplôme d'Etat de docteur en médecine, chirurgie et accouchements	Jury d'examen d'Etat	Certificat de stage

Malta	Lawrja ta' Tabib tal-Medicina u l-Kirugija	Universita ' ta' Malta	Certifikat ta' registrazzjoni mahrug mill Kunsill Mediku
Netherlands	Getuigschrift van met goed gevolg afgelegd artsexamen	Faculteit Geneeskunde	
Norway	Vitnemål for fullført grad *candidata/candidatus medicinae*, short form: *cand. med.*	Medisinsk universitetsfakultet	Bekreftelse på praktisk tjeneste som lege utstedt av kompetent offentlig myndighet.
Poland	Dyplom ukonczenia studiów wyzszych na kierunku lekarskim z tytulem "lekarza"	1 Akademia Medyczna 2 Uniwersytet Medyczny 3 Collegium Medicum Uniwersytetu Jagiellonskiego	Lekarski Egzamin Panstwowy
Portugal	Carta de Curso de licenciatura em medicina	Universidades	Diploma comprovativo da conclusão do internato geral emitido pelo Ministério da Saúde
ROMANIA	Diplomă de licenţă de doctor medic	Universităţi	
Slovakia	Vysokoskolsky diplom o udelení akademického titulu "doktor medicíny" ("MUDr")	Vysoka skola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov "doktor medicine/doktorica medicine"	Univerza	
Spain	Título de Licenciado en Medicina y Cirugía	Ministerio de Educación y	

		Cultura/El rector de una Universidad	
Sweden	Läkarexamen	Universitet	Bevis om praktisk utbildning som utfärdas av Socialstyrelsen
Switzerland	Titulaire du diplôme fédéral de médecin, eidgenössisch diplomierter Arzt, titolare di diploma federale di medico	The Département fédéral de l'intérieur.	

PART IA

EUROPEAN QUALIFICATIONS IN GENERAL MEDICAL PRACTICE

Country	Title of Qualification	Professional title
Austria	Arzt für Allgemeinmedizin	Arzt für Allgemeinmedizin
Belgium	Arrêté ministériel d'agrément de médecin généraliste/ministerieel erkenningsbesluit van huisarts	Médecin généraliste/Huisarts
BULGARIA	Свидетелство за призната специалност по Обща медицина	Лекар-специалист по Обща медицина
Cyprus	IIistopoihtik ó AnagnwrishV Genikou	Iatr ó V GenikhV IatrikhV
Czech Republic	Diplom o specializaci "vseobecne lékarství	vseobecny lekar
Denmark	Speciallæge—I almen medicin	Speciallæge—I almen medicin
Estonia	Diplom peremeditsiini erialal	Perearst
Finland	Todistus lääkärin perusterveydenhuollon lisäkoulutuksesta/Bevis om tilläggsutbildning av läkare I primärvård	Yleislääkäri/allmänläkare
France	Diplôme d'État de docteur en	Médecin qualifié en

	médecine (avec document annexé attestant la formation spécifique en médecine générale)	médecine générale
Germany	Zeugnis über die spezifische Ausbildung in der Allgemeinmedizin	Facharzt/Fachärztin für Allgemeinmedizin
Greece	TitloV iatrikhV eidekothtaV genikhV iatrikhV	IatroV me eidikothta genikhV iatrikhV
Hungary	Háziorvostan szakorvosa bizonyítvány	Háziorvostan szakorvosa
Iceland	Almennt heimilislækningaleyfi (Evrópulæknaleyfi)	Almennur læknir (Evrópulæknir)
Ireland	Certificate of specific qualifications in general medical practice	General medical practitioner
Italy	Attestato di formazione specifica in medicina generale	Medico di medicina generale
Latvia	Gimenes arsta sertifikats	Gimenes (visparejas prakses) arsts
Liechtenstein	Liechtenstein does not provide any specific training in general mediacal practice: no diplomas are issued	
Lithuania	Seimos gydytojo rezidenturos pazymejimas	Seimos medicinos gydytojas
Luxembourg	Luxembourg does not provide any specific training in general mediacal practice: no diplomas are issued	Médecin généraliste
Malta	Tabib tal-familja	Medicina tal-familja
Netherlands	Certificaat van inschrijving in het register van erkende huisartsen van de Koninklijke Nederlandsche Maatschappij tot bevordering der geneeskunst	Huisarts
Norway	Bevis for kompetanse som allmennpraktiserande lege, utstedt av vedkommende offentlige helsemyndighet	Allmennpraktiserande lege
Poland	Diploma-Dyplom uzyskania	Specjalista w dziedzinie

	tytulu specjalisty w dziedzinie medycyny rodzinnej	medycyny rodzinnej
Portugal	Diploma do internato complementar de clínica geral	Assistente de clínica geral
ROMANIA	Certificat de medic specialist medicină de familie	Medic specialist medicină de familie
Slovakia	Diplom o specializácii v odbore "vseobecné lekárstvo"	Vseobecny lekár
Slovenia	Potrdilo o opravljeni specializaciji iz druzinske medicine	Specialist druzinske medicine/Specialistka druzinske medicine
Spain	Titulo de especialista en medicina familiar y comunitaria	Especialista en medicina familiar y comunitaria
Sweden	Bevis om kompetens som allmänpraktiserande läkare (Europaläkare) utfärdat av Socialstyrelsen	Allmänpraktiserande läkare (Europaläkare)
Switzerland	1 Diplôme de médecin praticien 2 Diplom als praktischer Arzt 3 Diploma di medico generico	1 Médecin praticien 2 Praktischer Arzt 3 Medico generico]

PART II

RECOGNISED MEDICAL SPECIALISATIONS

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	Facharztdiplom	Österreichische Ärztekammer	
Belgium	Bijzondere beroepstitel van geneesheer-specialist/Titre professionnel particulier de médecin spécialiste	Minister bevoegd voor Volksgezondheid/ Ministre de la Santé publique	
BULGARIA	Свидетелство за призната спец-	Медицински университет,	

	иалност	Висш медицински институт или Военномедицин-ска академия	
Cyprus	IIistopoihtik ó AnagnwrishV EidikothtaV	Iatrik ó Sumboulio	
Czech Republic	Diplom om specializaci	Ministerstvo zdravotnictví	
Denmark	Bevis for tilladelse til at betegne sig som speciallæge	Sundhedsstyrelsen	
Estonia	Residentuuri lõputunnistus eriarstiabi erialal	Tartu Ülikool	
Finland	Erikoislääkärin tutkinto/Specialläkarexamen	1 Helsingin yliopisto/Helsingfors universitet 2 Kuopion yliopisto 3 Oulun yliopisto 4 Tampereen yliopisto 5 Turun yliopisto	
France	1 Certificat d'études spéciales de médecine 2 Attestation de médecin spécialiste qualifié 3 Certificat d'études spéciales de médecine 4 Diplôme d'études spécialisées ou spécialisation	1, 3, 4 Universités 2 Conseil de l'Ordre des médecins	

	complémentaire qualifiante de médecine		
Germany	Fachärztliche Anerkennung	Landesarztekammer	
Greece	T í tloV L atrikhV EidikothtaV	1 Nomarciakh Autodioikhsh 2 Nomarc í a	
Hungary	Szakorvosi bizonyítvány	Az Egészségügyi, Szociális és Családügyi Minisztérium illestékes testülete	
Iceland	Sérfræðileyfi	Heilbrigðis- og tryggingamálaráðuneyti	
Ireland	Certificate of Specialist doctor	Competent authority	
Italy	Diploma di medico specialista	Università	
Latvia	“Sertifikats”—kompetentu iestazu izsniegts documents kas apliecina, ke persona ir nokartojusi sertifikacijas eksamenu specialitate	1 Latvijas Arstu biedriba 2 Latvijas Arstniecibas personu profesionalo organizaciju savieniba	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Schedule	Competent authorities	Certificate on the completed practical training issued by the competent authorities.
Lithuania	Rezidenturos pazymejimas, nurodantis suteikta gydytojo	Universitetas	

	specialisto profesine kvalifikacija		
Luxembourg	Certificat de médecin spécialiste	Ministre de la Santé publique	
Malta	Certifikat ta‘ Specjalista Mediku	Kumitat ta‘ Approvazzjoni dwar Specjalisti	
Netherlands	Bewijs van inschrijving in een Specialistenregister	1 Medisch Specialisten Registratie Commissie (MSRC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst 2 Sociaal Geneeskundigen Registratie Commissie van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst 3 Huisarts en Verpleeghuisarts Registratie Commissie (HVRC) van de Koninklijke Nederlandsche Maatschappij tot Bevordering der Geneeskunst	
Norway	Spesialistgodkjenning	Den norske lægeforening ihht. delegert myndighet	

Poland	Dyplom uzyskania tytulu specjalisty	Centrum Egzaminów Medycznych	
Portugal	1 Grau de assistente e/ou 2 Tïtulo de especialista	1 Ministério da Saúde 2 Ordem dos Médicos	
ROMANIA	Certificat de medic specialist	Ministerul Sănătăţii Publici	
Slovakia	Diplom o specializácii	Slovenská zdravotnícka univerzita	
Slovenia	Potrdilo o opravljenem specialisticnem izpitu	1 Ministrstvo za zdravje 2 Zdravniska zbornica Slovenije”	
Spain	Título de Especialista	Ministerio de Educación y Cultura	
Sweden	Bevis om specialkompetens som läkare, utfärdat av Socialstyrelsen	Socialstyrelsen	
Switzerland	Specialiste, Facharzt, specialista	The Département fédéral de l’intérieur	

PART III

PRE-IMPLEMENTATION DATE QUALIFICATIONS

1. In this Part –

(a) “Implementation date” means in the case of –

(i) Greece, 1 January 1981;

(ii) Spain and Portugal, 1 January 1986;

(iii) Liechtenstein, 1 May 1995;

(iv) Austria, Finland, Iceland, Norway and Sweden,1 January 1994;

(v) any other EEA state, 20 December 1976;

(iva) in the case of Switzerland, 1 June 2002;

(ivb) in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, 1st May 2004;

(ivc) in the case of Bulgaria and Romania, 1st January 2007;

(b) a reference to an "Annex", "Article" or a "Title" is a reference to that Annex, Article or Title in the Medical Directive save that any reference to "Annex C" shall be construed as a reference to that Annex as updated by Annex V.1, point 5.1.3 of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended from time to time and as adapted by the EEA Agreement.

(c) the holders of the Bulgarian qualification of "фелдшер" (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security system on 1 January 2000 shall not be recognised as holding an appropriate European diploma for the purposes of registration;

2. A diploma, certificate or other evidence of formal qualifications in medicine (as respects a national of an EEA State granted by an EEA State before the implementation date or on or after that date where the training of which the diploma, certificate or other evidence of formal qualifications is evidence was commenced by the holder before that date) is not a primary European qualification unless the holder –

(a) satisfies the Board (by means of a certificate of the competent authority or otherwise) that the diploma, certificate or other evidence of formal qualifications guarantees that his training satisfies the requirements laid down by the Medical Directive; or

(b) produces to the Board a certificate of the competent authority of an EEA State stating that he has effectively and lawfully been engaged in the activities in question for at least three

consecutive years during the five years prior to the date of the issue of the certificate.

" 2A. (1) A qualification which–

(a) is evidence of training commenced before the date specified in column (a) of the table in sub-paragraph (2) and undertaken on the territory specified in the corresponding entry in column (b) of that table; or

(b) was awarded by the State or former State specified in column (b) of the table in that sub-paragraph before the date specified in the corresponding entry in column (a);

is a primary European qualification if it complies with the requirements of sub-paragraph (2).

(2) For compliance with this paragraph in the case of any qualification–

(a) it must be such that the Board is satisfied with respect to it (by means of a certificate from the competent authorities of the EEA State specified in the appropriate row of column (c) of the table below) that that qualification has, on its territory, the same legal validity as regards access to and practice of the medical profession as the qualification listed in relation to that State in Part I of this Schedule; and

(b) evidence of it must be accompanied by a certificate from those authorities stating that the holder has effectively and lawfully been engaged in the activity in question on the territory of that State for at least three consecutive years during the five years preceding the date of issue of that certificate.

