
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for lists for performing primary medical care to be kept by Local Health Boards in accordance with the provisions of section 28X of the National Health Service Act 1977.

Part I lays down general provisions relating to lists and regulation 2 provides some definitions for the Regulations.

Regulation 3 provides that each Local Health Board must prepare and publish lists.

Regulation 4 sets out how to apply to be included in the list and requires certain information to be given.

Regulation 5 provides for a performer to be readmitted to the list on a successful appeal against conviction.

Regulation 6 sets out the grounds on which the Local Health Board may or must refuse to admit a performer to the list, and the matters to which it must have regard.

Regulation 7 sets out the circumstances in which a Local Health Board may defer consideration of an application to include a performer in its list and the procedure to be followed.

Regulation 8 allows Local Health Boards to enter a performer's name in its list subject to condition. It also allows a performer's name to be included in that list, until any appeal has been decided, provided the performer agrees to be bound by the condition until the appeal is determined.

Regulation 9 provides for a requirement that a performer notify the Local Health Board in writing, within 7 days, if the performer, or a company of which the performer is a director, incurs any criminal convictions or other specified matters occur.

Regulation 10 provides for the mandatory removal from its list by a Local Health Board of any performer on certain specified grounds, and for the discretionary removal on other specified grounds.

Regulation 11 sets out the criteria for decisions on discretionary removals from the list.

Regulation 12 provides for a Local Health Board to impose conditions on a performer who is in the list and for the medical practitioner to be removed if the medical practitioner fails to comply with those conditions.

Regulation 13 provides for a Local Health Board to suspend a performer from its list, if certain conditions are met, for the procedure to be then followed and provides for payment to suspended performers.

Regulation 14 provides for review and the procedure to be followed by Local Health Boards where the Local Health Board decides to conditionally include, contingently remove, or suspend a performer from its list.

Regulation 15 provides for appeals from specified decisions to be heard by the FHSAA.

Regulation 16 provides for a Local Health Board to notify specified persons of specified information relating to decisions to refuse to admit, impose conditions, remove (or contingently remove) or suspend a performer from the list.

Regulation 17 provides for amendment of the list and withdrawal from the list and regulation 18 provides for the circumstances in which a performer may not withdraw from the list.

Regulation 19 amends the statutory period for review set out in section 49N of the National Health Service Act 1977 in specified circumstances.

Regulation 20 provides for the disclosure of information to specified persons.

Part II (regulations 21 to 27) modifies the general provisions in Part I to make provisions specific to general medical practitioners and regulation 21 provides some definitions for Part II.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004. (See end of Document for details)

Regulation 22 provides, subject to specified exceptions, that no general medical practitioner may perform any primary medical service unless included in such a list, what information is to be included in the list and that the list shall be published.

Regulation 23 supplements regulation 4 by providing for certain specific information to be provided by general medical practitioners.

Regulation 24 provides further grounds on which the Local Health Board may or must refuse to admit a general medical practitioner to its list, and matters to which it must have regard.

Regulation 25 provides an exception, subject to a further requirement, to the requirement to participate in an appraisal scheme provided by or on behalf of a Local Health Board.

Regulation 26 provides additional grounds for the mandatory removal from its list by a Local Health Board of a general medical practitioner, and modifies certain provisions for removal from a list in regulation 10.

Regulation 27 provides an additional ground of appeal for a general medical practitioner from those in regulation 15.

Schedule 1 makes transitional and consequential provisions.

Schedule 2 makes various revocations.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004.