



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 1

#### NATIONAL HEALTH SERVICE

*General and personal medical services, general dental services,  
general ophthalmic services and pharmaceutical services*

#### **20 Medical, dental, ophthalmic and pharmaceutical etc. lists**

(1) The 1977 Act shall be amended as follows.

(2) [<sup>F1</sup>In section 29A (medical lists), after subsection (4) there shall be inserted—

“(4A) Regulations may make provision in relation to the supply to a Health Authority, by a medical practitioner who is included in their medical list (or, as respects paragraph (a), by arrangement with him), of—

- (a) information of a prescribed description; and
- (b) a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act.”]

(3) [<sup>F1</sup>In section 29B (vacancies for medical practitioners)—

(a) after subsection (2) there shall be inserted—

“(2A) The regulations may also make provision in relation to—

- (a) grounds on which a Health Authority may, or must, refuse to nominate or approve a medical practitioner for appointment to fill a vacancy (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H(2) below);

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- (b) information which must be supplied to a Health Authority by a medical practitioner seeking such nomination or approval (or by arrangement with him);
  - (c) the supply to a Health Authority by such a medical practitioner of a certificate of a kind referred to in section 29A(4A)(b) above; and
  - (d) the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about such medical practitioners, and refusals by the Health Authority to nominate or approve them.”;
- (b) in subsection (3), after paragraph (a) there shall be inserted—
  - “(aa) grounds on which a Health Authority may defer a decision whether or not to nominate or approve a medical practitioner for appointment to fill a vacancy;”;
- (c) after subsection (3) there shall be inserted—
  - “(3A) If regulations made by virtue of subsection (2A)(a) provide that a Health Authority may refuse to nominate or approve a medical practitioner for appointment to fill a vacancy, they must provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority’s decision.”]
- (4) <sup>F1</sup>In section 36 (regulations about general dental services)—
  - (a) in subsection (1)(b), for “(2) and (3)” there shall be substituted “ (2) to (7) ”,
  - (b) after subsection (1) there shall be inserted—
    - “(1A) The regulations may include provision as to—
      - (a) information which must be supplied to a Health Authority by, or by arrangement with, a dental practitioner or dental corporation included or seeking inclusion in a list referred to in subsection (1)(a); and
      - (b) the supply to a Health Authority—
        - (i) by a dental practitioner who is included, or seeking inclusion, in such a list, or
        - (ii) by a director of a dental corporation included, or seeking inclusion, in such a list,
    - of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act.”;
- and
- (c) after subsection (3) there shall be inserted—
  - “(4) The provision which may be made by regulations under subsection (3) includes, in particular, provision in relation to grounds on which a Health Authority may, or must, refuse to include a dental practitioner or a dental corporation in a list referred to in subsection (1)(a) (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H below).

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- (5) Those regulations may make provision in relation to criteria to be applied in making decisions under the regulations.
  - (6) If those regulations provide that a Health Authority may refuse to include a dental practitioner or dental corporation in such a list, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority's decision.
  - (7) Regulations may provide for grounds on which a Health Authority may defer a decision whether or not to grant an application for inclusion in a list referred to in subsection (1)(a).
  - (8) Regulations may make provision as to the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about dental practitioners and dental corporations seeking inclusion in such a list, and refusals by the Health Authority to include them.”]
- (5) Section 39 (regulations about general ophthalmic services) shall be renumbered as subsection (1) of that section, and—
- (a) in that subsection as so renumbered, in paragraph (b), after “subject to” there shall be inserted “ subsections (2) and (3) below, to ”, and
  - (b) after that subsection there shall be inserted—
    - “(2) The regulations may, in particular, make provision in relation to—
      - (a) grounds on which a Health Authority may, or must, refuse to include a medical practitioner or an ophthalmic optician in a list referred to in subsection (1)(a) (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H below);
      - (b) information which must be supplied to a Health Authority by a person included or seeking inclusion in such a list (or by arrangement with him);
      - (c) the supply to a Health Authority by an individual—
        - (i) who is included, or seeking inclusion, in such a list, or
        - (ii) who is a director of a body corporate or who is a member of a limited liability partnership included, or seeking inclusion, in such a list,of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act;
    - (d) grounds on which a Health Authority may defer a decision whether or not to include a person in such a list;
    - (e) the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in such a list, and refusals by the Health Authority to include them; and
    - (f) criteria to be applied in making decisions under the regulations.