Column (a)	Column (b)	Column (c)
1 January 1993	Former Czechoslovakia	Czech Republic
1 January 1993	Former Czechoslovakia	Sovakia
20 August 1991	Former USSR	Estonia
21 August 1991	Former USSR	Latvia
11 March 1990	Former USSR	Lithuania
25 June 1991	Yugoslavia	Slovenia

3. As respects a national of an EEA State whose diploma, certificate or other evidence of formal qualifications in specialised medicine granted before the implementation date or in respect of which training began before

the implementation date is not an EEA qualification in specialised medicine for the purposes of Part II of this Schedule unless the holder satisfies the Board by means of a certificate of the competent authority of an EEA State of origin from which the holder comes, which subject to paragraph (5) states that the holder has, in specialised medicine, been engaged in activities in question for a period equivalent to twice the difference between the period of specialised training of the EEA State of origin or of the EEA State from which he comes, and the minimum requirements regarding the duration of training laid down in Title III, where these periods are not equal to the minimum training periods laid down in Articles 26 and 27.

3A. A formal qualification in specialised medicine is an EEA qualification in specialised medicine for the purposes of Part II of this Schedule if it-

(a) was awarded by, or which relates to training started in, the territory specified in column (b) of the table in paragraph 2A(2) before the date specified in the corresponding entry in column (a) of that table;

(b) is accompanied by an attestation by the competent authorities of the EEA State specified in the corresponding entry in column (c) in that table to the effect that that qualification has, on its territory, the same legal validity as regards access to and practice of specialised medicine as a qualification awarded in that specialty in that State and listed in Part II of this Schedule in respect of that State; and

(c) is accompanied by a certificate from those authorities that the holder has effectively and lawfully been engaged in the activity in question in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

4. In the event that in respect of any specialisation the period of training in the United Kingdom was less than the minimum periods laid down in Articles 26 and 27 the difference mentioned in paragraph 3 shall be determined by reference to the minimum training period laid down by the United Kingdom.

5. A diploma, certificate or other evidence of formal qualifications in medicine which attests to training received in the territory of the former German Democratic Republic but which does not satisfy all the minimum training requirements laid down in Article 23, shall not be a primary European qualification unless the holder satisfies the Board that it –

(a) attests to training commenced before German unification;

(b) entitles the holder to pursue the activities of a doctor throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in points 1 and 2 of Article 3 (c);

(c) is accompanied by a certificate issued by the competent German authorities stating that the holder has effectively and lawfully been engaged in the activities in question in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.

6. A qualification in specialised medicine which attests to training received on the territory of the former German Democratic Republic which does not satisfy the minimum training requirements laid down in Articles 24 to 27 shall not be a European diploma unless the holder satisfies the Board that it–

(a) attests to training commenced before 3 April 1992;

(b) permits the pursuit, as a specialist, of the activity in question throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Annex B in a specialty listed in Annex C; and

(c) is accompanied by a certificate issued by the competent German authorities or bodies stating that the holder has, as a specialist, been engaged in the activity in question for a period equivalent to twice the difference between the period of specialised training received on German territory and the minimum duration of training laid down in Title III where they do not satisfy the minimum requirements regarding the duration of training laid down in Articles 26 and 27.

6A. A qualification in specialised medicine which attests to training received in Spain which does not satisfy the training requirements laid in Articles 24 to 27 shall not be a European diploma unless the holder satisfies the Board that it–

(a) attests to training completed before 1st January 1995; and

(b) is accompanied by a certificate issued by the competent Spanish authorities stating that the holder has passed the test of specific professional competence organised under the special regularisation measures contained in Royal Decree 1497/99 which demonstrates that he has a level of knowledge and competence comparable to that attested to by a qualification set

out under the heading for Spain in Annex B to the Directive in the appropriate specialty referred to in Annex C.

7. A diploma, certificate or other evidence of formal qualifications which does not conform with the qualifications or designations set out in Article 3, 5 or 7 shall be treated as either a European primary qualification or a European diploma in specialised medicine (as the case may be) if it is accompanied by a certificate of the competent authority in an EEA State stating that such qualification or diploma –

(a) was awarded following training in accordance with the provisions of Title III; and

(b) is treated as the qualification or designation set out as the case may be in Annex A or Annex B in a specialty listed in Annex C.

SCHEDULE 4.

Section 15(2)(d)

MEDICAL SPECIALISATIONS

1. General medicine, pediatrics and their sub-specialisations.
2. Surgery.
3. Psychiatry.
4. Obstetrics and Gynaecology.
5. Ophthalmology.
6. Radiology.
7. Anaesthetics.

SCHEDULE 5

Section 23(2)

QUALIFYING EUROPEAN DENTAL DIPLOMAS

Part I

Qualification by Appropriate European Dental Diploma for Registration

1. In this Schedule –

"Council Directive 78/686/EEC" means Council Directive 78/686/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications practitioners in dentistry, as amended from time to time and as adapted by the EEA Agreement;

"competent authority" means an authority or body designated by an EEA State in accordance with Council Directive 78/686/EEC;

"the Dental Training Directive" means Council Directive 78/687/EEC concerning the coordination of provisions in respect of activities of dental practitioners, as amended from time to time and as adapted by the EEA Agreement;

"the implementation date" means –

(a) in the case of Greece, 1st January 1981;

(b) in the case of Portugal, 1st January 1986;

(c) in the case of Finland, Iceland, Norway and Sweden, 1st January 1994;

(d) in the case of Liechtenstein, 1st May 1995;

(da) in the case of Switzerland, 1st June 2002; and

(db) in the case of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland Slovenia and Slovakia, 1st May 2004;

(dc) in the case of Bulgaria and Romania, 1st January 2007;

(e) in the case of any other EEA State, the date notified by the State to the Commission as that on which it implemented the Dental Training Directive;

"appropriate European Diploma" means a diploma specified in Part II, Part III or in Part IV of this Schedule.

2. Subject to paragraphs 3, 4 and 5 below, any diploma in dentistry granted in an EEA State is an appropriate European diploma for the purposes of section 23(1) of this Act.

3. A diploma granted by an EEA State before the implementation date or on or after that date where the training of which the diploma is evidence was commenced by the holder before that date is not an appropriate European diploma for the said purposes unless the holder either –

(a) satisfies the Board (by means of a certificate of the competent authority of that State or otherwise) that the diploma guarantees that his training satisfies the requirements laid down by the Dental Training Directive; or

(b) produces to the Board a certificate of the competent authority of any EEA State that he has lawfully practised dentistry for at least three consecutive years during the five years preceding the date of the certificate.

4. A diploma granted in an EEA State on or after the implementation date which is not evidence of training commenced by the holder before that date (not being a diploma specified in Part II of this Schedule) is not an appropriate European diploma for the said purposes unless the holder produces to the Board a certificate issued by the competent authority of the EEA State certifying that the diploma –

(a) was awarded following the training which satisfies the requirements laid down by the Dental Training Directive; and

(b) is treated by that EEA State as if it were a diploma specified in the said Part II.

5. A diploma granted in an EEA State before the implementation date or on or after that date where training of which that diploma is evidence was commenced by the holder before that date (and not being, in either case, a diploma specified in Part II of this Schedule) is not an appropriate European diploma for the said purposes unless the holder produces to the Board such a certificate as is mentioned in paragraph 3(b) or 4.

6. (1) Subject to paragraph 7 below, on or after the date notified to the Commission by Italy, Spain or Austria as that on which that State implemented Council Directive 78/686/EEC, a diploma in medicine awarded in the State to a person who began medical training at a university before the relevant date is an appropriate European diploma for the purposes of section 23(1) of this Act where that person produces to the Board a certificate issued by the competent authority of the State certifying that –

(a) he has effectively, lawfully and principally practised dentistry in the State for at least three consecutive years during the five years preceding the date of issue of the certificate; and

(b) he is authorised to practise dentistry under the same conditions as holders of the State's diploma specified in Part II of this Schedule.

(2) In this paragraph "the relevant date" means –

(a) 28th January 1980 in relation to Italy;

(b) 1st January 1986 in relation to Spain; and

(c) 1st January 1994 in relation to Austria.

6A. (1) A diploma which–

(a) is evidence of training that commenced before the date specified in column (a) of the table in sub-paragraph (2) in the territory specified in the corresponding entry in column (b) of that table; or

(b) was granted by the State (or former State) specified in column (b) of that table before the date specified in the corresponding entry in column (a) of that table;

is an appropriate European diploma for the purposes of section 23(1) of this Act if the holder produces to the Board the certificates specified in sub-paragraph (2).

(2) The certificates specified for the purposes of sub-paragraph (1) are–

(a) a certificate of the competent authority of the EEA State specified in the corresponding entry in column (c) of the table below stating that he has effectively and lawfully practised dentistry in that EEA State for at least three consecutive years

during the five years preceding the date of issue of the certificate; and

Column (a)	Column (b)	Column (c)
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

(b) a certificate from the competent authority of that EEA State stating that that diploma has, on its territory, the same legal validity as regards access to and practice of the dental profession as the European diploma specified in this Schedule in relation to that State.

7. A person shall be excepted from satisfying the requirement referred to in paragraph 6(1)(a) if he satisfies the Board that he has successfully completed three years of study which are certified by the competent authority of the State concerned as being equivalent to the training referred to in article 1 of the Dental Training Directive.

7A.(1) A diploma in medicine awarded in Italy to a person who began medical training at a university on or after 28th January 1980 but not later than 31st December 1984 is an appropriate European diploma for the purposes of section 23(1) of this Act where, subject to sub-paragraph (2), that person produces to the Board a certificate issued by the competent authority in Italy certifying that–

(a) he has passed the specialist aptitude test set by that competent authority which demonstrates that he possesses a level of knowledge and skills comparable to those of a person holding the qualification listed for Italy in Part II of this Schedule;

(b) he has effectively, lawfully and principally practised dentistry in Italy for at least three consecutive years during the five years preceding the date of issue of the certificate; and

(c) he is authorised to practise dentistry under the same conditions as a holder of the qualification listed for Italy in Part II of this Schedule.

(2) A person shall be excepted from satisfying the requirement referred to in sub-paragraph (1)(a) if he satisfies the Board that he has successfully completed three years of study which are certified by the competent authority of Italy as being equivalent to the training referred to in Article 1 of the Dental Training Directive.

8. A diploma in dentistry which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic is an appropriate European diploma for the purposes of section 23(1) of this Act if –

(a) the holder produces to the Board a certificate of the competent authority of Germany certifying that he has effectively and lawfully practised dentistry in Germany for at least three consecutive years during the five years preceding the date of issue of the certificate; and

(b) he is authorised to practise dentistry throughout the territory of Germany under the same conditions as holders of the German diploma specified in Part II of this Schedule.

9. A diploma in medicine awarded in the Czech Republic or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European Diploma for the purposes of section 23(1) of this Act if the holder produces to the Board a certificate of the competent authority of the Czech Republic certifying that he–

(a) has–

(i) effectively, lawfully and principally been engaged, in the Czech Republic, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate; or

(ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and

(b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to the Czech Republic.

10. A diploma in medicine awarded in Slovakia or in the former Czechoslovakia which is evidence of university medical training commenced before 1st May 2004 is an appropriate European diploma for the purposes of section 23(1) of this Act if the holder produces to the Board a certificate of the competent authority of Slovakia certifying that he–

(a) has–

(i) effectively, lawfully and principally been engaged, in Slovakia, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate; or

(ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and

(b) is authorised to practise the activities referred to in sub-paragraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to Slovakia.

