

MEDICAL AND HEALTH (LICENCE TO PRACTISE AND REVALIDATION) RULES 2014

This version is out of date

**Subsidiary
2014/209**

Subsidiary Legislation made under s. 22.

MEDICAL AND HEALTH (LICENCE TO PRACTISE AND REVALIDATION) RULES 2014

(LN. 2014/209)

Commencement **1.7.2015¹**

Amending enactments	Relevant current provisions	Commencement date
LN. 2015/012	<i>Corrigendum</i>	
2016/131	rr. 3(4), 8(2),	21.6.2016
2016/234	r. 8	25.11.2016
2016/235	r. 8(a)	30.11.2016
2017/056	r. 8	1.4.2017
2018/011	rr. 2, 3(1), (1A), 8(1)	11.1.2018

¹ Amended to 1.7.2015 by corrigendum LN. 2015/012

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Medical and Health

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ARRANGEMENT OF RULES

Rule

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In exercise of the powers conferred upon him under section 22 of the Medical and Health Act the Minister has made the following Rules-

Title and commencement.

1. These Regulations may be cited as the Medical and Health (Licence to Practise and Revalidation) Rules 2014 and come into operation on the day appointed by the Minister by Notice in the Gazette.

Interpretation.

2. In these Regulations—

“the Act” means the Medical and Health Act, 1997;

“General Medical Council” means the General Medical Council established under the laws of the United Kingdom;

“licence” means a licence to practise medicine;

“licensed practitioner” means a registered medical practitioner who holds a licence;

“Medical Registration Board” means the Medical Registration Board established under section 4 of the Act;

“registered medical practitioner” means a medical practitioner registered under any provision of the Act irrespective of whether or not that person holds a licence;

“Registrar” means Registrar except in rule 3(1A)(i), of the General Medical Council;

“Register” shall have the same meaning as under the Act;

“Responsible Officer” means, in relation to a registered medical practitioner, a responsible officer nominated or appointed by a designated body to which the practitioner has a prescribed connection by virtue of rule 9 or 11 of the Medical and Health (Responsible Officers) Rules 2014.

Requirement for a licence.

3.(1) A registered medical practitioner shall not by virtue of mere registration under the Act be entitled to practise unless he is in possession of a valid licence issued by the Registrar or falls within sub-rule (1A) below.

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(1A) A junior doctor who-

- (a) obtained his qualifications in a non-EEA state;
- (b) is the subject of limited registration under Part 1B of the Act;
and
- (c) is not in possession of a valid licence issued by the Registrar;

shall be entitled to practise for a period of no more than 2 years, if he-

- (i) is employed by the Government or the Gibraltar Health 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.

(2) Where the Registrar withdraws a licence, that medical practitioner must cease practising in Gibraltar.

(3) Where the Registrar suspends a licence, that medical practitioner must cease practising in Gibraltar whilst the suspension is in force.

(4) This rule is subject to the provisions of rule 8 (*Transitional provisions*).

Revalidation.

4. A registered medical practitioner shall comply with any requirements as to revalidation which are required by the Registrar in order to maintain the validity of that licence.

Restoration of a licence after withdrawal.

5. registered medical practitioner whose licence has been restored by the Registrar shall be entitled to practice.

Restoration following direction of Fitness to Practise Panel.

6. Where a Fitness to Practise Panel decides to direct that a person's name be restored to the register and so directs the Registrar, the Medical Registration Board shall similarly to restore that person's name on the register.

Evidence.

7.(1) For the purpose of reviewing procedures relating to—

- (a) revalidation; or
- (b) the grant, withdrawal or restoration of a licence to practise,

and for the purpose of providing assistance to the Registrar in carrying out any function in relation to a medical practitioner, the Medical Registration Board may exercise the powers set out in subrule (2).

(2) The powers referred to in subrule (1) are to require—

- (a) any medical practitioner (other than that practitioner); or
- (b) any other person,

who, in the opinion of the Medical Registration Board, is able to supply information, or produce any document, which appears relevant to the discharge of any such function, to supply such information or produce such a document.

(3) Nothing in subrules (1) or (2) shall require or permit any disclosure of information which is prohibited by or under any other enactment.

(4) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the Medical Registration Board may, in exercising its functions under subsection (1) or (2), require that the information be put into a form which is not capable of identifying that individual.

(5) In determining for the purposes of subrule (3) whether a disclosure is necessary it shall be assumed that the disclosure is necessary, within the meaning given in section 7 of the Data Protection Act 2004, by or under this rule.

(6) Subrules (1) and (2) do not apply in relation to the supplying of information or the production of a document which a person could not be compelled to supply or produce in civil proceedings before the Supreme Court.

Transitional provisions.

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8.(1) A medical practitioner who on the 1st April 2017 is-

- (a) registered in accordance with the provisions of the Act but is not licensed by the GMC; and
- (b) satisfies the Medical Registration Board that-
 - (i) he has not been able to obtain a licence to practise from the GMC, and
 - (ii) he intends to obtain a licence to practise from the GMC,

may continue to practise without such licence until such period as the Medical Registration Board determines but any such period may not extend beyond 31 March 2019.

(2) For the purposes of subregulation (1) any period determined by the Medical Registration Board shall be communicated in writing.