Cabinet Secretary for Health and Care
Rùnaire a' Chaibineit airson Slàinte agus Cùram
Angela Constance MSP

Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Patrick Harvie MSP
Convener
Europe, External Affairs and Culture Committee
The Scottish Parliament
Edinburgh
EH99 1SP

12 October 2026

Dear Convener,

THE MEDICAL TRAINING (PRIORITISATION FOR SPECIALTY TRAINING PROGRAMMES) REGULATIONS 2026 - SI PROTOCOL WITH SCOTTISH PARLIAMENT

I am writing in relation to the protocol, agreed between the Scottish Government and Scottish Parliament at the end of Session 6, on notifying the Scottish Parliament of the laying of UK secondary legislation within devolved competence.

I attach a notification which sets out the details of the SI which the UK Government have laid and the reasons why I am content that Scottish devolved matters are to be included in this SI.

I would be grateful if the Committee could note the notification accompanying this letter.

Yours sincerely

ANGELA CONSTANCE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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THE MEDICAL TRAINING (PRIORITISATION FOR SPECIALTY TRAINING PROGRAMMES) REGULATIONS 2026

SI PROTOCOL WITH SCOTTISH PARLIAMENT

Title of Instrument (or instruments where SIs form a package)	The Medical Training (Prioritisation for Specialty Training Programmes) Regulations 2026 2026 No. 1019 The Medical Training (Prioritisation for Specialty Training Programmes) Regulations 2026 - https://www.legislation.gov.uk/uksi/2026/1019/made
Summary of provision made within devolved competence	Section 3 of the Medical Training (Prioritisation) Act 2026 (the Act) describes the categories of person who must be prioritised for access to UK specialty medical training programmes before other eligible applicants from 2027 onwards. It includes powers to make regulations to describe additional persons (who either have significant experience of working as a doctor in the NHS or a particular immigration status) who must be prioritised for interviews and offers of places. These powers may be exercised by the Secretary of State in relation to medical training programmes anywhere in the UK and by the Scottish Ministers in relation to programmes in Scotland. These Regulations describe persons who must be prioritised for interviews and offers of places on a UK specialty medical training programme under section 3(1)(d) and 3(2)(d) of the Act. Regulations 4 and 5 describe persons by reference to their immigration status for the purposes of prioritisation for interviews and offers of places respectively.
Power(s) under which SI is made	Powers conferred by sections 3(1)(d), 3(2)(d), 3(3)(b), 6(1)(a), 7(1)(a) and 7(2) of the Medical Training (Prioritisation) Act 2026.
Intergovernmental engagement	As required by section 7(3)(b) of the Act, the Secretary of State sought the consent of the Scottish Ministers to make these Regulations on 26 August 2026. The Scottish Ministers consented on 31 August, as they agreed with the policy rationale of these Regulations extending and applying to Scotland in order to facilitate the 4 nations operational collaboration on medical specialty training recruitment and provide needed certainty to those doctors looking to apply to training posts when applications open in October 2026. In the letter granting consent, the Scottish Ministers noted the powers in the Medical Training (Prioritisation) Act 2026 allow

