

SCHEDULES

SCHEDULE 1

Regulation 22

Emergency Registered Practitioners

Disapplication of provisions with regard to emergency registered practitioners

1.—(1) Regulations 7, 26 and 27 do not apply to applications made during a period of emergency for inclusion of an emergency registered practitioner in the medical performers list.

(2) Regulation 28 does not apply in respect of the removal of an emergency registered practitioner from the medical performers list.

Modification of regulation 4: applications relating to emergency registered practitioners

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

- (a) paragraph (2)(f), (i) and (m);
- (b) paragraph (3)(d), (e) and (f); and
- (c) paragraphs (4) and (5),

were omitted.

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

- (a) details of the dates when the medical practitioner was previously included in a medical performers list and, where this relates to inclusion in a list prior to the transfer date, details of the Primary Care Trust whose list the Practitioner was included in;
- (b) the medical practitioner's professional registration number; and
- (c) an enhanced criminal record certificate under section 113B of the Police Act 1997 (enhanced criminal record certificates) ^{M1} which includes suitability information relating to children and suitability information relating to vulnerable adults under sections 113BA (suitability information relating to children) and 113BB (suitability information relating to adults) of that Act ^{M2} respectively or, if none is supplied with the application, an undertaking—
 - (i) if it has not already been applied for, to apply for such a certificate within 7 days, and
 - (ii) to provide that certificate to [F1NHS England] within 7 days of receiving it.

(3) [F1NHS England] must refuse to include a medical practitioner in the medical performers list pursuant to an application referred to in sub-paragraph (1) if the medical practitioner is not an emergency registered practitioner.

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**

Marginal Citations

- M1** 1997 c. 50. Section 113B was inserted by the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [section 163\(2\)](#). It was amended by: the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), [section 63\(1\)](#) and Schedule 9, Part 2, paragraph 14; the [Armed Forces Act 2006 \(c. 52\)](#), [section 378](#) and Schedule 16, paragraph 149; the [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(2007 asp 14\)](#), sections 79 and 80; the [Policing and Crime Act 2009 \(c. 26\)](#), [sections 97](#) and 112 and Schedule 8, Part 8; [S.I. 2009/203](#); [S.I. 2010/146](#); the [Protection of Freedoms Act 2012 \(c. 9\)](#), [sections 79](#), 80, 82 and 115 and Schedule 10, Parts 5 and 6; and [S.I. 2012/3006](#).
- M2** [Sections 113BA](#) and [113BB](#) were inserted in relation to England, Wales and Northern Ireland by the [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), [section 63](#) and Schedule 9, Part 2, paragraph 14. An alternative section 113BA was inserted in relation to Scotland by the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(2010 asp 13\)](#), section 108. Section 113BA was amended in relation to England, Wales and Northern Ireland by the [Education and Inspections Act 2006 \(c. 40\)](#), [sections 170](#) and 173 and by the [Protection of Freedoms Act 2012 \(c. 9\)](#), [section 115](#) and Schedule 9, Part 6, paragraphs 35 and 38 and Schedule 10, Part 5. Section 113BB was amended by the [Protection of Freedoms Act 2012 \(c. 9\)](#), [section 115](#) and Schedule 9, Part 6, paragraphs 35 and 39 and Schedule 10, Part 5.

Modification of regulation 5: consideration of applications

3. Regulation 5 applies in respect of an application made during a period of emergency for inclusion of an emergency registered practitioner in the medical performers list as if paragraphs (2) to (4) were omitted.

Modification of regulation 14: removal of emergency registered practitioners

4.—(1) The grounds in regulation 14 for the removal by [F¹NHS England] of a Practitioner from its performers list apply in respect of the removal of an emergency registered practitioner from its medical performers list as if—

- (a) paragraph (2); and
- (b) paragraphs (5) to (11),

were omitted.

(2) In addition to the grounds specified in regulation 14(1), [F¹NHS England] must remove an emergency registered practitioner from the medical performers list where the emergency registered practitioner—

- (a) has not, on request, provided evidence to [F¹NHS England] that the certificate referred to in paragraph 2(2)(c) has been applied for (despite the undertaking to apply for the certificate); or
- (b) has not provided that certificate to [F¹NHS England] (despite the undertaking to provide it),

within the period specified in paragraph 2(2)(c).

(3) [F¹NHS England] may also remove an emergency registered practitioner from the 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 any information provided under regulation 4(5) or (7);
- (b) with the [F²NHS Counter Fraud Authority] for relevant information relating to past or current fraud investigations involving or relating to the emergency registered practitioner and having considered these and any other facts in its possession relating to fraud involving or relating to the emergency registered practitioner; or

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Performers Lists) (England) Regulations 2013, SCHEDULE 1. (See end of Document for details)

(c) with the Secretary of State for any relevant information relating to past or current investigations or proceedings involving or relating to the emergency registered practitioner and having considered any other facts in its possession involving or related to the emergency registered practitioner.

(4) The Authority referred to in sub-paragraph (3)(b) or the Secretary of State must, in response to a request from [^{F1}NHS England], supply to [^{F1}NHS England] any information the Authority or the Secretary of State consider relevant for the purposes of sub-paragraph (3)(b) or, as the case may be, (3)(c).

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** Words in [Sch. 1 para. 4\(3\)\(b\)](#) substituted (1.11.2017) by [The NHS Counter Fraud Authority \(Investigatory Powers and Other Miscellaneous Amendments\) Order 2017 \(S.I. 2017/960\)](#), arts. 1(1), **4(4)(i)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (England) Regulations 2013, SCHEDULE 1.