

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4559 of 28 March, 2019

LEGAL NOTICE NO. 070 OF 2019.

MEDICAL AND HEALTH ACT, 1997

MEDICAL AND HEALTH (LICENCE TO PRACTISE AND REVALIDATION) (AMENDMENT) RULES 2019

In exercise of the powers conferred upon him under section 22 of the Medical and Health Act, 1997 the Minister has made the following Rules-

Title.

1. These Rules may be cited as the Medical and Health (Licence to Practise and Revalidation) (Amendment) Rules 2019.

Commencement.

2. These Rules come into operation on the date of publication.

Amendment of regulations.

3.(1) The Medical and Health (Licence to Practise and Revalidation) Rules 2014 are amended in accordance with this rule.

(2) In rule 2-

(a) after the definition of “the Act”, insert the following definitions-

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

“EEA State” shall have the same meaning as under the Act;

“European Primary Qualification” means a qualification set out in Annex V point 5.1.1 to the Recognition Directive;”.

(b) after the definition of “General Medical Council”, insert the following definition-

““junior doctor” shall have the same meaning as under the Act;”.

- (c) after the definition of “Medical Registration Board”, insert the following definition-

““Recognition Directive” shall have the same meaning as under the Act”.

- (d) after the definition of “Responsible Officer”, insert the following definition-

““United Kingdom Primary Qualification” means any of the following qualifications, namely—

- (a) the degree of bachelor of medicine or bachelor of surgery granted by any university in the United Kingdom;
- (b) licentiate of the Royal College of Physicians of London or the Royal College of Surgeons of England or the Royal College of Physicians of Edinburgh or the Royal College of Surgeons of Edinburgh or the Royal College (formerly Royal Faculty) of Physicians and Surgeons of Glasgow;
- (c) membership of the Royal College of Surgeons of England granted prior to 30 March 1992;
- (d) licentiate in medicine and surgery of the Society of Apothecaries of London;
- (e) any other qualification recognised as such by the Medical Registration Board.”.

- (3) In rule 3-

(a) in subrule 3(1) after “sub-rule (1A)” insert “, (1B) or (1C)”;

(b) after subrule (1A) insert-

“(1B) A medical practitioner who –

(a) on 1 April 2019 has been substantively registered under the Act for a minimum cumulative period of 13 years; and

(b) is not eligible for registration with the General Medical Council because their primary qualification is not a United Kingdom Primary Qualification or a European Primary Qualification;

shall be entitled to practise whilst registered by the Medical Registration Board.

(1C) A medical practitioner who-

(a) does not have a United Kingdom Primary Qualification;

(b) is duly registered and in good standing in an EEA State; and

(c) can satisfy the Medical Registration Board that they carry out the majority of their substantive practise in that EEA State;

shall be entitled to practise within a defined scope, as recommended by their intended Responsible Officer and subsequently ratified by the Medical Registration Board, whilst registered by the Medical Registration Board.”;

(c) in subrule 3(2) after “licence,” insert “or the Medical Registration Board revokes registration,”;

(d) In subrule 3(3) after “licence,” insert “or the Medical Registration Board suspends registration,”.

(4) In rule 4-

(a) renumber the current text as subrule (1);

(b) in the newly numbered subrule (1) for “A” substitute “Save as is provided for in subrule (2), a”;

(c) after the newly numbered subrule (1) insert the following subrule-

“(2) A registered medical practitioner who is entitled to practise pursuant to rule 3(1B) or 3(1C) shall comply with any requirements as to revalidation which are required by the Medical Registration Board in order to maintain their registration.”.

(5) In subrule 8(1) for “31 March” substitute “30 September”.