
STATUTORY INSTRUMENTS

2010 No. 2841

The Medical Profession (Responsible Officers) Regulations 2010

PART 2

Responsible Officers

Connection between designated bodies and medical practitioners

10.—(1) For the purposes of section 45B of the Act, and subject to the following provisions of this regulation and to regulation 12, a designated body has a prescribed connection with a medical practitioner in the following circumstances—

- (a) the designated body is—
 - (i) a postgraduate medical deanery and the medical practitioner is a doctor in training who is a member of a foundation or specialty training programme managed by that deanery; or
 - (ii) a Scottish training governance body, and the medical practitioner is a doctor in training on a postgraduate medical programme which is managed by that Scottish training governance body and has been approved by the General Council;
- (b) where sub-paragraph (a) does not apply, the medical practitioner is on the designated body's medical performers list prepared in accordance with—
 - (i) regulation 3(1)(a) of the National Health Service (Performers Lists) Regulations 2004⁽¹⁾;
 - (ii) regulation 3(1)(a) of the National Health Service (Performers Lists) (Wales) Regulations 2004⁽²⁾; or
 - (iii) regulation 4(1) of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004⁽³⁾;
- (c) where neither sub-paragraph (a) nor (b) applies, the medical practitioner is employed by the designated body;
- (d) the designated body is a locum agency referred to in paragraph 20 of the Schedule to these Regulations, and the medical practitioner contracts with that agency;
- (e) sub-paragraph (d) does not apply and—
 - (i) the designated body is a primary care organisation, and for this purpose “primary care organisation” means a body referred to in paragraph 1, 2 or 6 of the Schedule to these Regulations;

(1) S.I. 2004/585; relevant amending instrument is S.I. 2008/1187.
(2) S.I. 2004/1020; relevant amending instrument is S.I. 2006/945.
(3) S.S.I. 2004/114.

- (ii) the medical practitioner contracts with a locum agency which is not a designated body referred to in paragraph 20 of the Schedule to these Regulations; and
 - (iii) the medical practitioner's address as registered with the General Council is located within the primary care organisation's area;
 - (f) the designated body owns or manages a hospital and the medical practitioner has practising privileges in respect of that hospital;
 - (g) where none of the preceding sub-paragraphs applies, the designated body is—
 - (i) the Faculty of Occupational Medicine;
 - (ii) the Faculty of Public Health; or
 - (iii) the Faculty of Pharmaceutical Medicine,and the medical practitioner is a member of that body;
 - (h) where none of the preceding sub-paragraphs applies, the designated body is the Independent Doctors' Federation and the practitioner is a member of that body.
- (2) Where a medical practitioner would otherwise have a prescribed connection with more than one designated body under paragraph (1), the prescribed connection is as follows—
- (a) in any case where sub-paragraph (a) of paragraph (1) (doctor in training) applies, the prescribed connection is in accordance with that sub-paragraph;
 - (b) subject to sub-paragraph (c) and paragraph (4), in any case where sub-paragraph (b) of paragraph (1) (medical practitioner on a performers list) applies, the prescribed connection is in accordance with that sub-paragraph (b);
 - (c) where a prescribed connection with more than one designated body arises under paragraph (1)(b)—
 - (i) the medical practitioner has a prescribed connection with the designated body for whom the practitioner carries out most of their clinical practice; and
 - (ii) if there is no significant difference in the amount of clinical practice which the practitioner carries out for each designated body, the medical practitioner has a prescribed connection with the designated body which is located the shortest distance from the practitioner's address as registered with the General Council;
 - (d) subject to sub-paragraph (e), in any case where sub-paragraph (c) of paragraph (1) (medical practitioner employed by a designated body) applies, the prescribed connection is in accordance with that sub-paragraph (c);
 - (e) where a prescribed connection with more than one designated body arises under paragraph (1)(c)—
 - (i) the medical practitioner has a prescribed connection with the designated body for whom the practitioner carries out most of their clinical practice; and
 - (ii) if there is no significant difference in the amount of clinical practice which the practitioner carries out for each designated body—
 - (aa) if one and only one of the designated bodies concerned is an NHS body, the medical practitioner has a prescribed connection with that body; and
 - (bb) in any other case, the medical practitioner has a prescribed connection with the designated body which is located the shortest distance from the practitioner's address as registered with the General Council;
 - (f) where a prescribed connection with more than one designated body arises under paragraph (1)(d) (medical practitioner contracting with a locum agency), the medical

practitioner has a prescribed connection with the designated body in respect of which the practitioner carried out most of their clinical practice in the previous calendar year;

- (g) in any other case—
 - (i) the medical practitioner has a prescribed connection with the designated body for whom the practitioner carries out most of their clinical practice; and
 - (ii) if there is no significant difference in the amount of clinical practice which the practitioner carries out for each designated body—
 - (aa) if one and only one of the designated bodies concerned is an NHS body, the medical practitioner has a prescribed connection with that body; and
 - (bb) in any other case, the medical practitioner has a prescribed connection with the designated body which is located the shortest distance from the practitioner’s address as registered with the General Council.

(3) Where—

- (a) a medical practitioner (“M”) would otherwise have a prescribed connection with a designated body;
- (b) M has a prescribed connection with a designated body under regulations made under section 45A of the Act in relation to Northern Ireland; and
- (c) M carries out most of M’s clinical practice in Northern Ireland,

M does not have a prescribed connection with a designated body under this regulation.

(4) Where a medical practitioner is on a designated body’s medical performers list in accordance with paragraph (1)(b) and is also employed by an armed forces body—

- (a) the medical practitioner has a prescribed connection with the designated body for whom the practitioner carries out most of their clinical practice; and
- (b) if there is no significant difference in the amount of clinical practice which the practitioner carries out for each designated body, the prescribed connection is with the armed forces body.

(5) For the purposes of paragraphs (2)(c)(ii), (2)(e)(ii)(bb) and (2)(g)(ii)(bb), the location of a designated body is the address of its principal office.