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WELSH STATUTORY INSTRUMENTS

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**2002 No. 1882**

**The National Health Service (General Medical Services  
Supplementary List) (Wales) Regulations 2002**

**Grounds for refusal**

6.—(1) The grounds on which a Health Authority may refuse to include a doctor in its supplementary list are—

- (a) that the Health Authority having considered the declaration required by regulation 4(4) and (5) and any other information in their possession in relation to this application, consider the doctor is unsuitable to be included in the list;
- (b) that having checked the information provided by the doctor under regulation 4(2)(e) and (f) the Health Authority consider the practitioner is unsuitable to be included in the list;
- (c) that having contacted referees provided by the doctor under regulation 4(2)(i), the Health Authority are not satisfied with the references;
- (d) that having checked with the National Health Service Counter Fraud Service for any facts that they consider relevant relating to past or current fraud investigations involving the doctor, and having considered these and any fraud case relating to the doctor, the Health Authority consider these justify such refusal;
- (e) that there are any grounds for considering that admitting the practitioner to the list would be prejudicial to the efficiency of the service which the doctor would undertake;
- (f) where the doctor's registration in the register of medical practitioners is subject to conditions imposed pursuant—
  - (i) to a direction of the Professional Conduct Committee under section 36 of the Medical Act,
  - (ii) to a direction of the Health Committee under section 37 of that Act,
  - (iii) to an order of either of those committees or the Preliminary Proceedings Committee under section 42 of that Act,
  - (iv) to a direction of the Committee on Professional Performance under section 36A of that Act<sup>(1)</sup>.

(2) The grounds on which a Health Authority must refuse to include a doctor in its supplementary list are—

- (a) that the doctor has not for three out of the last six months, provided general medical services in its area, or provided satisfactory evidence that the doctor intends to provide services in its area;
- (b) that the doctor is on the services or medical list of any Health Authority in England unless the doctor has given notice in writing that the doctor wishes to withdraw from that list;
- (c) that the doctor is on the supplementary list of any other Health Authority in England unless the doctor has given notice in writing that the doctor wishes to withdraw from that list;

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(1) Section 36A was inserted by the Medical (Professional Performance) Act 1995 c. 51.

- (d) if it is not satisfied that the doctor is suitably experienced within the meaning of section 31;
  - (e) if it is not satisfied that the doctor has the knowledge of English which, in the doctor's own interests and those of the doctor's patients, is necessary for the provision of general medical services in its area;
  - (f) where the doctor has been convicted in the United Kingdom of murder;
  - (g) where, after the date that this regulation comes into force, the doctor has been convicted in the United Kingdom of a criminal offence and sentenced to a term of imprisonment of over six months;
  - (h) where the doctor has been nationally disqualified;
  - (i) where the doctor has not updated the doctor's application in accordance with regulation 7(4);
  - (j) where the doctor does not notify the Health Authority under regulation 15(5) that the doctor wishes to be included in the list subject to the specified conditions.
- (3) Before making a decision on the application, the Health Authority shall—
- (a) check, as far as practicable, the information provided by the doctor, in particular that provided under regulations 4(2)(e) and (f), 4(4) and 4(5), including having sight of relevant documents; and
  - (b) check with the National Health Service Counter Fraud Service for any incident of a fraud case.
- (4) Where the Health Authority is considering refusal of a doctor under paragraph (1) or (2) it shall consider all facts which appear to it to be relevant, and shall in particular take into consideration in relation to paragraph (1)(a), (d) or (e) above—
- (a) the nature of any offence, investigation or incident;
  - (b) the length of time since such offence or incident, conviction or investigation;
  - (c) whether there are other offences, incidents or investigations to be considered;
  - (d) any action or penalty imposed by any licensing, regulatory or other body, the police or the courts as a result of the offence, incident or investigation;
  - (e) the relevance of any offence, investigation or incident to the provision by the doctor of general medical services and any likely risk to the doctor's patients or to public finances;
  - (f) whether any offence was a sexual offence to which Part I of the Sexual Offences Act 1997 (2) applies
  - (g) whether the doctor has been refused admission to or conditionally included in, removed, contingently removed or is currently suspended from any of a Health Authority's lists or equivalent lists, and if so the facts relating to the matter which led to such action and reason given by the Health Authority or equivalent body for such action; and
  - (h) whether the doctor is, has in the preceding six months been, or was at the time of the originating events a director of a body corporate which was refused admittance to, conditionally included in, removed or contingently removed from other Health Authority lists or equivalent lists, or is currently suspended from such lists, and if so, the facts relating to the matter which led to such action and the reasons given by the Health Authority or equivalent body for such action.
- (5) When the Health Authority takes into consideration the matters set out in paragraph (4), they shall consider the overall effect of all the matters being considered.

(6) When refusing to include a doctor in its list, the Health Authority shall notify the doctor of its decision and the reasons for it (including any facts relied upon), and of any right of appeal under regulation 15 against the Health Authority's decision.