
WELSH STATUTORY INSTRUMENTS

2004 No. 1016

**The General Medical Services Transitional and
Consequential Provisions (Wales) (No. 2) Order 2004**

PART 2

TRANSITIONAL PROVISIONS RELATING TO GENERAL MEDICAL SERVICES

Outstanding appeals against refusal of approval under regulations 18A or 18B of the 1992 Regulations

36.—(1) Where, on 31st March 2004—

- (a) a Local Health Board had refused to approve a medical practitioner under regulation 18A or 18B of the 1992 Regulations; and
- (b) he or she had a right of appeal under regulations 18G or 18GG of the 1992 Regulations⁽¹⁾ and the time for appealing had not yet expired,

the time for appealing shall continue as if those regulations had not been revoked.

(2) Where a medical practitioner whose nomination a Local Health Board had refused to approve under regulation 18A or 18B of the 1992 Regulations—

- (a) had, on or before 31st March 2004, given notice of appeal to the FHSAA under regulation 18G or 18GG of the 1992 Regulations but that appeal had not yet been determined or withdrawn; or
- (b) has given notice of such an appeal after 31st March 2004 pursuant to paragraph (1),

that appeal shall continue to be dealt with as if regulation 18G or, as the case may be, 18GG of the 1992 Regulations had not been revoked.

(3) Where—

- (a) following an appeal dealt with under paragraph (2), the FHSAA determines that the nomination of the medical practitioner should have been approved by the Local Health Board; and
- (b) a default contractor or a general medical services contractor notifies the Local Health Board that the person concerned is to join it as a partner,

the Local Health Board shall add that person's name to its medical performers list unless he or she is already on the medical performers list of another Local Health Board and is not withdrawing from that list.

(1) Regulation 18G was substituted by [S.I. 1998/2838](#) and amended by [S.I. 2002/916 \(W.104\)](#) and [2002/1896 \(W.197\)](#); regulation 18GG was inserted by [S.I. 2001/3742](#) and amended by [S.I. 2002/1896 \(W.197\)](#).