11. A diploma in medicine awarded in Romania which is evidence of university medical training commenced before 1st October 2003 is an appropriate European diploma for the purposes of section 23(1) of this Act if the holder produces to the Board a certificate of the competent authority of Romania certifying that he–

(a) has–

(i) effectively, lawfully and principally been engaged, in Romania, in the activities specified in Article 5 of the Dental Training Directive for at least three consecutive years during the five years preceding the date of issue of that certificate; or

(ii) successfully completed three years of study which are equivalent to the training referred to in Article 1 of the Dental Training Directive; and

(b) is authorised to practise the activities referred to in subparagraph (a)(i) under the same conditions as holders of the scheduled European diploma specified in relation to Romania.

PART IA

EUROPEAN RECOGNISED DENTAL SPECIALISATIONS

1. A person is a dentist with a European qualification in specialised dentistry if–

(a) in the case of the United Kingdom, he is a person who has been awarded a Certificate of Completion of Specialist Training under regulation 6 of the European Primary and Specialist Dental Qualifications Regulations 1998 as amended from time to time; or

(b) he is a national of an EEA State (or is treated as such for the purposes of section 2(3)) and holds a recognised specialist dental qualifications.

2.(1) The following are recognised specialist dental qualifications for the purposes of paragraph 1(b)–

(a) a qualification which is listed in Annex B, Part 1 (orthodontics) or (as the case may be) Annex B, Part 2 (oral surgery) of Council Directive 78/686/EEC (which sets out the names of specialist qualifications in EEA States) granted in an EEA State other than the United Kingdom (these names are set out in Parts III and IV of this Schedule);

(b) a qualification in orthodontics or (as the case may be) oral surgery granted in an EEA State other than the United Kingdom which does not satisfy all the minimum training requirements laid down by articles 2 and 3 of the Dental Training Directive and was awarded following training begun before the relevant date, accompanied by a certificate from the competent authority in the EEA State in which the qualification was awarded or in which its holder has subsequently become established, stating that the holder has been engaged in the practice of his specialty for at least the period required by article 7(2) of Council Directive 78/686/EEC (qualifications not satisfying the minimum training requirements);

(c) a qualification in orthodontics or (as the case may be) oral surgery–

(i) which has been obtained at any time in an EEA State other than the United Kingdom,

(ii) which does not conform with the designations set out in Annex B, Part 1 or 2 to Council Directive 78/686/EEC (which sets out the specialist dental qualifications awarded in EEA States), and

(iii) evidence of which is accompanied by a certificate of the competent authorities of that State to the effect that the

qualification was awarded following training in accordance with the provisions of articles 2 and 3 of the Dental Training Directive (which set out minimum standards of training for specialist dental qualifications) and is treated by that State as if it were a qualification set out under the heading relating to that State in Annex B, Part 1 or 2 to Council Directive 78/686/EEC;

(d) subject to compliance with sub-paragraph (2), any qualification which is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic; and

(e) a qualification in orthodontics or (as the case may be) oral surgery which–

(i) was awarded by, or which relates to training started in, the territory specified in column (b) of the table below before the date specified in the corresponding entry in column (a); and

(ii) is accompanied by–

(aa) an attestation by the competent authorities of the EEA State specified in the corresponding entry in column (c) to the effect that the qualification has, on its territory, the same legal validity as the qualifications listed in respect of that State in Part II or IV of this Schedule as regards the access to and practice of orthodontics or (as the case may be) oral surgery; and

Column (a)	Column (b)	Column (c)
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

(bb) a certificate from the competent authorities of that State which states that the holder has effectively and lawfully practised orthodontics or (as the case may be) oral surgery in that State for at least three consecutive years during the five years prior to the date of issue of that certificate.

(2) This paragraph is complied with where–

(a) the holder of the qualification referred to in sub-paragraph (1)(d) produces to the Board a certificate of the competent authorities of Germany certifying that he has practised his specialty in Germany for at least the period referred to in article 7a(2) of Council Directive 78/686/EEC (training in the former German Democratic Republic); and

(b) he is authorised to practise his specialty throughout the territory of Germany under the same conditions as holders of the German qualification listed in Annex B, Part 1 or 2 to Council Directive 78/686/EEC.

(3) In sub-paragraph (1)(b), "the relevant date" means–

(a) 28th January 1980, in the case of a qualification granted in Denmark, France, Germany, Ireland or the Netherlands;

(b) 1st January 1981 in the case of a qualification granted in Greece;

(c) 1st January 1994, in the case of a qualification granted in Finland, Norway or Sweden;

(d) 1st June 2002, in the case of a qualification granted in Switzerland;

(e) 1st May 2004, in the case of a qualification granted in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia; or

(f) in the case of any other EEA State, the date notified by that State to the Commission as that on which it implemented the Dental Training Directive.

3.(1) In the case of a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)), the Board shall when considering whether it is satisfied that the person has specialist dental qualifications awarded outside the United Kingdom or an EEA State, take into account–

(a) all his dental qualifications, knowledge or experience, wherever acquired, which are relevant to its determination; and

(b) where the person has specialist qualifications in orthodontics or (as the case may be) oral surgery awarded outside the EEA which have been accepted by an EEA State as qualifying him to practise as a specialist in that State, that acceptance.

4.(1) The Board shall, within the specified period, give the applicant notice of its decision as to whether it is satisfied that he is a dental specialist in accordance with this Part and where it is not so satisfied, of the reasons for its decision and of the applicant's right to appeal under section 45(1A).

(2) In sub-paragraph (1), "the specified period" means–

(a) the period of four months beginning with the date on which the Board receives the application together with all supporting documents (or any remaining documents); or

(b) such longer period as is permitted by Council Directive 78/686/EEC.

(3) Failure to notify an applicant of a decision within the specified period shall be treated as a decision from which an applicant may appeal under sub-paragraph (1).

PART II

APPROPRIATE EUROPEAN DENTAL DIPLOMAS

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	Bescheid über die Verleihung des akademischen Grades "Doktor der Zahnheilkunde"	Medizinische Fakultät der Universität	
Belgium	—Diploma van tandarts —Diplôme de licencié en science dentaire	1 De universiteiten/les universités 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent	

		d'enseignement de la Communauté française	
BULGARIA	Диплома за висше образование на образователно-квалификацион на степен "Магистър" по "Дентална медицина" с професионална квалификация "Магистър-лекар по дентална медицина	Факултет по дентална медицина към Медицински университет	Professional title: Лекар по дентална медицина
Cyprus	Pistopoihtik ó EggrajhV Odontiatrou	Odontiatrik ó Sumboulio	
Czech Republic	Diplom o ukoncení studia ve studijním programu zubní lékarství (doktor zubního lékarství, Dr med Dent)	Lékarská fakulta univerzity v Ceské republice	Vysvedcení o státní rigorózní zkousce
Denmark	Bevis for tandlægeeksamen (odontologisk kandidateksamen)	Tandlægehøjskolerne, Sundhedsvidenskabelig t universitetsfakultet	Autorisation som tandlæge, udstedt af Sundhedsstyrelsen
Estonia	Diplom hambaarstiteadu se õppekava läbimise kohta	Tarta Ülikool	
Finland	Hammaslääketie teen lisensiaatin tutkinto/odontol ogie licentiatexamen	1 Helsingin yliopisto/Helsingfors universitet 2 Oulun yliopisto 3 Turun yliopisto	Terveydenhuollon oikeusturvakeskuksen päätös käytännön palvelun hyväksymisestä/Beslu

			t av Rättsskyddscentralen för hälsovården om godkännande av praktisk tjänstgöring
France	Diplôme d'Etat de docteur en chirurgie dentaire	Universités	
Germany	Zeugnis über die Zahnärztliche Prüfung	Zuständige Behörden	
Greece	Ptuc í o OdontiatrichV	panhpisthmio	
Hungary	Forgorvos oklevél (doctor medicinae dentariae, abbrev: dr med dent)	Egyetem	
Iceland	Próf frá tannlæknadeild Háskóla Íslands	Tannlæknadeild Háskóla Íslands	
Ireland	Bachelor in Dental Science (B.Dent.Sc)/Bachelor of Dental Surgery (BDS)/Licentiate in Dental Surgery (LDS)	Universities/Royal College of Surgeons in Ireland	
Italy	Diploma di laurea in Odontoiatria e Protesi Dentaria	Università	Diploma di abilitazione all'esercizio dell'odontoiatria e protesi dentaria
Latvia	Zobarsta diploms	Universitates tipa augstskola	Rezidenta diploms par zobarsta pecdiploma izglitibas programmas pabeigsanu, ko izsniedz universitates

			tipa augstskola un “Sertifikats”— Kompetentas iestades izsniegts dokuments, kas apliecina, ka persona ir nokartojusi sertifikacijas eksamenu zobarstnieciba
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Part of Schedule 2		Certificate on the completed practical training issued by the competent authorities
Lithuania	Aukstojo mokslo diplomas, nurodantis suteikta gydytojo odontologo kvalifikacija	Universitetas	Internaturos pazymejimas, nurodantis suteikta gydytojo odontologo profesine kvalifikacija
Luxembourg	Diplôme d’Etat de docteur en médecine dentaire	Jury d’examen d’Etat	
Malta	Lawrja fil–Kirurgija Dentali	Universita ta‘ Malta	
Netherlands	Universitair getuigschrift van een met goed gevolg afgelegd tandartsexamen	Faculteit Tandheelkunde	
Norway	Vitnemål for fullført grad *candidata/candi*	Odontologisk universitetsfakultet	

	datus odontologiae, short form: *cand. odont.*		
Poland	Dyplom ukonczenia studiów wyzszych z tytulem “lekarz dentysta”	1 Akademia Medyczna, 2 Uniwersytet Medyczny, 3 Collegium Medicum Uniwersytetu Jagiellonskiego	Lekarsko—Dentystyczny Egzamin Panstwowy
Portugal	Carta de curso de licenciatura em medicina dentária	Faculdade/Institutos Superiores	
ROMANIA	Diplomă de licenţă de medic dentist	Universităţi	Professional title: medic dentist
Slovakia	Vysokoskolsky diplom o udelení akademického titulu “doktor zubného lekárstva” (“MDDr”)	Vysoká skola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov “doktor dentalne medicine/doktorica dentalne medicine”	Univerza	Potrdilo o opravljenem strokovnem izpitu za poklic zobozdravnik/zobozdravnica
Spain	Título de Licenciado en Odontología	El rector de una Universidad	
Sweden	Tandläkarexamen	Universitetet i Umeå Universitetet i Göteborg Karolinska Institutet Malmö Högskola	Endast för examensbevis som erhållits före den 1 juli 1995, ett utbildningsbevis som utfärdats av

			Socialstyrelsen
Switzerland	Titulaire du diplôme fédéral de médecin-dentiste, eidgenössisch diplomierter Zahnarzt, titolare di diploma federale di medico-dentista	The Département fédéral de l'intérieur"	

PART III

ORTHODONTICS

Country	Title of qualification	Awarding body
Austria	—	—
Belgium	Bijzondere beroepstitel van tandarts specialist in de orthodontie/Titre professionnel particulier de dentiste spécialiste en orthodontie	Minister bevoegd voor Volksgezondheit/Ministre de la Santé publique
BULGARIA	Свидетелство за призната спец-иалност по "Ортодонтия"	Факултет по дентална медицина към Медицински университет
Cyprus	Pistopoihtik ó AnagnwrishV tou Eidikou Odontiatrou sthn Orqodontikh	Odontiatrik ó Sumboulio
Czech Republic	—	—
Denmark	Bevis for tilladelse til at betegne sig som specialtandlæge i ortodonti	Sundhedsstyrelsen
Estonia	Residentuuri lõputunnistus ortodontia erialal	Tartu Ülikool
Finland	Erikoishammaslääkärin tutkinto, hampaiston oikomishoito/specialtandläkarexamen, tandreglering	1 Helsingin yliopisto/Helsingfors universitet 2 Oulun yliopisto

