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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1020**

**The National Health Service (Performers Lists) (Wales) Regulations 2004**

**PART 2**

**PROVISIONS AS TO PERFORMERS LISTS**

**Notification**

**16.**—(1) Where a Local Health Board decides to —

- (a) refuse to admit a performer to its performers list on the grounds specified in regulation 6 [<sup>F1</sup>, 24(1) or 31(1);]
- (b) impose conditions on the inclusion of the performer in that list under regulation 8;
- (c) remove the performer from that list under regulation 10;
- (d) remove the performer from that list contingently under regulation 12; or
- (e) suspends the performer from that list under regulation 13,

it shall notify the persons or bodies specified in paragraph (2), and shall additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4).

(2) Where paragraph (1) applies, a Local Health Board shall notify within 7 days of that decision —

- (a) the Assembly;
- (b) any other Local Health Board or equivalent body that to the knowledge of the notifying Local Health Board —
  - (i) has the performer on any list or equivalent list, or
  - (ii) is considering an application for inclusion in any list or equivalent list by the performer,
  - (iii) in whose area the performer performs services;
- (c) the Scottish Executive;
- (d) the Secretary of State;
- (e) the Northern Ireland Executive;
- (f) the relevant body or any other appropriate regulatory body;
- (g) the [<sup>F2</sup>NHSLA]; and
- (h) where it is a fraud case, the NHS Counter Fraud and Security Management Service.

(3) The persons or bodies to be additionally notified in accordance with paragraph (1) are —

- (a) persons or bodies that can establish that they are or were employing the performer, using or have used the performer's services or are or were considering employing the performer or using the performer's services in a professional capacity; or
- (b) a partnership which provides primary services and can establish that the performer is or was a member of the partnership or that it is considering inviting the performer to become such a member.
- (4) The matters referred to in paragraph (1) are —
- (a) the performer's name, address and date of birth;
- (b) the professional registration number of the performer;
- (c) date and copy of the decision of the Local Health Board; and
- (d) a contact name of a person in the Local Health Board for further enquiries.
- (5) The Local Health Board shall send to the performer concerned a copy of any information about the performer provided to the persons or bodies listed in paragraph (2) or (3), and any correspondence with that person or body relating to that information.
- (6) Where the Local Health Board has notified any of the persons or bodies specified in paragraph (2) or (3) of the matters set out in paragraph (4), it may, in addition, if requested by that person or body, notify that person or body of any evidence that was considered, including any representations from the performer.
- (7) Where a Local Health Board is notified by the [<sup>F3</sup>First-tier Tribunal] that it has imposed a national disqualification on a performer who was, or had applied to be included, in its performers list, it shall notify the persons or bodies listed in paragraph (2)(b), (g) and (h) and paragraph (3).
- (8) Where a decision is changed on review or appeal, or a suspension lapses, the Local Health Board shall notify the persons or bodies that were notified of the original decision of the later decision or the fact that that suspension has lapsed.

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#### Textual Amendments

- F1** Words in reg. 16(1)(a) added (1.4.2006) by [The National Health Service \(Performers Lists\) \(Wales\) \(Amendment\) Regulations 2006 \(S.I. 2006/945\)](#), regs. 1(1), 7 (with Sch.)
- F2** Word in reg. 16(2)(g) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 65(5)**
- F3** Words in reg. 16(7) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 71**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004, Section 16.