
STATUTORY INSTRUMENTS

2004 No. 585

**The National Health Service
(Performers Lists) Regulations 2004**

PART 2

MEDICAL PERFORMERS LISTS

Grounds for removal from a medical performers list

26.—(1) Subject to paragraph (2) and in addition to the grounds in regulation 10(1), the Primary Care Trust must remove a medical practitioner from its medical performers list where it becomes aware that he is—

- (a) the subject of a direction given by the Professional Conduct Committee under section 36(1) (i) or (ii) of the Medical Act (professional misconduct and criminal offences)(**1**);
- (b) the subject of an order or direction made by that Committee under section 38(1) of that Act (order for immediate suspension)(**2**);
- (c) following the coming into force of article 13 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel for erasure or immediate suspension under section 35D(2) (a) or (b), (5)(a) or (b), (10)(a) or (b), or (12)(a) or (b) (functions of a Fitness to Practise Panel), or section 38(1) (power to order immediate suspension etc) of that Act(**3**);
- (d) following the coming into force of article 14 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel suspending him pursuant to rules made under paragraph 5A(3) of Schedule 4 to that Act(**4**) (professional performance assessments);
- (e) included in the medical performers list of another Primary Care Trust; or
- (f) if a GP Registrar, in breach of the undertaking provided in accordance with regulation 23(2) and has failed to withdraw from the list after the Primary Care Trust has given him 28 days notice requesting him to do so.

(2) Paragraph (1)(c) shall not apply where a direction that a medical practitioner's registration be suspended is made in a health case.

(3) For the purposes of regulation 10(1)(b), the day prescribed in this Part is 3rd November 2003 or, if that medical practitioner had been included in a medical list or a supplementary list, 14th December 2001.

(4) Regulation 10(6) (power to remove for non-practice in the area) shall not apply in the case of an armed forces GP.

(1) Section 36 was amended by [S.I. 2000/1803](#).

(2) Section 38(1) was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 7.

(3) Sections 35D and 38 are inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.

(4) Schedule 4 is substituted by article 14 of the 2002 Order, with effect from such date as the Secretary of State may specify.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) In calculating the period of 12 months under regulation 10(7) (periods to be disregarded), the Primary Care Trust shall disregard any period during which the medical practitioner's registration or his entitlement to practise as such was suspended—

- (a) before the coming into force of article 13 of the 2002 Order, by a committee of the General Medical Council pursuant to sections 37 or 41A of the Medical Act;
- (b) after the coming into force of that article, by a Fitness to Practise Panel pursuant to section 41A(1)(a) of that Act; or
- (c) after the coming into force of that article, in a health case.