

SARK STATUTORY INSTRUMENT

2017 No. 74

The Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017

Made 26th May, 2017
Coming into operation 1st June, 2017
Laid before the Chief Pleas , 2017

THE STATES OF GUERNSEY COMMITTEE FOR HEALTH & SOCIAL CARE, in exercise of the powers conferred on it by sections 3(2), 8(3)(a), 11, 12(2)(a) and (b), 14(1) and (3) and 46 of the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Applications for registration.

1. An application for registration as a medical practitioner in the Sark Register –

- (a) must include the information, documents, consent and declaration specified in paragraphs 1 to 4 of Schedule 1,
- (b) must be made in writing in a form provided by the Guernsey Committee, and
- (c) must be accompanied by the application fee specified in Schedule 2.

Information to be entered and maintained in the Register.

2. (1) The Guernsey Committee must enter the following information in the Sark Register when registering a person as a medical

^a Sark Ordinance No. VI of 2017, made on the 26th April, 2017.

practitioner-

- (a) the information specified in paragraph 1 of Schedule 1,
- (b) a unique number assigned to the person by the Guernsey Committee,
- (c) the classification of the person in accordance with section 10 of the Ordinance, and
- (d) the date the person was first registered as a medical practitioner in the Sark Register.

(2) The Guernsey Committee must maintain in the Sark Register the information specified in paragraph (1) and any other information it considers appropriate.

Information to be made public.

3. The following information in the Sark Register is prescribed for the purposes of section 12(2)(b) of the Ordinance (and must be made available to the public in a form and manner the Guernsey Committee considers appropriate) –

- (a) the full name of each registered practitioner,
- (b) the unique number assigned to the registered practitioner by the Guernsey Committee,
- (c) the registered practitioner's GMC reference number, and
- (d) if the registered practitioner consents, details of each business at which that practitioner intends to provide medical services.

Annual charges, registration year and related transitional provisions.

4. (1) For the purposes of section 11(7) of the Ordinance –

- (a) the first registration year is the period beginning on the 1st June, 2017 and ending at the close of the 31st December, 2017, and
- (b) each subsequent registration year is the period of 12 months in each calendar year beginning on the 1st January and ending at the close of the 31st December of that year.

(2) The annual charge payable by a registered practitioner in respect of each registration year is specified in Schedule 2.

Events to be notified to the Guernsey Committee.

5. Without limiting the generality of the duty of registered practitioners to notify relevant changes under section 14(1) of the Ordinance, the events in column 1 of Schedule 3 are prescribed events in relation to a practitioner for the purposes of that provision of the Ordinance and must be notified by the practitioner to the Guernsey Committee, together with the information in column 2 of that schedule.

Interpretation.

6. (1) In these Regulations, unless the context requires otherwise –

"**GMC reference number**", in relation to any person, means the unique number assigned to the person in the UK register,

"**medical services**" means services as a medical practitioner in the Island, and

"**the Ordinance**" means the Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^b apply to these Regulations as those provisions apply to the interpretation of Guernsey regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

7. These Regulations may be cited as the Regulation of Health Professions (Medical Practitioners) (Sark) Regulations, 2017.

Commencement.

8. These Regulations come into force on the 1st June, 2017.

Dated this 26th day of May, 2017



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Deputy Rhian H Tooley

Vice-President of the Committee *for* Health & Social Care
For and on behalf of the Committee.

^b Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 1
INFORMATION AND DOCUMENTS, ETC. REQUIRED FOR APPLICATIONS
FOR REGISTRATION.

Regulations 1(a) and 2(1)(a)

1. Information.

(1) The following information –

- (a) the full name with which the applicant is registered in the UK register,
- (b) the applicant's gender and date of birth,
- (c) the residential address with which the applicant is registered in the UK register,
- (d) the applicant's telephone number and email address,
- (e) the applicant's GMC reference number,
- (f) the date the applicant was first registered in the UK register,
- (g) the applicant's next submission date, notified in accordance with the General Medical Council (Licence to Practise and Revalidation) Regulations Order of Council 2012^c, and
- (h) details of any conditions imposed by the General Medical Council upon, or undertakings given by the applicant in connection with, the applicant's registration in the UK register or the applicant's licence to practise under the 1983 Act.

(2) A statement of –

^c UK S.I. 2012 No. 2685.

