
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Performers Lists) (England) Regulations 2013 (S.I. 2013/335) (“the 2013 Regulations”).

Regulation 4 amends regulation 4 of the 2013 Regulations to provide that a person applying for inclusion in a performers list need not disclose a protected caution or protected conviction. Regulation 3 inserts a definition of “protected caution” and “protected conviction”.

Regulation 5 amends regulation 12 of the 2013 Regulations to provide that where a medical, dental or ophthalmic practitioner’s registration in the register of medical practitioners, the dentists register or the register held under section 7(a) or section 8B(1)(a) of the Opticians Act 1989, is the subject of an interim suspension order, then the Board must suspend the practitioner from the performers list and notify the practitioner of that suspension. Regulation 6 makes a consequential amendment to regulation 16 of the 2013 Regulations.

Regulation 7 amends regulation 18 of the 2013 Regulations to provide that the Board must notify the persons mentioned in regulation 18(3) when, under regulations 28(1), 35(1) or 41(1), it removes a practitioner from a performers list.

Regulation 8 amends regulation 20 to provide that a Practitioner may not withdraw from a performers list where the practitioner is suspended under regulation 12(1A).

Regulation 9 amends regulation 28 of the 2013 Regulations to provide that the Board must remove a practitioner from the performers list where the practitioner’s registration in the medical register is subject to a suspension order following a finding of impairment of fitness to practise (except where the direction for suspension was made in a health case) and not where an interim suspension order is in place. Regulations 10 and 13 make similar amendment to the 2013 Regulations in respect of dental practitioners and ophthalmic practitioners respectively. Regulation 13 also amends regulation 41 to provide that an ophthalmic practitioner cannot be removed from a performers list where the suspension by the regulator is made in a health case (which reflects the position with medical and dental practitioners) and regulation 12 inserts a definition of “health case”.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.