



Jersey

## **MEDICAL PRACTITIONERS (REGISTRATION) (GENERAL PROVISIONS) (JERSEY) ORDER 2014**

### **Arrangement**

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## **MEDICAL PRACTITIONERS (REGISTRATION) (GENERAL PROVISIONS) (JERSEY) ORDER 2014**

*Made*

*Coming into force*

**THE MINISTER FOR HEALTH AND SOCIAL SERVICES**, in pursuance of Articles 3(2), 4, 5(2), 5A(1), 5B(7), 11(1) and 12A of the Medical Practitioners (Registration) (Jersey) Law 1960, orders as follows –

### **1 Interpretation**

(1) In this Order –

“1983 Act” means the Medical Act 1983 of the United Kingdom, as amended;

“authority to practise” shall be construed in accordance with Article 5(1);

“General Council” means the General Medical Council continued, as a body corporate, by section 1 of the 1983 Act;

“GMC reference number” means the number assigned to a person entered in the UK Practitioners Register;

“Law” means the Medical Practitioners (Registration) (Jersey) Law 1960;

“licence to practise” means such a licence granted in accordance with regulations made under section 29A of the 1983 Act;

“prescribed connection” shall be construed in accordance with Article 3 of the Responsible Officers Order;

“Responsible Officers Order” means the Medical Practitioners (Registration) (Responsible Officers) (Jersey) Order 2014;

“specified information” means –

(a) the information specified in the Schedule;

(b) the information required to be provided under Article 6(3);

“UK Practitioners Register” means the register kept under section 2 of the 1983 Act.

(2) In this Order, unless the context otherwise requires, a reference to a responsible officer is to such an officer appointed under the Responsible Officers Order.

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- (3) In this Order, a reference to the classification of a registered medical practitioner is to be construed in accordance with Article 3 of the Responsible Officers Order.

## **2 Register of registered medical practitioners**

The information to be entered in the register in respect of a registered medical practitioner is –

- (a) the specified information; and
- (b) in respect of the practitioner's registration in Jersey –
  - (i) the number assigned to the practitioner upon his or her registration under the Law,
  - (ii) the practitioner's GMC reference number,
  - (iii) the classification of the practitioner under Article 3 of the Responsible Officers Order,
  - (iv) the date the practitioner was first registered in Jersey,
  - (v) the dates of the returns made by the practitioner in compliance with Article 5D of the Law and Article 7 of this Order, and
  - (vi) where any condition has been imposed under Article 5B of the Law, the condition, the date the condition was imposed and, if applicable, the date the condition was removed.

## **3 List of registered medical practitioners**

The information to be shown in respect of a registered medical practitioner in the list maintained under Article 4 of the Law is –

- (a) the full name with which the practitioner is registered;
- (b) if the practitioner consents, the address of each of the practitioner's places of employment or business in Jersey;
- (c) the number assigned to the practitioner upon his or her registration under the Law; and
- (d) the practitioner's GMC reference number.

## **4 Application for registration**

- (1) An application for registration as a medical practitioner must –
  - (a) be made in writing, using a form supplied by the Minister for the purpose;
  - (b) contain the particulars and be accompanied by the documents specified in the Schedule;
  - (c) include a declaration, signed and dated by the applicant, that, to the best of the applicant's knowledge, information and belief, the information provided by him or her is true and complete; and
  - (d) be accompanied by the fee determined by the Minister under Article 5(3) of the Law.

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- (2) An applicant for registration must produce such documents as the Minister requires to verify the information specified in the application.

## **5 Requirements for registration**

Every applicant for registration must have the following authority to practise –

- (a) the applicant must be a fully registered medical practitioner under section 3 of the 1983 Act, whose registration is not suspended under that Act; and
- (b) the applicant must hold a licence to practise.