- (a) whether, when the applicant practises in the Island, the applicant will have, and continue to have, a responsible officer in the United Kingdom or any other non-Island responsible officer, and
 - (b) if the applicant will have such an officer, the name, principal business address, telephone number and email address of that officer.
- (3) The following information –
- (a) the name, principal business address, telephone number and email address of each employer, company, partnership or other entity for whom or for which the applicant intends to provide medical services as an employee, director, partner or other officer,
 - (b) a statement of whether the applicant intends to provide medical services on a self-employed basis,
 - (c) the addresses at which the applicant intends to provide medical services,
 - (d) the date from which the applicant intends to provide medical services, and
 - (e) whether the medical services are intended to be provided indefinitely or, if not, the period for which the medical services are intended to be provided.
- (4) Details of –
- (a) any investigation into, or proceedings regarding, the applicant's professional conduct (in the Island or elsewhere) by any licensing, regulatory or other body, where the outcome was adverse, including any investigation into or proceedings regarding any matter relating to fraud,

- (b) any investigation by an employer or any other person for whom the applicant provided services as a medical practitioner (in the Island or elsewhere) into the applicant's professional conduct, where the outcome was adverse, and
 - (c) any offence of which the applicant has been convicted –
 - (i) in the Island or anywhere else in the British Islands,
 - (ii) elsewhere, if the offence, if committed in the Island, would be an offence in the Island.
- (5) A statement of whether, to the applicant's knowledge, the applicant is subject to any investigation or proceedings of the following description –
- (a) an investigation into, or proceedings regarding, the applicant's professional conduct (in the Island or elsewhere) 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 any other person, for whom the applicant provided services as a medical practitioner (in the Island or elsewhere), or
 - (c) an investigation or proceedings that might lead to the applicant's conviction for an offence –
 - (i) in the Island or anywhere else in the British Islands,
 - (ii) elsewhere, which, if committed in the Island, would constitute an offence in the Island,

and if the applicant is subject to any such investigation or proceedings, details of any such investigation or proceedings.

2. Further information.

- (1) A chronology of –
 - (a) the applicant’s professional experience in general or specialist practice,
 - (b) the applicant’s professional experience in hospital appointments, and
 - (c) any other professional experience of the applicant.

- (2) The chronology must include –
 - (a) the start and end date for each post,
 - (b) the reasons for leaving each post including, if the applicant was dismissed, the reasons for dismissal,
 - (c) the reasons for any gap between the end of one post and the start of the next, and
 - (d) evidence of each post.

- (3) A statement of whether, to the applicant’s knowledge, the applicant is currently subject to an investigation or proceedings which may lead to the applicant’s disqualification, removal or suspension from a medical practitioners list and, if the applicant is subject to any such investigation or proceedings, provide details.

- (4) A statement of whether the applicant has any outstanding application, including a deferred application, to be included in a medical practitioners list and, if so, particulars of the application.

- (5) Details of any medical practitioners list –
 - (a) from which the applicant has been removed,

- (b) in which the applicant has been refused inclusion,
- (c) in which the applicant has been included subject to conditions, or
- (d) from which the applicant is currently suspended,

together with an explanation why.

- (6) A statement of whether the applicant is or has ever been subject to a national disqualification for inclusion in a medical practitioners list.
- (7) The name and address of two referees who are willing to provide a clinical reference for two recent posts held by the applicant as a medical practitioner (one referee for each post; and a current post may be included), each of which lasted at least 3 months without a significant break.
- (8) If the applicant is unable to provide the names and addresses of two referees as required by subparagraph (7), the applicant must explain why subparagraph (7) cannot be complied and must provide the name and address of one or, if required by the Guernsey Committee, two alternative referees.
- (9) A statement of whether the applicant wishes to request temporary registration for a period not exceeding 4 weeks, pending full consideration of the application for registration.

3. Documents.

- (1) A certificate issued by the appropriate person or authority under the 1983 Act to the effect that the applicant is registered in the register kept under section 2 of the 1983 Act and holds a licence to practise.
- (2) Evidence that the applicant has, or will have, an appropriate indemnity arrangement which provides, or will provide, the applicant with cover in respect of liabilities that may be incurred in carrying out the applicant's practice.

- (3) An enhanced criminal record certificate for the applicant issued not more than 6 months before the application is made.

4. Consent and declaration.

- (1) The applicant's signed consent to the Guernsey Committee requesting and obtaining information, from any person specified in subparagraph (2), relating to –
 - (a) any current investigation into or proceedings involving the applicant,
or
 - (b) any past investigation into or proceedings involving the applicant where the outcome was adverse.
- (2) Subparagraph (1) refers to the following persons –
 - (a) any employer or former employer of the applicant,
 - (b) any partnership in which the applicant is or was a partner or any company or other entity of which the applicant is or was a director or other officer, and
 - (c) any body, agency or officer with the function of regulating medical practitioners anywhere in the world.
- (3) A declaration signed and dated by the applicant that to the best of the applicant's knowledge, information and belief, the information provided by the applicant is true and complete.