	for the Scottish Ministers to bring forward a set of Scottish regulations in the future (which would revoke these UK Regulations in so far as they apply to Scotland, and make specific provision for Scotland) and set out an intention to (i) review the position (including the available evidence) ahead of the 2028 specialty training recruitment cycle and (ii) continue official-level work on a 4 nations basis to consider how to implement from 2028 onwards the policy intention of prioritising doctors with significant experience in the NHS.
Purpose	The purpose of the SI is to describe by reference to their immigration status additional categories of person who will be prioritised for interviews and offers for UK specialty medical training programmes from 2027 onwards. The Act introduced a system of prioritisation for the allocation of speciality medical training places across the UK. Under the Act, the following individuals are prioritised for specialty training: graduates of medical schools in the UK and Ireland; international medical graduates who studied in Iceland, Norway, Liechtenstein and Switzerland, to reflect international agreements; and individuals who have completed or are completing the UK Foundation Programme or the relevant previous stage of a UK specialty training programme. For specialty medical training offers made in 2026, the Act also provided for the prioritisation of individuals holding specified immigration statuses. These provisions were intended to act as a proxy to capture applicants most likely to have significant experience of working as a doctor in the NHS. For specialty training posts starting in 2027 onwards, the immigration status provisions will not apply automatically. Instead, the Act provides a power to specify by regulations additional groups for prioritisation, by reference either to criteria indicating significant experience of working as a doctor in the NHS or their immigration status.
Indication of equivalent delegated power for Scottish Ministers	By virtue of sections 6 and 7 of the Act, the regulation-making powers at section 3(1)(d) and (2)(d) of the Act can be exercised, in relation to Scotland, concurrently, with consent. Section 6(1) makes provision in order that the Secretary of State may make regulations in respect of medical training programmes anywhere in the UK, while the Scottish Ministers may make regulations in respect of medical training programmes in Scotland. Section 7(3) provides that if the Secretary of State makes such regulations which apply to Scotland, the consent of the Scottish Ministers must be obtained.
Related legislation or frameworks	The Act provides for the prioritisation of applicants for medical training places across the UK. The Act refers to categories of

	persons who must be given priority access to training and enables further categories to be specified in regulations. These Regulations, made under section 3(1)(d) and (2)(d), specify persons who are to be prioritised for interviews and offers of places on speciality medical training courses from 2027 onwards.
EU and international law considerations	These Regulations provide for the prioritisation of graduates from institutions in Ireland, Iceland, Norway, Liechtenstein and Switzerland. This reflects the UK's obligations under the UK-Ireland Common Travel Area, the Free Trade Agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the UK, and the Agreement between the Swiss Confederation (Switzerland) and the UK on the Recognition of Professional Qualifications. EU alignment policy is not relevant.
UK Internal Market Act 2020 Impacts	Not applicable.
Financial Implications	NHS England administer the specialty medical training recruitment process on behalf of the 4 nations. If devolved provision sets out prioritisation criteria for Scotland that is different from the criteria that applies across the rest of UK, there would be additional administrative costs given bespoke amendments to the recruitment systems would be required for the operational delivery of this.
Consultation and/or Stakeholder Engagement	A UK-wide targeted stakeholder engagement exercise was undertaken during the pre-election period (run by the 4 Nations' NHS Statutory Education Bodies) to support the development of regulations. Stakeholders included the medical Royal Colleges, bodies representing international medical graduates, trade unions including the BMA, NHS providers, the General Medical Council, think tanks and medical schools. While there was acknowledgement of its operational simplicity and clarity, most stakeholders favoured moving away from immigration status (viewed as a blunt or indirect proxy) as the primary criterion. In order to create a fairer route for internationally trained doctors already contributing to NHS services, stakeholders favoured moving towards regulations which seek to define significant experience working as a doctor in the NHS. Stakeholders stressed the need to balance fair progression for graduates from UK-based universities with recognition of experienced IMG doctors who graduated overseas. Stakeholders also provided views on the

	appropriate length and types of NHS experience when it came to setting criteria in regulations. These views will be an important consideration in ongoing discussions with the UK Government and the other devolved administrations. However, to support a consistent UK-wide approach to specialty training recruitment, provide certainty ahead of applications opening in October 2026, and allow further evidence to be gathered on application patterns, applicant behaviour and competition ratios across specialties and geographical areas during the 2027 recruitment round, Scottish Ministers agreed to include the relevant devolved provisions within the Regulations. The evidence generated through the 2027 recruitment cycle will help inform future policy development and any subsequent changes to the Regulations.
Impact Assessments	As set out in the Explanatory Note accompanying the Regulations, a full business and regulatory impact assessment has not been produced for this instrument by the UK Government as no, or no significant, impact on the private, voluntary or public sector is foreseen.
SI Package	No
SG Policy contact:	[redacted]