

WELSH STATUTORY INSTRUMENTS

2004 No. 1020

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

PART 3

MEDICAL PERFORMERS LIST

Grounds for removal from a medical performers list

26.—(1) Subject to paragraph (2) and in addition to the grounds in regulation 10(1), the Local Health Board must remove a medical practitioner from its performers list where it becomes aware that the medical practitioner is —

- (a) the subject of a direction given by the Professional Conduct Committee under section 36(1) (i) or (ii) of the Medical Act (professional misconduct and criminal offences) ^{M1},
- (b) the subject of an order or direction made by that Committee under section 38(1) of that Act (order for immediate suspension) ^{M2};
- (c) from the coming into force of article 13 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel for erasure or immediate suspension under section 35D(2)(a) or (b), (5)(a) or (b), (10)(a) or (b) (functions of a Fitness to Practise Panel) or section 38(1) (powers to order immediate suspension etc) of that Act ^{M3};
- (d) from the coming into force of the article 14 of the 2002 Order, the subject of a direction by a Fitness to Practice Panel suspending the medical practitioner pursuant to rules made under paragraph 5A(3) of Schedule 4 of that Act ^{M4} (suspension for failure to comply with reasonable requirements as to assessment);
- (e) included in the medical performers list of another Local Health Board; ^{F1}...
- (f) if a GP Registrar, in breach of the undertaking provided in accordance with regulation 23(2) and has failed to withdraw from the performers list after the Local Health Board has given the GP Registrar 28 days notice requesting the doctor to do so [^{F2}; or]
- [^{F3}(g) no longer licensed to practise medicine.]

(2) Paragraph (1)(c) shall not apply where a direction that a medical practitioner's registration is suspended is made in a health case.

(3) For the purposes of regulation 10(1)(b), the day prescribed in this Part is 3rd November 2003 or, if that medical practitioner had been included in a medical performers list or a supplementary performers list, 26th August 2002.

(4) Regulation 10(6) (power to remove for non-practice in the area) shall not apply in the case of an armed forces GP.

(5) In calculating the period of 12 months under regulation 10(7) (periods to be disregarded), the Local Health Board shall disregard any period during which the doctor's registration or the doctor's entitlement to practise as such was suspended —

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004, Section 26. (See end of Document for details)

- (a) before the coming into force of article 13 of the 2002 Order by a committee of the General Medical Council pursuant to sections 37 or 41A of the Medical Act;
- (b) after the coming into force of that article, by a Fitness to Practise Panel pursuant to section 41A(1)(a) of that Act; or
- (c) after the coming into force of that article, in a health case.

Textual Amendments

- F1** Word in reg. 26(1)(e) omitted (1.3.2016) by virtue of [The National Health Service \(Performers Lists\) \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/101\)](#), regs. 1(2), **7(2)**
- F2** Word in reg. 26(1)(f) substituted (1.3.2016) by [The National Health Service \(Performers Lists\) \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/101\)](#), regs. 1(2), **7(3)**
- F3** Reg. 26(1)(g) inserted (1.3.2016) by [The National Health Service \(Performers Lists\) \(Wales\) \(Amendment\) Regulations 2016 \(S.I. 2016/101\)](#), regs. 1(2), **7(4)**

Marginal Citations

- M1** Section 36 was amended by [S.I. 2000/1803](#).
- M2** Section 38(1) was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 7.
- M3** Sections 35D and 38 inserted by article 13 of the 2002 Order, with effect from such dates as the Secretary of State may specify.
- M4** Schedule 4 is inserted 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 26.