		3 Turun yliopisto
France	Titre de spécialiste en orthodontie	Conseil National de l'Ordre des chirurgiens dentistes
Germany	Fachzahnärztliche Anerkennung für Kieferorthopädie	Landeszahnärztekammer
Greece	T í tloV OdontiatrikhV eidikothtaV thV OrqodontikhV_	1 Nomarciakh Autodio í khsh 2 Nomarc í a
Hungary	Fogszabályozás szakorvosa bizonyítvány	Az Egészégügyi, Szociális és Családügyi Minisztérium illetékes testülete
Iceland	—	—
Ireland	Certificate of specialist dentist in orthodontics	Competent authority recognised for this purpose by the competent minister
Italy	—	—
Latvia	"Sertifikats"—kompetentas iestades izsniegts dokuments, kas apliecina, ke persona ir nokartojusi sertifikacijas eksamenu ortodontija	Latvijas Arstu biedriba
Liechtenstein	—	—
Lithuania	Rezidenturos pazymejimas, nurodantis suteikta gydytojo ortodonto profesine kvalifikacija	Universitetas
Luxembourg	—	—
Malta	Certifikat ta' specjalista dentali fl–Ortodonzja	Kumitat ta' Approvazzjoni dwar Specjalisti
Netherlands	Bewijs van inschrijving als orthodontist in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde
Norway	Bevis for gjennomgått	Odontologisk

	spesialistutdanning i kjeveortopedi	universitetsfakultet
Poland	Dyplom uzyskania tytulu specjalisty w dziedzinie ortodoncji	Centrum Egzaminów Medycznych
Portugal	—	—
ROMANIA	---	---
Slovakia	—	—
Slovenia	Potrdilo o opravljenem specialisticnem izpitu iz celjustne in zobne ortopedije	1 Ministrstvo za zdravje 2 Zdravniska zbornica Slovenije
Spain	—	—
Sweden	Bevis om specialistkompetens i tandreglering	Socialstyrelsen
Switzerland	Diplôme fédéral d'orthodontiste, Diplom als Kieferorthopäde, diploma di ortodontista	The Département fédéral de l'intérieur

PART IV

ORAL SURGERY

Country	Title of qualification	Awarding body
Austria	—	—
Belgium	—	—
BULGARIA	Свидетелство за призната специалност по "Орална хирургия"	Факултет по дентална медицина към Медицински университет
Cyprus	Pistopoihtik ó AnagnwrishV tou Eidikou Odontiatrou sthn Stomatikh Ceirourgikh	Odontiatrik ó Sumboulio
Czech Republic	—	—
Denmark	Bevis for tilladelse til at betegne sig som specialtandlæge i hospitalsodontologi	Sundhedsstyrelsen
Estonia	—	—
Finland	Erikoishammaslääkärin tutkinto, suu- ja leukakirurgia/specialtandläkarexamen,	1 Helsingin yliopisto/Helsingfors universitet

	oral och maxillofacial kirurgi	2 Oulun yliopisto 3 Turun yliopisto
France	—	—
Germany	Fachzahnärztliche Anerkennung für Oralchirurgie/Mundchirurgie	Landeszahnärztekammer
Greece	T í tloV OdontiatrikhV eidikothtaV thV GnaqoceirourgikhV	1 Nomarciakh Autodikhsh 2 Nomarc í a
Hungary	Dento–alveoláris sebészet szakorvosa bizonyítvány	Az Egészégügyi, Szociális és Családügyi Minisztérium illetékes testülete
Iceland	—	
Ireland	Certificate of specialist dentist in oral surgery	Competent authority recognised for this purpose by the competent minister
Italy	—	—
Latvia	—	—
Liechtenstein	—	—
Lithuania	Rezidenturos pazyméjimas, nurodantis suteikta burnos chirurgo profesine kvalifikacija	Universitetas
Luxembourg	—	—
Malta	Certifikat ta’ specjalista dentali fil-Kirurgija tal-halq	Kumitat ta’ Approvazzjoni dwar Specjalisti
Netherlands	Bewijs van inschrijving als kaakchirurg in het Specialistenregister	Specialisten Registratie Commissie (SRC) van de Nederlandse Maatschappij tot bevordering der Tandheelkunde
Norway	—	—
Poland	Dyplom uzyskania tytulu specjalisty w dziedzinie chirurgii stomatologicznej	Centrum Egzaminów Medycznych
Portugal	—	—
ROMANIA	---	---

Slovakia	—	—
Slovenia	Potrdilo o opravljenem specialisticnem izpitu iz oralne kirurgije	1 Ministrstvo za zdravje 2 Zdravniska zbornica Slovenije
Spain	—	—
Sweden	Bevis om specialistkompetens i tandsystemets kirurgiska sjukdomar	Socialstyrelsen
Switzerland	—	—

SCHEDULE 6

Section 23(2)

QUALIFYING EUROPEAN PHARMACEUTICAL DIPLOMAS

Part I

Qualification by Appropriate European Pharmaceutical Diploma for Registration

1. In this Schedule –

"competent authorities", in relation to an EEA State, means any authority or body designated by that EEA State in accordance with the Pharmacists Recognition Directive;

"employed person" means an employed person in accordance with Council Regulation (EEC) 1612/68 on freedom of movement for workers within the Community;

"the implementation date" in relation to an EEA State, means the date on which that State implemented the Pharmacists Training Directive and in the case of Bulgaria and Romania that date is 1st January 2007;

"the Pharmacists Recognition Directive" means Council Directive 85/433/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, as amended from time to time and as adapted by the EEA Agreement;

"the Pharmacists Training Directive" means Council Directive 85/432/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy.

2. Subject to paragraphs 3 to 5, the following diplomas are appropriate European pharmaceutical diplomas for the purposes of section 23, namely –

(a) any diploma specified in Part II of this Schedule;

(b) any diploma in pharmacy which is not so specified and which has been granted in an EEA State either before the implementation date or to a person who commenced the training of which the diploma is evidence before that date;

(c) any diploma in pharmacy which is not so specified but is evidence of training commenced before 3rd October 1990 and undertaken on the territory of the former German Democratic Republic.

(d) any diploma in pharmacy which is not so specified but was awarded by, or which is evidence of training started in, the territory specified in column (b) of the table below before the date specified in the corresponding entry in column (a);

Column (a)	Column (b)	Column (c)
1st January 1993	Former Czechoslovakia	Czech Republic
1st January 1993	Former Czechoslovakia	Slovakia
20th August 1991	Former Soviet Union	Estonia
21st August 1991	Former Soviet Union	Latvia
11th March 1990	Former Soviet Union	Lithuania
25th June 1991	Yugoslavia	Slovenia

(e) any diploma in pharmacy granted in an EEA State which is not so specified and which does not fall within sub-paragraph (b), (c) or (d).

3. A diploma granted in an EEA State before the implementation date or granted to a person who began the training of which the diploma is evidence before that date is not an appropriate European diploma for the purposes of this paragraph unless –

(a) in the case of a diploma specified in Part II of this Schedule, except one falling within paragraph 4B, either –

(i) the diploma is evidence of training that would have satisfied the requirements laid down by the Pharmacists Training Directive; or

(ii) the competent authorities of an EEA State have certified that the holder of the diploma has lawfully practised pharmacy for at least three consecutive years during the five years preceding the date of the certificate; or

(b) in the case of any diploma falling within paragraph 2(b) –

(i) the diploma is evidence of training which would satisfy the requirements of article 2 of the Pharmacists Training Directive and is treated by the competent authority of the EEA State in which it was awarded as equivalent to a diploma specified in Part II of this Schedule; or

(ii) the competent authorities of any EEA State have certified that the holder of the diploma has lawfully practised

pharmacy for at least three consecutive years during the five years preceding the date of the certificate.

3A. A diploma such as is mentioned in sub-paragraph (2)(d) is not an appropriate European diploma for the purposes of this paragraph unless it is accompanied by–

(a) a certificate from the competent authorities of the EEA State specified in the appropriate row of column (c) of the table in subsection (2)(d) that that diploma has, on its territory, the same legal validity as regards access to and the practice of pharmacy as the diploma specified in Part II of this Schedule in respect of that EEA State; and

(b) a certificate from those competent authorities stating that the holder of that diploma has effectively and lawfully been engaged in the practice of pharmacy in its territory for at least three consecutive years during the five years preceding the date of that certificate.

4. A diploma such as is mentioned in paragraph 2(c) is not an appropriate European diploma for the purposes of this Part unless –

(a) it entitles its holder to practise pharmacy throughout the territory of Germany on the same conditions as those applying to the holder of a diploma specified under the heading "Germany" in Part II to this Schedule; and

(b) the competent authorities in Germany have certified that the holder of the diploma has lawfully practised pharmacy in Germany for at least three consecutive years during the five years preceding the date of the certificate.

4A. A diploma such as is mentioned in paragraph 2(d) is not an appropriate European diploma for the purposes of this Schedule unless the competent authorities of the EEA State in which it was awarded have certified–

(a) that the diploma is evidence of training which satisfies the requirements of Article 2 of the Pharmacists Training Directive; and

(b) that it is treated by the competent authorities of the EEA State in which it was awarded as equivalent to a diploma specified in respect of that State in Part II of this Schedule.

4B. A diploma specified in Part II of this Schedule in respect of Italy which is not evidence of training which satisfies the requirements of the Pharmacists Training Directive and which was awarded in respect of training which began before 1st November 1993 (but not before 1st October 1987) and finished before 1st November 2003 is not an appropriate European diploma for the purposes of this Schedule unless the competent authority of Italy have certified–

(a) that the holder of the diploma has been effectively and lawfully engaged in Italy in one of the activities referred to in Article 1(2) of the Pharmacists Training Directive;

(b) that he was so engaged for at least three consecutive years during the five years preceding the date of the certificate; and

(c) that the activity in question was at all relevant times regulated in Italy.

4C.(1) In the case of a person who is a national of an EEA State (or is treated as such for the purposes of section 2(3)), and who holds a diploma granted in respect of pharmacy in any place outside an EEA State or has passed the examination necessary for obtaining such a diploma, the Board shall take the matters in sub-section (2) into account when deciding whether he is qualified to be registered.

(2) The matters are–

(a) if the diploma, or the passing of the examination necessary for obtaining it, has been accepted by an EEA State as qualifying him to practise in the State, that fact; and

(b) all his qualifications, or knowledge or experience, in pharmacy, wherever acquired, which are relevant to the question of whether he should be registered.

5. It shall be for the Board to determine whether or not any of the conditions specified in paragraph 3, 4, 4A or 4B are satisfied in relation to any diploma, and –

(a) the satisfaction of the conditions specified in paragraph 3(a) (i) may be established by the production of a certificate of the competent authorities of the EEA State in relation to which the diploma is specified in Part II of this Schedule or otherwise; and

(b) the satisfaction of the condition specified in–

(i) paragraph 3(a)(ii) or 3(b)(ii);

(ii) paragraph 3A(a) or (b);

(iii) paragraph 4(b);

(iv) paragraph 4A(a) or (b); or

(v) paragraph 4B(a), (b) or (c);

shall be established by the production of the relevant certificate, and not otherwise.

(c) the satisfaction of the conditions specified in paragraph 3(a)(ii) or (b)(ii) or paragraph 4(b) shall be established by the production of the relevant certificate, and not otherwise.

6. *Omitted*.

7. For the purposes of this Part an EEA State is to be regarded as having implemented the Pharmacists Training Directive on the date notified to the Commission of the European Communities as that on which it did so.