SCHEDULE 2
APPLICATION FEE AND ANNUAL CHARGE

Regulations 1(c) and 4(2)

Application fee

Applicant	Fee (£)
Sark locum or Guernsey-registered practitioner	Nil
Any other person	80

Annual charges

1. Subject to paragraphs 2 and 3, the annual charge for a registered practitioner is as follows –

Subject of charge	First registration year (£)	Each subsequent registration year (£)
Registered practitioner in the Local Practitioners class	150	300
Registered practitioner in the UK Connected Practitioners class	50	100
Responsible officer (within the meaning of section 47(1) of the Ordinance)	50	100

2. The annual charge payable in respect of any registration year by a Sark locum is nil.

3. The annual charge payable in respect of any registration year by a registered practitioner, other than a Sark locum, is reduced by any amount paid by the practitioner by way of annual charge in respect of the registration year under the

Guernsey and Alderney Ordinance.

Interpretation

In this schedule -

"Guernsey-registered practitioner" means a person registered in the register of medical practitioners kept by the Guernsey Committee under the Guernsey and Alderney Ordinance, and

"Sark locum" means any locum or other medical practitioner appointed or engaged by the regular Sark doctor to temporarily provide medical care in the absence or incapacity of the regular Sark doctor.

SCHEDULE 3

PRESCRIBED EVENTS AND INFORMATION TO BE INCLUDED IN NOTIFICATIONS TO THE GUERNSEY COMMITTEE

Regulation 5

Column 1		Column 2
No.	Prescribed event	Information to be included
1.	A referral to the General Medical Council regarding the practitioner's fitness to practise	Details of the referral
2.	The conclusion of any proceedings against the practitioner under the General Medical Council (Fitness to Practise) Rules Order of Council 2004 ^d	Details of the outcome of those proceedings
3.	The practitioner being charged with or convicted of an offence – <div style="margin-left: 40px;"> (a) in the Island or anywhere else in the British Islands, or (b) elsewhere, which, if committed in the Island, would constitute an offence in the Island </div>	Details of the offence.
4.	The practitioner becoming the subject of any investigation by any regulatory or other body, or in respect of any current or previous employment	Details of the investigation
5.	The practitioner being informed of the outcome of any investigation by any regulatory or other body, or in respect of any current or previous employment, which includes a finding adverse to the practitioner	Details of the outcome of the investigation
6.	The practitioner becoming the subject of any	Details of the investigation

^d UK S.I. 2004 No. 2608; as amended by UK S.I. 2007 No. 3101; 2007 No. 3168; 2008 No. 1256; 2009 No. 1913; 2013 No. 815; 2014 No. 1270.

Column 1		Column 2
No.	Prescribed event	Information to be included
	investigation by the NHS Business Services Authority established as a Special Health Authority under section 28 of the National Health Service Act 2006 ^e	
7.	The practitioner being informed of the outcome of an investigation mentioned in item 6 above which includes a finding adverse to the practitioner	Details of the outcome of the investigation
8.	The practitioner becoming the subject of any investigation by the holder of any medical practitioners list that could lead to the removal of the practitioner from the list	Details of the investigation
9.	The practitioner being removed or suspended from, refused inclusion in, or included subject to conditions in, any medical practitioners list	Details of the removal, suspension, refusal or conditions
10.	The practitioner becoming subject to a national disqualification from inclusion in a medical practitioners list	Details of the national disqualification
11.	The practitioner applying to be included, or the practitioner being included, in a medical practitioners list	Details of the application.
12.	The practitioner acquiring or ceasing to have a UK connection (within the meaning of section 3(3) of the Ordinance)	Details of the new or former UK connection
13.	The practitioner acquiring, ceasing to have, or having a change of, a non-Island responsible officer.	(a) The name, principal business address, telephone number and email address of any new non-Island responsible officer for

^e An Act of Parliament, Chapter 41 of 2006.

Column 1		Column 2
No.	Prescribed event	Information to be included
		the practitioner, and (b) the name of the former non-Island responsible officer for the practitioner.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulation of Health Professions (Medical Practitioners) (Sark) Ordinance, 2017 ("**the Sark Ordinance**"), which replicates for Sark the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (as amended), will come into force on 1st June, 2017.

The Sark Ordinance gives the Committee *for* Health & Social Care functions in relation to the registration of medical practitioners in Sark. This includes the Sark doctor and any locum providing medical services in his absence or incapacity.

The Sark Ordinance gives the Committee the function of making regulations. These Regulations are being made in the exercise of that function.

Regulation 1 prescribes the form and manner, and information and application fee to be included, in an application for registration as a medical practitioner in the Sark Register under the Sark Ordinance.

Regulation 2 specifies the information to be entered and kept in the Sark Register, while regulation 3 sets out the information that is to be made public.

Regulation 4 prescribes the registration year, the application fee, and the annual

charges to be paid by practitioners in respect of each registration year, including the transitional first registration year.

Regulation 5 prescribes events that are required to be notified by a registered practitioner to the Guernsey Committee within seven days of the practitioner becoming or being made aware of their occurrence.

Regulation 6 sets out the interpretation provisions.

Regulations 7 and 8 are the citation and commencement provisions respectively.

These Regulations come into force on the 1st June, 2017.