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- (3) If regulations made by virtue of subsection (2)(a) provide that a Health Authority may refuse to include a person in such a list, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority’s decision.”
- (6) In section 42 (regulations about pharmaceutical services)—
- (a) in subsection (3), the word “and” after paragraph (d) shall be omitted,
- (b) after paragraph (e) there shall be inserted—
- “(f) as to other grounds on which a [F<sup>2</sup>Primary Care Trust or] Health Authority may, or must, refuse to grant an application (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H below);
- (g) as to information which must be supplied to a [F<sup>2</sup>Primary Care Trust or] Health Authority by a person included, or seeking inclusion, in such a list (or by arrangement with him);
- (h) for the supply to a [F<sup>2</sup>Primary Care Trust or] Health Authority by an individual—
- (i) who is included, or seeking inclusion, in such a list, or
- (ii) who is a member of the body of persons controlling a body corporate included, or seeking inclusion, in such a list,
- of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act;
- (i) for grounds on which a [F<sup>2</sup>Primary Care Trust or] Health Authority may defer a decision whether or not to grant an application;
- (j) for the disclosure by a [F<sup>2</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in such a list, and refusals by the [F<sup>2</sup>Primary Care Trust or] Health Authority to grant such applications;
- (k) as to criteria to be applied in making decisions under the regulations (other than decisions required by virtue of paragraph (d))”,
- and
- (c) after subsection (4) there shall be inserted—
- “(4A) If regulations made by virtue of subsection (3)(f) provide that a Health Authority may refuse to grant an application, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority’s decision.”
- (7) In section 43 (persons authorised to provide pharmaceutical services), after subsection (2B) there shall be inserted—
- “(2BA) The regulations may, in particular, include provision—

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- (a) as to grounds on which a Health Authority may, or must, refuse to grant an application for inclusion in a list of medical practitioners referred to in subsection (2A) (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H(2) below);
  - (b) as to information which must be supplied to a Health Authority by a medical practitioner included, or seeking inclusion, in such a list (or by arrangement with him);
  - (c) for the supply to a Health Authority by a medical practitioner who is included, or seeking inclusion, in such a list of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act;
  - (d) for grounds on which a Health Authority may defer a decision whether or not to grant an application for inclusion in such a list;
  - (e) for the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in such a list, and refusals by the Health Authority to grant such applications;
  - (f) as to criteria to be applied in making decisions under the regulations
- (2BB) If regulations made by virtue of subsection (2BA)(a) provide that a Health Authority may refuse to grant an application for inclusion in such a list, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority's decision."

#### Textual Amendments

- F1** S. 20(2)-(4) repealed (1.4.2004 for specified purposes except for W., 1.4.2004 for W. for specified purposes, 1.4.2006 for E. so far as not already in force and for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 14 Pt. 4](#); S.I. 2004/288, art. 6(2)(r) (with art. 7) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(r) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(l)
- F2** Words in s. 20(6)(b) inserted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\), reg. 4, Sch. 1 Pt. 1 para. 30](#)

#### Commencement Information

- I1** S. 20 partly in force; s. 20 not in force at Royal Assent see s. 70(2); s. 20(1)-(5) in force for E. for certain purposes at 22.11.2001 and 14.12.2001 by S.I. 2001/3738, arts. 1(3), 2(2), Sch. 1 Pt. II; s. 20 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. 1 Pt. 1
- I2** S. 20(1) in force at 1.2.2003 for specified purposes for E. by S.I. 2003/53, art. 4(a)
- I3** S. 20(6) in force at 1.2.2003 for E. by S.I. 2003/53, art. 4(a)

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**Changes to legislation:**

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