## **6 Mandatory conditions of registration**

- (1) The requirements in this Article are mandatory conditions of registration applicable to every registered medical practitioner.
- (2) A registered medical practitioner must comply with any conditions imposed and undertakings given by him or her in connection with his or her registration under the 1983 Act or licence to practise.
- (3) A registered medical practitioner must inform the Minister, in writing, within 7 days, of –
- (a) any referral to the General Council regarding his or her fitness to practise;
- (b) the outcome of any proceedings under the General Medical Council (Fitness to Practise) Rules Order of Council 2004;
- (c) his or her being charged with or convicted of an offence in Jersey or an offence committed elsewhere which, if committed in Jersey, would constitute an offence;
- (d) a change in the practitioner's classification under Article 3 of the Responsible Officers Order;
- (e) the practitioner acquiring or ceasing to have a prescribed connection; or
- (f) if the practitioner acquires or has a change of responsible officer in the United Kingdom, by virtue of a prescribed connection, the name and address of the practitioner's new responsible officer.
- (4) A registered medical practitioner must inform the Minister, in writing, within one month, of any change in the information provided by the practitioner upon his or her application for registration.
- (5) If, in compliance with paragraph (4), a registered medical practitioner is required to inform the Minister of a change of the practitioner's name, the practitioner must, at the same time, submit to the Minister evidence of such change.
- (6) A registered medical practitioner must comply with any requirement under Article 7.
- (7) A registered medical practitioner who is in a class prescribed in Article 3 of the Responsible Officers Order must –

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- (a) co-operate with his or her responsible officer when that officer is discharging his or her responsibilities in relation to the registered medical practitioner; and
  - (b) provide information reasonably required by that officer in the discharge of his or her responsibilities in relation to the registered medical practitioner.
- (8) The references in paragraph (7) to the responsibilities of the responsible officer in relation to the registered medical practitioner are to the responsibilities prescribed in Schedule 1, 2, 3, 4 or 5 of the Responsible Officers Order as the case requires and, in the case of the responsible officer for the Performers class, to the functions of that officer for that class under the Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 2014.

## **7 Verification of information held by Minister**

- (1) The Minister may require a registered medical practitioner to verify or, as the case requires, inform the Minister of any changes in, the specified information held by the Minister, as registrar, in respect of the practitioner.
- (2) The Minister may, for the purposes of paragraph (1), send a registered medical practitioner a statement of all or any of the specified information.
- (3) The registered medical practitioner must –
  - (a) in relation to the specified information contained in the statement, either confirm that it is correct, or provide details of specified information which is omitted from the statement or has changed;
  - (b) sign and date the statement; and
  - (c) return the statement to the Minister no later than the date specified by the Minister.

## **8 Minister's duty to pass information to responsible officer**

- (1) Where it appears to the Minister that any information received by the Minister under this Order raises, or may raise, an issue regarding a registered medical practitioner's fitness to practise, the Minister must pass that information to the practitioner's responsible officer.
- (2) In the case of a practitioner with a prescribed connection, the reference in paragraph (1) to the practitioner's responsible officer includes the practitioner's responsible officer determined in accordance with regulations made under section 45A of the 1983 Act.

## **9 Transitional arrangements**

- (1) Subject to this Article, a medical practitioner who, immediately before commencement, was registered as a medical practitioner under the 1960 Law shall continue to be so registered.

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- (2) The registration of a medical practitioner shall lapse on commencement if –
    - (a) the medical practitioner was registered before 1st January 1957; and
    - (b) the practitioner has not, before commencement, notified the Minister of the practitioner’s wish to remain registered.
  - (3) If a medical practitioner’s registration has lapsed under paragraph (2), the practitioner may, within the period of 12 months following commencement, notify the Minister that the practitioner wishes his or her registration to be reinstated.
  - (4) The Minister shall, upon receiving a notice under paragraph (2), reinstate a practitioner’s registration.
  - (5) A practitioner who is reinstated must comply with paragraph (7) –
    - (a) within the period specified in that paragraph; or
    - (b) if the practitioner is reinstated less than 28 days before the expiry of the period specified in that paragraph – within the period of 28 days following his or her reinstatement.
  - (6) If a medical practitioner’s registration was suspended by the Royal Court before commencement and, immediately before commencement, remains suspended, Articles 9 and 10 of the Law, as they were in force before commencement, shall continue to apply in the practitioner’s case until whichever is the earlier of –
    - (a) the termination of the practitioner’s suspension by the Royal Court under Article 9(4) of the Law as it was in force before commencement; or
    - (b) the cancellation of the practitioner’s registration under Article 10 of the Law as it was in force before commencement.
  - (7) Every medical practitioner to whom paragraph (1) applies shall, within the period of 12 months following commencement, provide the Minister with a return of information.
  - (8) The return shall –
    - (a) be made using the application form provided by the Minister for the purposes of Article 4 and contain the information specified in that form;
    - (b) contain the declaration required by Article 4(1)(c); and
    - (c) be accompanied by such documents as the Minister requires as described in Article 4.
  - (9) Paragraph (1) does not limit the Minister’s powers or duties to impose conditions on the practitioner’s registration under Article 5B(1) of the Law, to cancel the practitioner’s registration under Article 9(1) or (2) of the Law or to suspend the practitioner’s registration under Article 10 of the Law by reason of events occurring before commencement.
  - (10) In this Article “commencement” means the day this Order comes into force.

