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STATUTORY INSTRUMENTS

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**2013 No. 335**

**The National Health Service (Performers Lists) (England) Regulations 2013**

**PART 1**

General Provisions as to Performers Lists

**Reviews**

**16.**—(1) [<sup>F1</sup>NHS England] may, and if requested in writing to do so by a Practitioner must, review its decision to—

- (a) impose or vary conditions imposed under regulation 10, 11 <sup>F2</sup>... or this regulation;
- (b) suspend the Practitioner under regulation 12(1)(a) or (b), except where the suspension is continuing by order of the First-tier Tribunal.

This is subject to paragraph (9).

[<sup>F3</sup>(1A) [<sup>F1</sup>NHS England] may, and if requested in writing to do so by a Practitioner must, review—

- (a) the conditions it has agreed with the Practitioner under paragraph (4)(b) or (10)(b) of regulation 12 (suspension); and
  - (b) its decision under those paragraphs to allow the Practitioner to resume practice subject to those conditions.]
- (2) On a review under paragraph (1)(a), [<sup>F1</sup>NHS England] may—
- (a) [<sup>F4</sup>maintain, vary or remove the conditions];
  - (b) impose different conditions; or
  - (c) remove the Practitioner from the relevant performers list.
- (3) On a review under paragraph (1)(b), [<sup>F1</sup>NHS England] may—
- (a) maintain or vary the suspension;
  - (b) [<sup>F5</sup>allow the Practitioner to resume practice during a period described in regulation 12(1) subject to conditions it has agreed with the Practitioner]; or
  - (c) remove the Practitioner from the relevant performers list.
- [<sup>F6</sup>(3A) On a review under paragraph (1A), [<sup>F1</sup>NHS England] may—
- (a) agree the same or varied conditions with the Practitioner;
  - (b) remove the conditions; or
  - (c) remove the Practitioner from the relevant performers list.]

(4) A Practitioner may not request a review of a decision by [<sup>F1</sup>NHS England] before the expiry of a three month period beginning with the date of that decision.

(5) After a review has taken place, a Practitioner cannot request a further review before the expiry of six months from the date of the decision on the last review.

(6) Before conducting a review under paragraph (1), [F1NHS England] must give the Practitioner—

- (a) notice of any allegation against the Practitioner;
- (b) notice of what action it is considering and on what grounds;
- (c) the opportunity to make written representations to it within a period of 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity to put the Practitioner's case at an oral hearing before it within the 28 day period mentioned in sub-paragraph (c).

(7) After consideration of any representations made under paragraph (6)(c) and any oral hearing held under paragraph (6)(d), [F1NHS England] is to make its decision and, within 7 days of making that decision, notify the Practitioner of—

- (a) the decision;
- (b) the reasons for it (including any facts relied upon);
- (c) any right of appeal under regulation 17; and
- (d) the right to request a further review under this regulation.

(8) When [F1NHS England] notifies a Practitioner under paragraph (7)(c), it must—

- (a) notify the Practitioner that the right of appeal is to be exercised within the period of 28 days beginning with the date on which it gave the Practitioner notice of its decision; and
- (b) inform the Practitioner as to how to exercise any such right.

(9) [F1NHS England] may not review—

- (a) a decision to suspend a Practitioner under regulation 12(1)(c) or (d)[F7, or (1A)]; or
- (b) a decision to impose conditions on the inclusion of the Practitioner in a performers list whose inclusion in the performers list has been refused under regulation 7(4)(f) or (g).

#### Textual Amendments

- F1** Words in Instrument substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F2** Word in reg. 16(1)(a) omitted (18.9.2023) by virtue of [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **12(a)**
- F3** Reg. 16(1A) inserted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **12(b)**
- F4** Words in reg. 16(2)(a) substituted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **12(c)**
- F5** Words in reg. 16(3)(b) substituted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **12(d)**
- F6** Reg. 16(3A) inserted (18.9.2023) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023 \(S.I. 2023/828\)](#), regs. 1(1), **12(e)**
- F7** Words in reg. 16(9)(a) inserted (1.4.2015) by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) Regulations 2015 \(S.I. 2015/362\)](#), regs. 1(1), **6**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (England) Regulations 2013, Section 16.