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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**

**Conditional inclusion**

**8.—(1)** A Local Health Board may determine that, if a performer is to be included in a performers list, the performer is to be subject, while the performer remains included in that performers list, to the imposition of conditions, having regard to the requirements of section 28X(6) (preventing fraud or prejudice to the efficiency of the service).

(2) If a performer fails to comply with a condition, which has been imposed by the Local Health Board, it may remove the performer from its performers list.

(3) Where the Local Health Board is considering the removal of a performer from its performers list for breach of a condition, it shall —

- (a) give the performer notice of any allegation against the performer;
- (b) give the performer notice of the grounds for the action it is considering;
- (c) give the performer the opportunity to make written representations to the Local Health Board within 28 days of the date of the notification under sub-paragraph (b); and
- (d) give the performer the opportunity to put the performer's case at an oral hearing before the Local Health Board, if the performer requests one within the 28 day period mentioned in sub-paragraph (c).

(4) If there are no representations within the period specified in paragraph (3)(c), the Local Health Board shall decide the matter and, within 7 days of making that decision, notify the performer of —

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15.

(5) If there are representations, the Local Health Board must take them into account before reaching its decision, and shall then, within 7 days of making that decision, notify the performer of —

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) any right of appeal under regulation 15.

(6) If the performer requests an oral hearing, this must take place before the Local Health Board reaches its decision and the Local Health Board must then, within 7 days of making that decision, notify the performer of —

- (a) that decision and the reasons for it (including any facts relied upon); and
- (b) of any right of appeal under regulation 15.

(7) When the Local Health Board notifies the performer of any decision, it shall inform the performer that, if the performer wishes to exercise a right of appeal, the performer must do so within

the period of 28 days beginning with the date on which the Local Health Board gave the performer the notice informing the performer of its decision and shall tell the performer how to exercise any such right.

(8) The Local Health Board shall also notify the performer of the performer's right to have the decision reviewed in accordance with regulation 14.

(9) Where the Local Health Board determines that a performer —

(a) may be included in its performers list, but subject to conditions imposed under this regulation; or

(b) is to be subject to conditions while the performer remains included in its performers list, the name of the performer may be included (or continue to be included) in its performers list during the period for bringing the appeal to the [<sup>F1</sup>First-tier Tribunal] pursuant to regulation 15, or if an appeal is brought, until such time as that appeal has been decided, provided the performer agrees in writing to be bound by the conditions imposed until the time for appeal has expired or the appeal is decided.

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**Textual Amendments**

**F1** Words in reg. 8(9) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 3 para. 66](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Performers Lists) (Wales) Regulations 2004, Section 8.