
WELSH STATUTORY INSTRUMENTS

2004 No. 1020

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

PART 3

MEDICAL PERFORMERS LIST

Additional grounds for refusal

24.—(1) In addition to the grounds in regulation 6(1), a Local Health Board may also refuse to admit a medical practitioner to its medical performers list if —

- (a) having checked the information provided by the doctor under regulation 23(1)(a), (b) and (c), the Local Health Board considers the medical practitioner is unsuitable to be included in its performers list; or
- (b) the medical practitioner's registration in the register of medical practitioners is subject to conditions imposed, before the coming into force of article 13 of the 2002 Order, pursuant to a direction —
 - (i) under section 36(1)(iii) of the Medical Act ^{M1}, of the Professional Conduct Committee,
 - (ii) under section 37 of that Act ^{M2}, of the Health Committee,
 - (iii) under section 36A of or paragraph 5A(3) of Schedule 4 to that Act ^{M3}, of the Committee on Professional Performance of the General Medical Council referred to in section 1(3) of that Act, or
- (c) the medical practitioner's registration in the register of medical practitioners is subject to an order, under section 41A of that Act ^{M4} —
 - (i) before the coming into force of article 13 of the 2002 Order, of any of those committees or of the Interim Orders Committee of that Council referred to in section 1(3) of that Act,
 - (ii) after the coming into force of that article, of a Fitness to Practise Panel or an Interim Orders Panel of that General Medical Council;
- (d) after the coming into force of article 13 of the 2002 Order, the medical practitioner's registration in that register is subject to conditions imposed by a Fitness to Practise Panel pursuant to section 35D(2)(c) (5)(c), (8)(c) or (12)(c) of the Medical Act ^{M5}; or
- (e) after the coming into force of article 14 of the 2002 order, the medical practitioner's registration in that register is subject to conditions imposed by a Fitness to Practise Panel pursuant to rules made under paragraph 5A of Schedule 4 to the Medical Act ^{M6}.

(2) In addition to the grounds in regulation 6(2), a Local Health Board shall also refuse to admit a medical practitioner to its medical performers list if —

- (a) the medical practitioner is a contractor and, at the time of his or her application, more of the patients of the relevant scheme reside in the area of another Local Health Board than reside in the area of the Local Health Board in whose performers list the medical practitioner has applied for inclusion;
- (b) the medical practitioner is a contractor and the relevant scheme is not one that lies within its area; or
- (c) the medical practitioner is included in the medical performers list of another Local Health Board, unless the medical practitioner has given notice in writing to that Local Health Board that the medical practitioner wishes to withdraw from that list.
- (3) For the purposes of regulation 6(2)(d), the day prescribed in this Part is 3rd November 2003 or, if that medical practitioner had been included in a medical list or a supplementary performers list, 26th August 2002.
- (4) Regulation 6(2)(a) (intention to work in the Local Health Board's area) shall not apply in the case of an armed forces GP.
- (5) In addition to checking the information provided by the doctor, as required by regulation 6(3) (a), the Local Health Board shall also check the information the doctor provided under regulation 23.

Marginal Citations

- M1** Section 36 was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 5 and by [S.I. 2000/1803](#), articles 2 and 5.
- M2** Section 37 was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 6 and by [S.I. 2000/1803](#), articles 2 and 7.
- M3** Section 36A was inserted by the 1995 Act, section 1 and amended by [S.I. 2000/1803](#), articles 2 and 6 and paragraph 5A of Schedule 4 was added by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 20.
- M4** Section 41A was inserted by [S.I. 2000/1803](#), articles 2 and 10.
- M5** Section 35D is inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify
- M6** Schedule 4 is substituted by article 14 of the 2002 Order with effect from such date as the Secretary of State may specify.

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004, Section 24.