
STATUTORY INSTRUMENTS

2010 No. 412

The National Health Service (Performers Lists) Amendment Regulations 2010

Insertion of new regulations 26A to 26C

7. After regulation 26 insert—

“Disapplication of provisions with regard to emergency registered practitioners

26A.—(1) Regulations 6, 23 and 24 do not apply to applications made during a period of emergency for inclusion of the name of an emergency registered practitioner in a medical performers list.

(2) Regulation 26 does not apply in respect of the removal of an emergency registered practitioner’s name from a medical performers list.

Modification of regulation 4: applications relating to emergency registered practitioners

26B.—(1) Regulation 4 applies in respect of an application made during a period of emergency for inclusion of the name of an emergency registered practitioner in a medical performers list as if—

- (a) paragraph (2)(f) and (g);
- (b) paragraph (3)(c), (d), (e) and (f); and
- (c) paragraphs (6) and (7),

were omitted.

(2) In addition to the information required by regulation 4, as modified by paragraph (1), the following must be supplied with an application referred to in that paragraph—

- (a) details of any Primary Care Trust in whose medical performers list the medical practitioner was previously included;
- (b) the medical practitioner’s professional registration number; and
- (c) an enhanced criminal record certificate under section 113B of the Police Act 1997(1) (enhanced criminal record certificates) or, if none is supplied with the application, an undertaking—
 - (i) if not already applied for, to apply for such a certificate within 7 days; and
 - (ii) to provide that certificate to the Primary Care Trust within 7 days of receiving it.

(1) 1997 c.50. Section 113B is inserted by the Serious Organised Crime and Police Act 2005 (c.15), section 163(2) and amended by: the Armed Forces Act 2006 (c.52), section 378(1), and Schedule 16, paragraph 149; the Safeguarding Vulnerable Groups Act 2006 (c.47), section 63(1), and Schedule 9, Part 2, paragraph 14(1) and (3); the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), section 79(1); and S.I.2009/203.

(3) A Primary Care Trust must refuse to include a medical practitioner's name in its medical performers list pursuant to an application referred to in paragraph (1) if the medical practitioner is not an emergency registered practitioner.

Modification of regulation 10: removal of emergency registered practitioners

26C.—(1) The grounds in regulation 10 for the removal by a Primary Care Trust of a performer's name from its performers list apply in respect of the removal of an emergency registered practitioner's name from its medical performers list as if—

- (a) paragraph (2); and
- (b) paragraphs (6) to (14),

were omitted.

(2) In addition to the grounds specified in regulation 10(1), a Primary Care Trust must remove the name of an emergency registered practitioner ("E") from its medical performers list where E—

- (a) has not, on request, provided evidence to the Primary Care Trust that the certificate referred to in regulation 26B(2)(c) has been applied for (despite the undertaking to apply for the certificate); or
- (b) has not provided that certificate to the Primary Care Trust (despite the undertaking to provide it),

within the relevant period specified in regulation 26B(2)(c).

(6) A Primary Care Trust may also remove E's name from its medical performers list where it considers such removal to be justified, after having checked—

- (a) as far as reasonably practicable, the information provided with the application, in particular that provided under regulation 4(4) and (5), having had sight of the relevant documents;
- (b) with the NHS Counter Fraud and Security Management Service or the NHS Business Services Authority for relevant information relating to past or current fraud investigations involving or related to E and having considered these and any other facts in its possession relating to fraud involving or relating to E; or
- (c) with the Secretary of State for any relevant information relating to past or current investigations or proceedings involving or related to E and having considered these and any other facts in its possession involving or related to E.

(7) The Service or Authority referred to in paragraph (6)(b) or, as the case may be, the Secretary of State, must, in response to a request from a Primary Care Trust, supply to that Trust any information they consider relevant for the consideration by the Trust of the question in paragraph (6)(b) or, as the case may be (c).".