PART II

APPROPRIATE EUROPEAN PHARMACEUTICAL DIPLOMAS

Country	Title of qualification	Awarding body	Certificate accompanying qualification
Austria	Staatliches Apothekerdiplom	Bundesministerium für Arbeit, Gesundheit und Soziales	
Belgium	—Diploma van apotheker —Diplôme de pharmacien	1 De universiteiten/les universités 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté	

		française	
BULGARIA	Диплома за висше образование на образователно-квалификационна степен “Магистър” по “Фармация” с професионална квалификация “Магистър-фармацевт”	Фармацевтичен факултет към Медиц-ински университет	
Cyprus	Pistopihtiko EggrafhV Farmakopoiou	Sumboulio FarmakeutikhV	
Czech Republic	Diplom o ukoncení studia ve studijnm progrmu farmacie (magistr, Mgr)	Farmaceutická fakulta univerzity v Ceské republice	Vysvedcení o státní záverecne zkousce
Denmark	Bevis for bestået farmaceutisk kandidateksamen	Danmarks Farmaceutiske Højskole	
Estonia	Diplom proviisori õppekava läbimisest	Tartu Ülikool	
Finland	Proviisorin tutkinto/provisorexamen	1 Helsingin yliopisto/Helsingfors universitet 2 Kuopion yliopisto	
France	Diplôme d’Etat de pharmacien/Diplôme d’Etat de docteur en pharmacie	Universités	
Germany	Zeugnis über die Staatliche Pharmazeutische Prüfung	Zuständige Behörden	
Greece	Adeia askhshV farmakeutikou epaggelmatoV	Nomarciakh Autodio í khsh	
Hungary	Okleveles gyógyszerész oklevél (magister pharmaciae, abbrev: mag	Egyetem	

	pharm)		
Iceland	Próf í lyfjafræði	Háskóli Íslands	
Ireland	Certificate of Registered Pharmaceutical Chemist		
Italy	Diploma o certificato di abilitazione all'esercizio della professione di farmacista ottenuto in seguito ad un esame di Stato	Università	
Latvia	Farmaceita diploms	Universitates tipa augstskola	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Schedule accompanied by a certificate on the completed practical training issued by the competent authorities		
Lithuania	Aukstojo mokslo diplomas, nurodantis suteikta vaistininko profesine kvalifikacija	Universitetas	
Luxembourg	Diplôme d'Etat de pharmacien	Jury d'examen d'Etat + visa du ministre de l'éducation nationale	
Malta	Lawrja fil–farmacija	Universita 'ta' Malta	
Netherlands	Getuigschrift van met goed gevolg afgelegd apothekersexamen	Faculteit Farmacie	
Norway	Vitnemål for fullført grad *candidata/candidatus pharmaciae*, short form: *cand. pharm.*	Universitetsfakultet	
Poland	Dyplom ukonczenia studiów wyzszych na kierunku farmacja z	1 Akademia Medyczna 2 Uniwersytet	

	tytulem magistra	Medyczny 3 Collegium Medicum Uniwersytetu Jagiellonskiego	
Portugal	Carta de curso de licenciatura em Ciências Farmacêuticas	Universidades	
ROMANIA	Diplomă de licenţă de farmacist	Universităţi	
Slovakia	Vysokoskolsky diplom o udelení akademického titulu “magister farmácie” (“Mgr”	Vysoká skola	
Slovenia	Diploma, s katero se podeljuje strokovni naziv “magister farmacije / magistra farmacije”	Univerza	Potrdilo o opravljenem strokovenem izpitu za poklic magister farmacije / magistra farmacije
Spain	Título de licenciado en farmacia	Ministerio de Educación y Cultura/El rector de una Universidad	
Sweden	Apotekarexamen	Uppsala universitet	
Switzerland	Titulaire du diplôme fédéral de pharmacien, eidgenössisch diplomierter Apotheker, titolare di diploma federale di farmacista	The Département fédéral de l’intérieur]	

SCHEDULE 7

Section 24

Visiting EEA Dental Practitioners

Preliminary.

1. (1) This Schedule has effect for the purpose of enabling a person to whom it applies to render dental services during a visit to Gibraltar without being registered under this Act.

(2) This Schedule applies to any national of an EEA State who is established in dental practice in an EEA State other than Gibraltar or the United Kingdom.

(3) In this Schedule "the Recognition Directive" has the meaning which Council Directive 78/686/EEC has in Schedule 5 to this Act.

Declarations and certificates to be provided by visiting EEA Dental Practitioners.

2. (1) A person to whom this Schedule applies who intends to render dental services as mentioned in paragraph 1(1) above shall provide the Board with–

(a) a declaration in writing giving particulars of the services to be rendered and the period or periods in which he expects to render them; and

(b) a certificate or certificates issued by the authority or body designated by the EEA State concerned as competent for the purposes of article 15(3) of the Recognition Directive (provision of services) showing –

(i) that he is lawfully practising dentistry in an EEA State other than Gibraltar or the United Kingdom; and

(ii) that he holds a diploma in dentistry which EEA States are required by that Directive to recognise.

(2) For the purposes of sub-paragraph (1) –

(a) in an urgent case the declaration to be provided under sub-paragraph (1)(a) and the certificate or certificates to be provided under sub-paragraph (b) may be provided after the services have been rendered, but, if so, it shall be provided as soon as possible thereafter and in any event not more than

fifteen days after the date on which the practitioner has rendered the services; and

(b) every certificate to be provided under sub-paragraph (1)(b) shall bear a date not less recent than twelve months prior to the date on which the certificate was provided.

List of Visiting EEA Dental Practitioners.

3. (1) The Board shall keep a list known as the list of visiting EEA dental practitioners.

(2) Where a person to whom this Schedule applies complies with the requirements of paragraph 2(1), the Board shall, subject to paragraph 4, enter his name, together with particulars of any diplomas held by him, in the list of EEA dental practitioners.

(3) Subject to paragraph 4, that entry shall have effect for the period specified in the list against the entry, being the period which appears to the Board to be appropriate having regard to the particulars given in the declaration referred to in paragraph 2(1)(a).

Persons not entitled to be included in the list of visiting EEA Dental Practitioners.

4. A person to whom this Schedule applies shall not be entitled to have his name included in the list of visiting EEA dental practitioners if–

(a) he is subject to a decision within the meaning of section 44(2) of this Act taken in relation to him in an EEA State; or

(b) he is subject to a prohibition imposed on him under paragraph 5;

and any entry in the list relating to a practitioner shall not have effect or shall cease to have effect if he is or becomes subject to such a decision or prohibition or if he becomes established in dental practice in Gibraltar or renders, save in cases of urgency, dental services which fall outside those specified in the declaration made by him under paragraph 2(1)(a).

Disciplinary provisions affecting dental practitioners who render services while visiting Gibraltar.

5. (1) If a person who is or has been entered in the list of visiting EEA dental practitioners–

(a) has been convicted of a criminal offence, whether in an EEA State or elsewhere; or

(b) has been guilty of serious professional misconduct;

the Board may, if it thinks fit, impose on him a prohibition in respect of the rendering of dental services in Gibraltar in future.

(2) A prohibition imposed under this paragraph shall be for an indefinite period.

(3) A person may apply to the Supreme Court for termination of a prohibition imposed on him under this paragraph and the court may, on any such application, terminate the prohibition; but no application shall be made under this paragraph–

(a) earlier than ten months from the date on which the prohibition was imposed; or

(b) in the period of ten months following a decision made on an earlier application.

SCHEDULE 8

Section 25(2)

NURSES, MIDWIVES AND HEALTH VISITORS REGISTRATION BOARD

1. The Board shall consist of –

(a) a person possessing legal qualifications which would entitle him to be admitted as a barrister or a solicitor of the Supreme Court of Gibraltar, appointed by the Minister and who shall be chairman of the Board;

(aa) a registered medical practitioner appointed by the Minister;

(b) a non-executive Member of the Gibraltar Health Authority;

(c) the Director of Nursing Services;

(d) a lecturer or tutor in nursing of the School of Health Studies of the Gibraltar Health Authority;

(e) four registered nurses appointed by the Minister to, as far as practicable, represent different nursing specialties;

(f) two nurses elected from among those persons appearing on the Register kept by the Board under section 28;

(g) an independent member appointed by the Minister.

(1A) The Minister may appoint an alternate member to substitute for each member, the alternates for the elected members under paragraph 1(f) to be likewise elected from among those persons appearing on the Register kept by the Board under section 28.

2. The members of the Board (other than the ex officio members) shall hold office for two years and shall be eligible for re-appointment.

3. If the place of any member of the Board (other than an ex officio member) becomes vacant before the expiration of his term of office the Minister may appoint another person of the same description to fill the vacancy for the unexpired portion of the term of the vacating member.

4. The Minister may in his discretion terminate the appointment of any member of the Board (other than an ex officio member).

5. If any member of the Board be temporarily absent from Gibraltar and occasion arises which in the opinion of the Chairman necessitates a meeting of the full Board the Minister may, upon the request of the Chairman, appoint some other person of the same description temporarily to fill the vacancy.

6. The powers of the Board may be exercised notwithstanding any vacancy in their number.

7. Three members of the Board shall form a quorum, except at the investigation of any complaint made against a person registered under Part III of the Act, when the quorum shall be five.

8. The Board may, subject to any regulations made under section 36, make standing orders regulating the proceedings of the Board.

SCHEDULE 9

Section 32(2)

Qualifying European Nursing and Midwifery Qualifications

Part I

Qualification by Appropriate Nursing and Midwifery Diplomas for Registration

Interpretation.

1. (1) In this Schedule unless the context otherwise requires –

"an article 4 certificate" means a certificate issued to a person by a competent authority in an EEA State in accordance with article 4 of the First Midwifery Directive to the effect that the person, after qualifying as a midwife, has practised satisfactorily, for the period provided for in that article, as a midwife in a hospital or other health establishment approved for the purposes of that article;

"a competent authority certificate" means a certificate issued by a competent authority in an EEA State stating that the person named in the certificate has practised effectively and lawfully as a nurse or, as the case may be, as a midwife for at least three years or, for the purposes of paragraphs 3(4)(b) and 5(4)(b), two years, during the period of five years ending with the date of issue of the certificate;

"diploma" means a diploma, certificate or other evidence of formal qualifications;

"the Midwifery Directives" means the First and Second Midwifery Directives as defined in section 32(4);

"the Nursing Directives" means the First and Second Nursing Directives as defined in section 32(4);

"registration" means registration in the appropriate part of the register of nurses and midwives.

(2) Any reference in this Schedule to –

(a) "the implementation date" of the First or Second Nursing Directive;

(b) "the date of entry into force" of the First Midwifery Directive; or

(c) "the relevant date" in connection with the First Midwifery Directive;

is a reference to the date set out in Column 2, 3 or 4, as appropriate, opposite the relevant State in Column 1 of the following Table –

Table

COLUMN 1 EEA STATE	COLUMN 2 IMPLEMENTATION OF NURSING DIRECTIVES	COLUMN 3 ENTRY INTO FORCE OF FIRST MIDWIFERY DIRECTIVE	COLUMN 4 RELEVANT DATE IN RELATION TO THE FIRST MIDWIFERY DIRECTIVE
AUSTRIA	1st January 1994	1st January 1994	1st January1994
BELGIUM	28th June 1979	23rd January 1983	23rd January1986
BULGARIA	1 January 2007	1 January 2007	1 January 2007
CYPRUS	1st May 2004	1st May 2004	1st May 2004
CZECH REPUBLIC	1st May 2004	1st May 2004	1st May 2004
DENMARK	28th June 1979	23rd January 1983	23rd January1986
ESTONIA	1st May 2004	1st May 2004	1st May 2004
FINLAND	1st January 1994	1st January 1994	1st January1994
FRANCE	28th June 1979	23rd January 1983	23rd January1986
GERMANY	28th June 1979	23rd January 1983	23rd January1986
GREECE	1st January 1981	23rd January 1983	23rd January1986
HUNGARY	1st May 2004	1st May 2004	1st May 2004
ICELAND	1st January 1994	1st January 1994	1st January1994
IRELAND	28th June 1979	23rd January 1983	23rd January1986
ITALY	28th June 1979	23rd January 1983	23rd January1986
LATVIA	1st May 2004	1st May 2004	1st May 2004
LIECHTENSTEIN	1st May 1995	1st May 1995	1st May1995
LITHUANIA	1st May 2004	1st May 2004	1st May 2004
LUXEMBOURG	28th June 1979	23rd January 1983	23rd January1986
MALTA	1st May 2004	1st May 2004	1st May 2004
NETHERLANDS	28th June 1979	23rd January 1983	23rd January1986
NORWAY	1st January 1994	1st January 1994	1st January1994
POLAND	1st May 2004	1st May 2004	1st May 2004
PORTUGAL	1st January 1986	1st January 1986	23rd January1986
ROMANIA	1 January 2007	1 January 2007	1 January 2007
SLOVAKIA	1st May 2004	1st May 2004	1st May 2004
SLOVENIA	1st May 2004	1st May 2004	1st May 2004
SPAIN	1st January 1986	1st January 1986	1st January1986
SWEDEN	1st January 1994	1st January 1994	1st January1994
SWITZERLAND	1st January 2002	1st January 2002	1st January 2002

(3) The holders of the Bulgarian qualification of "фелдшер" (feldsher) awarded in Bulgaria before 31 December 1999 and exercising this profession under the Bulgarian national social security system on 1 January 2000 shall not be recognised as holding an appropriate European diploma for the purposes of registration.