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**10 Citation and commencement**

This Order may be cited as the Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014 and shall come into force on 1st October 2014.

*Signed*.....

*Date*.....

*Minister for Health and Social Services*



**SCHEDULE**

(Article 4(1)(b))

**APPLICATION**

**1 Basic information**

- (1) An application shall contain –
  - (a) the full name with which the applicant is registered under the 1983 Act;
  - (b) the applicant's gender and date of birth;
  - (c) the residential address with which the applicant is registered under the 1983 Act;
  - (d) the applicant's telephone number and email address.
- (2) An application shall contain the following information regarding the applicant's qualifications and past practice –
  - (a) a full description of the applicant's medical qualifications including the institution which awarded them; and
  - (b) in respect of the applicant's registration in the United Kingdom –
    - (i) the applicant's GMC registration number,
    - (ii) the date the applicant was first registered in the UK Practitioners Register,
    - (iii) the date by which the applicant is next due, in accordance with regulations made under section 32(1)(b) of the 1983 Act, to pay a retention fee in respect of the retention of the applicant's name in the UK Practitioners Register, and
    - (iv) the applicant's next submission date, notified in accordance with regulation 6 of the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012.
- (3) An application shall provide details of any conditions imposed by the General Council upon, or undertakings given by the applicant in connection with, the applicant's registration under the 1983 Act or his or her licence to practise.
- (4) An application shall state whether, pursuant to regulations made under section 45A of the 1983 Act, when the applicant commences practise in Jersey, the applicant will have, and continue to have, a responsible officer in the United Kingdom and, if the applicant will have such an officer, the name and address of the applicant's responsible officer in the United Kingdom.
- (5) An application shall contain –
  - (a) the name, address and email address of each employer for whom and each company, partnership or other entity as a director, partner

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- or other officer of which, the applicant intends to provide medical services in Jersey;
- (b) whether the applicant intends to provide medical services in Jersey on a self-employed basis;
  - (c) the addresses at which the applicant intends to provide medical services in Jersey;
  - (d) the date from which the applicant intends to provide medical services in Jersey; and
  - (e) whether the services are intended to be provided indefinitely or, if not, the period for which the services are intended to be provided.
- (6) An application shall –
- (a) provide details of any findings against the applicant regarding any matter relating to fraud, where the outcome was adverse;
  - (b) provide details of any investigation into the applicant’s professional conduct by any licensing, regulatory or other body, where the outcome was adverse;
  - (c) provide details of any investigation by an employer into the applicant’s professional conduct, where the outcome was adverse; and
  - (d) provide details of any offence of which the applicant has been convicted –
    - (i) in Jersey, or
    - (ii) elsewhere, if the offence, if committed in Jersey, would be an offence in Jersey.
- (7) An application shall state whether, to the applicant’s knowledge, the applicant is currently subject to any investigation or proceedings of the following description –
- (a) an investigation into, or proceedings regarding, the applicant’s professional conduct by any licensing, regulatory or other body, including any investigation into, or proceedings regarding, any matter relating to fraud;
  - (b) an investigation into, or disciplinary proceedings regarding, the applicant’s professional conduct by an employer; or
  - (c) an investigation or proceedings which may lead to the applicant’s conviction for an offence in Jersey or to a conviction elsewhere if the act, if committed in Jersey, would be an offence in Jersey,
- and, if the applicant is subject to any such investigation or proceedings, provide details.

## 2 Basic documents

The application must be accompanied by a certificate issued by the registrar of the General Council under section 34A of the 1983 Act that the applicant is registered in the UK Practitioners Register and holds a licence to practise.

