

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
2018/016	r. 8(1A)	18.1.2018
2018/124	r. 7(5)	25.5.2018
2019/070	rr. 2, 3(1), (1B)-(1C), (2)-(3), 4(1)-(2), 8(1)	28.3.2019

¹ Amended to 1.7.2015 by corrigendum LN.2015/012

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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;

“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;

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

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

“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;

“Recognition Directive” shall have the same meaning as under 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;

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“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.

“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.

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), (1B) or (1C) below.

(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-

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- (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.

(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.

(2) Where the Registrar withdraws a licence, or the Medical Registration Board revokes registration, that medical practitioner must cease practising in Gibraltar.

(3) Where the Registrar suspends a licence, or the Medical Registration Board suspends registration, 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.

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4.(1) Save as is provided for in subrule (2), 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.

(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.

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.

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(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 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.

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 30 September 2019.

(1A) The Medical Registration Board may disapply the requirement that any or all of the conditions set out in sub-rule (1) must have been complied with on the 1st April 2017 in any particular case it considers it just and reasonable to do so and where the conditions have been complied with at a later date.

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