Qualifications in respect of which a diploma specified in Part II or Part III of this Schedule is awarded on or after the implementation date or relevant date.

2. (1) Subject to paragraph 8 (transitional provision for Spanish midwifery qualifications) and sub-paragraph (2), a professional qualification in respect of which a diploma specified in Part II (nursing diplomas) or Part III (midwifery diplomas) of this Schedule is granted in an EEA State –

(a) in the case of a nursing qualification, on or after the implementation date of the Nursing Directives, and which is not evidence of training commenced by the holder before that date; or

(b) in the case of a midwifery qualification, on or after the relevant date;

is hereby designated as an appropriate European Diploma for the purposes of registration.

(2) A midwifery qualification referred to in sub-paragraph (1) –

(a) in respect of which a diploma has been obtained in any EEA State following training which complies with all the training requirements in article 1 of the Second Midwifery Directive; but

(b) where the diploma is required to be recognised by other EEA States in pursuance of article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with article 4 of that Directive is issued;

shall be an appropriate European Diploma for the purposes of registration if it is accompanied by an article 4 certificate relating to the holder.

Qualifications in respect of which a diploma specified in Part II or III of this Schedule is awarded before the implementation date or relevant date or in respect of nursing training which began before the former date.

3. (1) Subject to paragraph 8 (transitional provision for Spanish midwifery qualifications) and sub-paragraph (2), a professional qualification in respect of which a diploma specified in Part II (nursing qualifications) or Part III (midwifery qualifications) of this Schedule is granted in an EEA State –

(a) in the case of a qualification in nursing in general care, before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; or

(b) in the case of a midwifery qualification, before the relevant date;

shall be an appropriate European Diploma for the purposes of registration.

(2) The diploma referred to in sub-paragraph (1) shall –

(a) be one granted in respect of training which complies with the requirements laid down –

(i) in the case of a nursing qualification in article 1 of the Second Nursing Directive (minimum standards of training for nurses); or

(ii) in the case of a midwifery qualification in article 1 of the Second Midwifery Directive (minimum standards of training for midwives);

subject also in the case of a midwifery qualification to sub-paragraphs (3) and (4); or

(b) be accompanied by a competent authority certificate relating to the holder.

(3) A midwifery qualification referred to in sub-paragraph (1) –

(a) in respect of which a diploma which falls within sub-paragraphs (1) and (2) has been obtained; but

(b) where the diploma –

(i) is required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with article 4 of that Directive is issued; or

(ii) would be required to be so recognised if it had been obtained on or after the date of entry into force of the First Midwifery Directive;

shall be an appropriate European Diploma for the purposes of registration if the requirements set out in sub-paragraph (4) are satisfied.

(4) The requirement referred to in sub-paragraph (3) is that a diploma referred to in that sub-paragraph must be accompanied by –

(a) an article 4 certificate relating to the holder; or

(b) if the diploma was obtained before the date of entry into force of the First Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications in respect of which a diploma not specified in Part II or III of this Schedule is awarded before the implementation date or relevant date in respect of training which does not comply with Directive requirements.

4. (1) A professional qualification in respect of which a diploma specified in sub-paragraph (2) is granted in an EEA State, other than Poland, shall be an appropriate European Diploma for the purposes of registration if it is accompanied by a competent authority certificate.

(2) The diploma referred to in sub-paragraph (1) is –

(a) a diploma in nursing in general care which is not specified in Part II of this Schedule and is granted –

(i) before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; and

(ii) in respect of training which does not comply with the requirements of article 1 of the Second Nursing Directive (minimum standards of training for nurses); or

(b) a midwifery diploma which is not specified in Part III of this Schedule and is granted –

(i) before the relevant date; and

(ii) in respect of training which does not comply with the requirements of article 1 of the Second Midwifery Directive (minimum standards of training for midwives).

Qualifications in respect of which a diploma not specified in Parts II

or III of this Schedule is awarded in respect of training which satisfies Directive requirements.

5. (1) A professional qualification in respect of which a diploma specified in sub-paragraph (2) is granted in an EEA State shall be an appropriate European Diploma for the purposes of registration, provided that, if it is a midwifery qualification which falls within sub-paragraph (3), it also satisfies sub-paragraph (4).

(2) The diploma referred to in sub-paragraph (1) is one which –

(a) is not specified in Part II (nursing diplomas) or Part III (midwifery diplomas) of this Schedule; and

(b) is accompanied by a certificate issued by the competent authority of the State which granted the diploma to the effect that the latter –

(i) was granted following training in accordance with the provision of the Second Nursing Directive (minimum standards of training for nurses) or, as the case may be, the Second Midwifery Directive (minimum standards of training for midwives); and

(ii) is treated by that State as if it were a qualification in respect of which a diploma is listed, in relation to that State, in the Annex of the First Nursing Directive (nursing qualifications) or, as the case may be, the Annex of the First Midwifery Directive (midwifery qualifications).

(3) Sub-paragraph (4) applies to a midwifery qualification in respect of which a midwife holds a diploma referred to in sub-paragraph (1) which –

(i) is required to be recognised by other EEA States in pursuance of article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with article 4 of that Directive is issued; or

(ii) would be required to be so recognised if it had been obtained on or after the date of entry into force of the First Midwifery Directive.

(4) A midwifery qualification referred to in sub-paragraph (3) shall be an appropriate European Diploma for the purposes of registration only if the diploma referred to in sub-paragraph (2) is accompanied by –

(a) an article 4 certificate relating to the holder; or

(b) if the diploma was obtained before the date of entry into force of the First Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications obtained in Poland before the implementation date or relevant date, or awarded in respect of nursing or midwifery training begun before those dates which do not comply with Directive requirements.

5A.(1) This paragraph applies to a professional qualification in respect of which a diploma is obtained in Poland in respect of training which does not comply with the requirements of article 1 of the Second Nursing Directive or article 1 of the Second Midwifery Directive–

(a) in the case of a qualification in nursing in general care, before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; or

(b) in the case of a midwifery qualification, before the relevant date, or on or after that date in respect of a course of training begun before that date.

(2) A qualification referred to in sub-paragraph (1) shall be an appropriate European diploma for the purposes of registration only if the requirements set out in sub-paragraph (3) are satisfied.

(3) The diploma referred to in sub-paragraph (1) shall be accompanied by a certificate from the competent authority in Poland stating that the person named in the certificate has practised effectively and lawfully as a nurse responsible for general care or, as the case may be, as a midwife in Poland for–

(a) in the case of a person holding the diploma of bachelor of nursing (dyplom licencjata pielegniarstwa) or the diploma of bachelor of midwifery (dyplom licencjata poloznictwa), at least three consecutive years during the period of five years ending with the date of issue of the certificate; or

(b) in the case of a person holding the diploma of nurse (dyplorn pielegniarki albo pieleniarki dyplomowanej) or the diploma of

midwife (dyplom poloznej) with post-secondary education obtained from a medical vocational school, at least five consecutive years ending with the period of seven years ending with the date of issue of the certificate,

and the period of practice specified in either sub-paragraph (a) or (b) in relation to a person holding the diploma of bachelor of nursing or the diploma of nurse must have included taking full responsibility for the planning, organisation and carrying out of the nursing care of the patient.

Qualifications obtained in Romania before 1 January 2007, or awarded in respect of nursing or midwifery training begun before that date which do not comply with Directive requirements.

5B.(1) This paragraph applies to a professional qualification in respect of which a diploma is obtained in Romania in respect of training which does not comply with the requirements of article 1 of the Second Nursing Directive or article 1 of the Second Midwifery Directive–

(a) in the case of a qualification in nursing in general care, before 1 January 2007 or on or after that date in respect of a course of training begun before that date; or

(b) in the case of a midwifery qualification, before 1 January 2007, or on or after that date in respect of a course of training begun before that date.

(2) A qualification referred to in sub-paragraph (1) shall be an appropriate European diploma for the purposes of registration only if the requirements set out in sub-paragraph (3) are satisfied.

(3) The diploma referred to in sub-paragraph (1) shall be accompanied by a certificate from the competent authority in Romania stating that the person named in the certificate has practised effectively and lawfully as a nurse responsible for general care or, as the case may be, as a midwife, in Romania for–

(a) in the case of a person holding the diploma of nurse (Certificat de competenţe profesionale de asistent medical generalist) with post-secondary education obtained from a *şcoală postliceală*, at least five consecutive years during the period of seven years ending with the date of issue of the certificate; or

(b) in the case of a person holding a diploma, certificate or other formal qualification as a midwife (asistent medical obstetrică-ginecologie/obstetrics-gynecology nurse), at least five

consecutive years during the period of seven years ending with the date of issue of the certificate,

and the period of practice specified in sub-paragraph (a) in relation to a person holding the diploma of nurse must have included taking full responsibility for the planning, organisation and carrying out of the nursing care of the patient.

Qualifications following training in the former German Democratic Republic which complies with Directive training requirements.

6. (1) Subject to sub-paragraph (2) a professional qualification in respect of which a diploma in nursing in general care or, as the case may be, a midwifery diploma has been obtained which is evidence of training which –

(a) was received in the territory of the former German Democratic Republic; and

(b) commenced before 3rd October 1990;

shall be an appropriate European Diploma for the purposes of registration.

(2) The diploma referred to in sub-paragraph (1) shall –

(a) be one which is not specified in Part II (nursing diplomas) or Part III (midwifery diplomas) of this Schedule and is granted in respect of training which complies with the requirements laid down –

(i) in the case of a nursing qualification, in article 1 of the Second Nursing Directive (minimum standards of training for nurses); or

(ii) in the case of a midwifery qualification, in article 1 of the Second Midwifery Directive (minimum standards of training for midwives);

subject also in the case of a midwifery qualification to compliance with sub-paragraphs (3) and (4); and

(b) be accompanied by a certificate of the competent authority in Germany that the holder is entitled by virtue of the qualification of which the diploma is evidence to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under

the heading "Germany" in Part II (nursing diplomas), or, as the case may be, Part III (midwifery diplomas) of this Schedule.

(3) A midwifery qualification referred to in sub-paragraph (1) –

(a) in respect of which a diploma which falls within sub-paragraphs (1) and (2) has been obtained; but

(b) would, if it had been obtained in respect of training which commenced on or after 3rd October 1990 be required to be recognised by other EEA States in pursuance of article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with article 4 of that Directive has been issued;

shall be an appropriate European Diploma for the purposes of registration if the requirement set out in sub-paragraph (4) is satisfied.

(4) The requirement referred to in sub-paragraph (3) is that a diploma referred to in that sub-paragraph be accompanied by a certificate issued by the competent authority in Germany stating that the holder of the diploma has effectively and lawfully been engaged in actual practice in Germany as a midwife for at least two years during the five years preceding the date of the certificate.

Qualifications following training in the former German Democratic Republic which does not comply with Directive training requirements.

7. (1) Subject to sub-paragraphs (2) and (3), a professional qualification in respect of which a diploma in nursing in general care not specified in Part II of this Schedule or, as the case may be, a midwifery diploma not specified in Part III of this Schedule has been obtained which is evidence of training which –

(a) was received in the territory of the former German Democratic Republic; and

(b) commenced before 3rd October 1990; but

(c) does not comply with the requirements laid down –

(i) in the case of a nursing qualification, in article 1 of the Second Nursing Directive (minimum standards of training for nurses); or

(ii) in the case of a midwifery qualification, in article 1 of the Second Midwifery Directive (minimum standards of training for midwives);

shall be an appropriate European Diploma for the purposes of registration.

(2) The qualification of which the diploma referred to in sub-paragraph (1) is evidence must be such as to entitle the holder to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under the heading "Germany" in Part II (nursing diplomas) or, as the case may be, Part III (midwifery diplomas) of this Schedule.

(3) The diploma shall be accompanied by a certificate issued by the competent authority in Germany stating that, for at least three years during the five years preceding the date of issue of the certificate, the holder of the qualification has effectively and lawfully been engaged in actual practice in Germany as a nurse responsible for general care or, as the case may be, a midwife.

Qualifications following training in the former Czechoslovakia, the former Soviet Union or Yugoslavia

7A.(1) Subject to sub-paragraph (2), a professional qualification in respect of which a diploma in nursing in general care or, as the case may be, a midwifery diploma has been awarded which–

(a) is evidence of training which commenced in the territory specified in column (a) of the table below before the date specified in the corresponding entry in column (b); or

(b) was awarded by the State or former State specified in column (a) of the table below before the date specified in the corresponding entry in column (b),

shall be an approved qualification for the purposes of registration.

Column (a)	Column (b)	Column (c)
Former Czechoslovakia	1st January 1993	Czech Republic
Former Czechoslovakia	1st January 1993	Slovakia
Former Soviet Union	20th August 1991	Estonia
Former Soviet Union	20th August 1991	Latvia
Former Soviet Union	11th May 1990	Lithuania
Yugoslavia	25th June 1991	Slovenia

(2) The diploma referred to in sub-paragraph (1) shall–

(a) be accompanied by a certificate of the competent authority of the EEA State specified in column (c) of the corresponding row of the table in paragraph (1) stating that the holder of the diploma has effectively and lawfully been engaged in the practice of the profession in question in that State at least three consecutive years during the period of five years ending with the date of issue of that certificate; and

(b) the certificate referred to in sub-paragraph (2)(a) shall be accompanied by an attestation from the competent authority to the effect that the diploma has, on its territory, the same legal validity as regards access to, and practice of, the profession concerned as the qualification listed in relation to that State in Part II or, as the case may be, Part III of this Schedule.

Transitional provision for Spanish midwifery qualifications.

8. (1) Subject to sub-paragraph (3), a professional midwifery qualification, not being one to which paragraph 4 or 5 applies, in respect of which a diploma specified in sub-paragraph (2) has been obtained in Spain shall be an appropriate European Diploma for the purposes of registration.

(2) The diploma referred to in sub-paragraph (1) is one which –

(a) is evidence of training which was received in Spain which commenced before the 1st January 1986; and

(b) is accompanied by –

(i) a certificate issued by the competent authority in Spain to the effect that the diploma was awarded

following training which satisfies all the training requirements in article 1 of the Second Midwifery Directive; or

(ii) if the training does not satisfy the requirements laid down in article 1 of the Second Midwifery Directive, a competent authority certificate.

(3) A qualification referred to in sub-paragraph (1) –

(a) in respect of which a person holds a diploma referred to in subparagraph (2)(a) which is accompanied by a certificate referred to in sub-paragraph (2)(b)(i); but

(b) where the diploma is required to be recognised by other EEA States in pursuance of article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with article 4 of that Directive is issued;

shall be an appropriate European Diploma for the purposes of registration if the requirement in sub-paragraph (4) is satisfied.

(4) The requirement referred to sub-paragraph (3) is that a diploma referred to in that sub-paragraph be accompanied by –

(a) an article 4 certificate relating to the holder; or

(b) if the diploma was obtained before 1st January 1986, a competent authority certificate relating to the holder.

PART II

APPROPRIATE EUROPEAN NURSING DIPLOMAS

Country	Title of qualification	Awarding body	Certificate
Austria	1 Diplom als “Diplomierte Gesundheits—und Krankenschwester/Diplomierter Gesundheits—und Krankenpfleger” 2 Diplom als “Diplomierte Krankenschwester/Dipl	1 Schule für allgemeine Gesundheits- und Krankenpflege 2 Allgemeine Krankenpflegeschule	

	omierter Krankenpfleger”		
Belgium	1 Diploma gegradueerde verpleger/verpleegster —Diplôme d’infirmier(ère) gradué(e) —Diplom eines (einer) graduierten Krankenpflegers (—pflegerin) 2 Diploma in de ziekenhuisverpleegkunde —Brevet d’infirmier(ère) hospitalier(ère) —Brevet eines (einer) Krankenpflegers (—pflegerin) 3 Brevet Van verpleegassistent(e) —Brevet d’hospitalier(ère) —Brevet einer Pflegeassistentin	1 De erkende opleidingsinstituten/les établissements d’enseignement reconnus/die anerkannten Ausbildungsanstalten 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d’enseignement de la Communauté française/diezuständigen Prüfungsausschüsse der Deutschsprachigen Gemeinschaft	
BULGARIA	Диплома за висше образование на образователно-квалификационна степен “Бакалавър” с профес-ионална квалификация “Медиц-инска сестра	Университет	Медицинска сестра
Cyprus	Diplwma GenikhV NoshleutikhV	Noshleutikh Scolh	
Czech Republic	1 Diplom o ukoncení studia ve studijním programu osetrovatelství ve studíjnum oburu diplomovana vseobecna	1 Vysoka skola zrízená nebo uznaná státem	1 Vysvedcení o státní záverecné skousce

	sestra (bakalár, Bc)		
	2 Diplom o ukonceni studia ve studijním oboru diplomovaná vseobecná sestra (diplomovany specialista, DiS)	2 Vyssí obdorná skola zrízena nebo uznaná státem	2 Vysvedcení o absolutoriu
Denmark	Eksamensbevis efter gennemført sygeplejerskeuddannelse	Sygeplejeskole godkendt af Undervisnings-ministeriet	
Estonia	Diplom õe erialal	1 Tallina Meditsiinikol	
		2 Tartu Meditsiinikol	
		3 Kohtla-Järve Meditsiinikol	
Finland	1 Sairaanhoitajan tutkinto/sjukskötarexamen 2 Sosiaali—ja terveysalan ammattikorkeakoulututkinto, sairaanhoitaja (AMK)/yrkeshögskoleexamen inom hälsovård och det sociala området, sjukskötare (YH)	1 Terveydenhuolto-oppilaitokset/ hälsovårdsläroanstalter 2 Ammattikorkeakoulut/ yrkeshögskolor	
France	1 Diplôme d'Etat d'infirmier(ère) 2 Diplôme d'Etat d'infirmier(ère) délivré en vertu du décret n° 99–1147 du 29 décembre 1999	Le ministère de la santé	
Germany	Zeugnis über die staatliche Prüfung in der Krankenpflege	Staatlicher Prüfungsausschuss	

Greece	1 Ptuc í o NosthleutikhV Pan/m í ou Aqhnwn	1 Panepisthmio Aqhnwn	
	2 Ptuc í o NosthleutikhV Tecnologikwn Ekpaideutikwn Idrumatwn (T E I)	2 Tecvologika Ekpaideutika Idrumaata Upourgeío EqnikhV PaideíaV kai Qrhskeumatwn	
	3 Ptuc í o Axiwmatikwn NoshleutikhV	3 Upourgeío EqnikhV AmunaV	
	4 Ptuc í o Adelfwn Nosokomwn prwhn Anwterwn Skolwn Upourgeíou UgeíaV kai PronoiaV	4 Ptucío Adelfwn Nosokomwn prwhn Anwterwn Skolwn Upourgeíou UgeíaV kai PronoiaV	
	5 Ptucío Adelfwn Nosokomwn kai Episkeptriwn prwhn Anwterwn Skolwn Upourgeíou Uge í aV kai PronoiaV	5 Upourgeío UgeíaV PronoiaV	
	6 Ptucío TmhmatoV NoshleutikhV	6 KATEE Upourgeío EqnikhV PaídeíaV kai Qrhskeumatwn	
Hungary	1 Ápoló bizonyítvány	1 Iskola	
	2 Diplomás ápoló oklevèl	2 Egyetem/föiskola	
	3 Egyetem1 okleveles ápoló oklevèl	3 Egyetem	
Iceland	1 BSc í hjúkrunarfræði 2 BSc í hjúkrunarfræði 3 Hjúkrunarpróf	1 Háskóli Íslands 2 Háskólinn á Akureyri 3 Hjúkrunarskóli Íslands	
Ireland	Certificate of	An Bord Altranais	

	Registered General Nurse	(The Nursing Board)	
Italy	Diploma di infermiere professionale	Scuole riconosciute dallo Stato	
Latvia	1 Diploms par masas kvalifikacijas iegusanu	1 Masu skolas	
	2 Masas diploms	2 Universitates tipa augstskola pamatojoties uz Valsts eksamenu komisijas lemumu	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Part of Schedule 9.		
Lithuania	1 Aukstojo mokslo diplomas, nurodantis suteikta bendrosios praktikos slaugytojo profesine kvalifikacija	1 Universitetas 2 Kolegija	
	2 Aukstojo mokslo diplomas (neuniversitetines studijos), nurodantis suteikta bendrosios praktikos slaugytojo profesine kvalifikacija		
Luxembourg	1 Diplôme d'Etat d'infirmier 2 Diplôme d'Etat d'infirmier hospitalier gradué	Ministère de l'Education nationale, de la Formation professionelle et des Sports	
Malta	Lawrja jew diploma fl-istudji talinfermerija	Universita' ta' Malta	
Netherlands	1 Diploma's verpleger A, verpleegster A, verpleegkundige A 2 Diploma verpleegkundige MBOV Middelbare	1 Door een van overheidswege benoemde examencommissie 2 Door een van overheidswege	

	Beroepsopleiding Verpleegkundige) 3 Diploma verpleegkundige HBOV (Hogere Beroepsopleiding Verpleegkundige) 4 Diploma beroepsonderwijs verpleegkundige— Kwalificatieniveau 4 5 Diploma hogere beroepsopleiding verpleegkundige — Kwalificatieniveau 5	benoemde examencommissie 3 Door een van overheidswege benoemde examencommissie 4 Door een van overheidswege aangewezen opleidingsinstelling 5 Door een van overheidswege aangewezen opleidingsinstelling	
Norway	Vitnemål for bestått sykepleierutdanning.	Høgskole	
Poland	Dyplom ukonczenia studiów wyzszych na kierunku pielegniarstwo z tytulem “magister pielegniarstwa”	Instytutcja prowadzaca ksztalcenie na poziomie wyzszym uznana przez wlasciwe wladze (higher educational institution recognised by the competent authorities)	
Portugal	1 Diploma do curso de enfermagem geral 2 Diploma/carta de curso de bacharelato em enfermagem 3 Carta de curso de licenciatura em enfermagem	1 Escolas de Enfermagem 2 Escolas Superiores de Enfermagem 3 Escolas Superiores de Enfermagem; Escolas Superiores de Saúde	
ROMANIA	1. Diplomă de absolvire de asistent medical generalist cu studii superioare de scurtă	1. Universităţi	asistent medical generalist

	durată		
	2. Diplomă de licenţă de asistent medical generalist cu studii superioare de lungă durată	2. Universităţi	
Slovakia	1 Vysokoskolsky dipom o udeleni akademického titulu “magister” z osetrovatel’stva” (“Mgr”)	1 Vysoka skola	
	2 Vysokoskolsky dipom o udeleni akademického titulu “bakalár z osetrovatel’stva (“Bc”)	2 Vysoka skola	
	3 Absolventský diplom v studijnom odbore diplomovaná vseobecná sestra	3 Stredná zdravotnícka skola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov “diplomirana medcinska sestra/diplomirani zdravstvenik	1 Univerza 2 Visoka strokovna sola	
Spain	Título de Diplomado universitario en Enfermería	Ministerio de Educación y Cultura/El rector de una Universidad	
Sweden	Sjuksköterskeexamen	Universitet eller högskola	
Switzerland	Infirmière diplômée et infirmier diplômée	Ecoles qui proposent des filières de formation reconnues par l’État	
	Diplomierte Pflegefachfrau, Diplomierte	Schulen, die staatlich Bildungsgänge	

	Pflegefachmann		
	Infermiera diplomata e infermiere diplomato	Scuole che propongono dei cicli di formazione riconoscuiti dallo Stato	

PART III

MIDWIFERY DIPLOMAS

Country	Title of qualification	Awarding body	Certificate
Austria	Hebammen-Diplom	Hebammenakademie / Bundes he bammenlehranstalt	
Belgium	—Diploma van vroedvrouw/ —Diplôme d'accoucheuse	1 De erkende opleidingsinstituten/l es établissements d'enseignement 2 De bevoegde Examencommissie van de Vlaamse Gemeenschap/le Jury compétent d'enseignement de la Communauté française	
BULGARIA	Диплома за висше образование на образователно-квалификационна степен "Бакалавър" с профес-ионална квалификация "Акушерка"	Университет	Professional title: Акушерка
Cyprus	Diplwma sto metabasiko programma MaieutikhV	Noshleutikh Scolh	
Czech Republic	1 Diplom o ukoncení studia ve studijním programu	1 Vysoka skola zrízená nebo uznaná státem	1 Vysvedcení o státní záverecné skousce

	osetrovatelství ve studíjnum oburu porodní asistentka (bakalár, Bc)		
	2 Diplom o ukonceni studia ve studijním oburu diplomovaná porodní asistentka (diplomovany specialista, DiS)	2 Vyssí obdorná skola zrízena nebo uznaná státem	2 Vysvedcení o absolutoriu
Denmark	Bevis for bestået jordemodereksamen	Danmarks jordemoderskole	
Estonia	Diplom ämmaemanda erialal	1 Tallina Meditsiinikol	
		2 Tatu Meditsiinikol	
Finland	1 Kätilön tutkinto/barnmorskeexamen 2 Sosiaali- ja terveysalan ammattikorkeakoulututkinto, kätilö (AMK)/yrkeshögskoleexamen inom hälsovård och det sociala området, barnmorska (YH)	1 Terveydenhuolto-oppilaitokset/ hälsovårdsläro anstalter 2 Ammattikorkeakoulut/ yrkeshögskolor	
France	Diplôme de sage-femme	L'Etat	
Germany	Zeugnis über die staatliche Prüfung für Hebammen und Entbindungspfleger	Staatlicher Prüfungsausschuss	
Greece	1 Ptucío TmhmatoV MaieutikhV Tecnologikwn Ekpaideutikwn Idumatwn (T E I) 2 Ptucío tou TmhmatoV Maiwn thV AvwteraV SkolhV Stelecwn	1 Tecnologika Ekpaideutika Idrumata (T E I) 2 KATEE Upourgeíou EqnikhV PaideíaV kai Qrhskeumatwn	

	UgeíaV kai Koinwn. PronoiaV (KATEE) 3 Ptucío MaíaV AnwteraV SkolhV Maiwn	3Upourgeío UgeíaV kai PronoiaV	
Hungary	Szülészö bizonyítvány	Iskola/föiskola	
Iceland	1 Embættispróf í ljósmóðurfræði 2 Próf í ljósmæðrafræðum	1 Háskóli Íslands 2 Ljósmæðraskóli Íslands	
Ireland	Certificate in Midwifery	An Bord Altranais	
Italy	Diploma d'ostetrica	Schools recognised by State	
Latvia	1 Diploms par vecmates kvalifikacijas iegusanu	1 Masu skolas	
Liechtenstein	The diplomas, certificates and other titles awarded in another EEA State and listed in this Part of Schedule 9.		
Lithuania	1 Aukstojo mokslo diplomas, nurodantis suteikta bendrosios praktikos slaugytojo profesine kvalifikacija ir profesines kvalifikacijos pazymejimas, nurodantis suteikta akuserio profesine kvalifikacija	1 Universitetas	1 Pazymejimas liudijantis profesine praktika akuserijoje
	2 Aukstojo mokslo diplomas (neuniversitetines studijos), nurodantis suteikta bendrosios praktikos slaugytojo profesine kvalifikacija ir profesines	2 Kolegija	2 Pazymejimas liudijantis profesine praktika akuserijoje

	kvalifikacijos pazymejimas, nurodantis suteikta akuserio profesine kvalifikacija		
	3 Aukstojo mokslo diplomas (neuniversitetines studijos), nurodantis suteikta akuserio profesine kvalifikacija	3 Kolegija	
Luxembourg	Diplôme de sage-femme	Ministère de l'Education nationale, de la Formation professionnelle et des Sports	
Malta	Lawrja jew diploma fl-Istudji tal Qwiebel	Universita' ta' Malta	
Netherlands	Diploma van verloskundige	Door het Ministerie van Volksgezondheid, Welzijn en Sport erkende opleidingsinstellingen	
Norway	Vitnemål for bestått jordmorutdanning.	Høgskole	
Poland	Dyplom ukonczenia studiów wyzszych na kierunku pielegniarstwo z tytulem "magister pielegniarstwa"	Instytutcja prowadzaca ksztalcenie na poziomie wyzszym uuznana przez wlasciwe wladze (Higher educational institution recognised by the competent authorities)	
Portugal	1 Diploma de enfermeiro especialista em enfermagem de	1 Escolas de Enfermagem	

	saúde materna e obstétrica 2 Diploma/carta de curso de estudos superiores especializados em enfermagem de saúde materna e obstétrica 3 Diploma (do curso de pós-licenciatura) de especialização em enfermagem de saúde materna e obstétrica	2 Escolas Superiores de Enfermagem 3 Escolas Superiores de Enfermagem; Escolas Superiores de Saúde	
ROMANIA	Diplomă de licenţă de moaşă	Universităţi	Professional title: Moaşă
Slovakia	1 Vysokoskolsky dipom o udeleni akademického titulu “bakalár z pôrodnej asistencie” (“Bc”)	1 Vysoka skola	
	2 Absolventský diplom v studijnom odbore diplomovanár pôrodná asistentka	2 Stredná zdravotnícka skola	
Slovenia	Diploma, s katero se podeljuje strokovni naslov “diplomirana babica/diplomirani babicar”	1 Univerza 2 Visoka strokovna sola	
Spain	Título de matrona/asistente obstétrico (matrona)/enfermería obstétrica-ginecológica	Ministerio de Educación y Cultura	
Sweden	Barnmorskeexamen	Universitet eller högskola	
Switzerland	Sage-femme diplômée, Diplomierte Hebamme, Levatrice diplomata	Ecoles qui proposent des filières de formation reconnues par l’État	

		Schulen, die staatlich anerkannte Bildungsgänge durchführen	
		Scuole che propongono dei cicli di formazione riconoscuiti dallo Stato	

SCHEDULE 10

Sections 32(4) and 34(3) and (4)

VISITING NURSES AND MIDWIVES FROM EEA STATES

1. In this Schedule –

"the appropriate diploma" means a diploma, certificate or other evidence of formal qualifications which EEA States are required to recognise in the case of a nurse by the First Nursing Directive or, in the case of a midwife, by the First Midwifery Directive;

"competent authority" in relation to an EEA State means the authority or body designated by that State as competent for the purposes of the First Nursing Directive or, as the case may be, the First Midwifery Directive;

"the First Nursing Directive and the First Midwifery Directive" have the same meanings as in section 32(4).

2. (1) This Schedule has effect for the purpose of enabling a person to whom it applies to render nursing or midwifery services during a visit to Gibraltar without being registered under this Act.

(2) This Schedule applies to any national of an EEA State who is a visiting EEA nurse or midwife.

3. In this Act "visiting nurse from an EEA State" and "visiting midwife from an EEA State" means a person who –

(a) is a national of an EEA State; and

(b) is lawfully practising in an EEA State other than Gibraltar or the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife; and

(c) holds the appropriate diploma; and

(d) is temporarily in Gibraltar as a visitor; and

(e) provides the Board with the relevant documents.

4. A visiting EEA nurse and a visiting EEA midwife shall provide the Board with the relevant documents before he provides any services as a nurse or midwife in Gibraltar except that, in a case of sudden or urgent necessity, a nurse, or as the case may be, a midwife, may provide the documents as soon as possible after he has provided his services as a nurse, or as the case may be, a midwife.

5. (1) If a visiting EEA nurse or a visiting EEA midwife –

(a) has been convicted of a criminal offence, whether in an EEA State or elsewhere; or

(b) has been guilty of serious professional conduct;

the Board may, if it thinks fit, impose on him a prohibition to provide any services of a nurse or, as the case may be, a midwife in Gibraltar in future.

(2) A prohibition imposed under this paragraph shall be for an indefinite period.

(3) A person may apply to the Supreme Court for termination of a prohibition imposed on him under this paragraph and the Court may, on any such application, terminate the prohibition; but no application shall be made under this paragraph –

(a) earlier than ten months from the date on which the prohibition was imposed; or

(b) in the period of ten months following a decision made on an earlier application.

SCHEDULE 11.

Section 91(1)

REPEALS

Act No. /Legal Notice No.	Short Title	Extent of Repeal
Act 1973-05	Medical and Health Act, 1973.	The whole Act.
Act 1976-13	Medical and Health (Amendment) Act, 1976.	The whole Act.
Act 1976-31	Miscellaneous Amendments Act, 1976.	Sections 10 and 12.
Act 1983-34	Medical and Health (Amendment) Act, 1983.	The whole Act.
Act N 1983-48	Law Revision (Miscellaneous Amendments)(No.2) Act, 1983.	Section 35.
Act 1987-34	The Medical (Gibraltar Health Authority) Act, 1987.	Paragraphs 11, 11A, 11B, 11C, 12, 13, 14, 15 and 16 of the Schedule relating to the Medical and Health Act.
Legal Notice 1991/111	Medical and Health Act (Amendment to Schedules) Order, 1991.	The whole Order.
Legal Notice 1993/184	Medical and Health Act (Amendment to Schedules) Order, 1993.	The whole Order.

SCHEDULE 12.

Section 91(2)

Minor and consequential amendments

THE MEDICAL (GIBRALTAR HEALTH AUTHORITY) ACT

Paragraph 1 substitutes definitions in section 2.

Paragraph 1A substitutes words in section 3(1)(b).

Paragraph 2 substitutes words in sections 3(1)(c), 4(2), 5(4), the heading to section 10 and sections 10(1), (2), (3), (4), 11(1)(a) and (2), 12(2) and 14(2).

Paragraph 3 substitutes words in sections 6(2)(b)(ii) and 11(1)(b).

Paragraph 4 substitutes words in section 11(1)(g).

THE EDUCATION ACT

Paragraph 5 substitutes definitions in section 2(1).

Paragraph 6 substitutes words in sections 54(1), 56(1) and (5), 58(1) and 59.

THE FOOD AND DRUGS ACT

Paragraph 7 substitutes definitions in section 2.

Paragraph 8 substitutes words in sections 18A and 20.

THE MENTAL HEALTH ACT

Paragraph 9 substitutes definitions in section 2.

Paragraph 10 substitutes words in sections 13(2)(i), 73 and paragraph 1(b) of the Schedule.

THE PUBLIC HEALTH ACT

Paragraph 11 substitutes definitions in section 2.

Paragraph 12 substitutes words in sections 144, 149, 150, 162, 163, 168, 173(3), 174, 196, 203, 204 229 and 230.

THE QUARANTINE ACT

Paragraph 13 substitutes definitions in section 2.

THE SUPREME COURT ACT

Paragraph 14 substitutes words in section 20(q).