
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 114

The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

Disclosure of information

14.—(1) Where a Health Board decides to—

- (a) refuse to admit a person to the Board's primary medical services performers list on the grounds specified in regulation 7(1);
- (b) remove a performer from that list under regulation 9 or 10 ;

[^{F1}(c) suspend a performer from that list, or end a suspension under regulation 8A;]

the Health Board shall notify the persons or bodies specified in paragraph (2) within 7 days of that decision, and shall additionally notify those persons or bodies specified in paragraph (3), if requested to do so by those persons or bodies in writing, of the matters set out in paragraph (4).

(2) The persons or bodies to be notified within 7 days in accordance with paragraph (1) are—

- (a) the Scottish Ministers;
- (b) any other Health Board or equivalent body that, to the knowledge of the notifying Board—
 - (i) has the person on any list or equivalent list,
 - (ii) is considering an application for inclusion in any list or equivalent list by that person;or
 - (iii) is investigating an allegation against that person;
- (c) the Secretary of State;
- (d) the National Assembly for Wales;
- (e) the Northern Ireland Executive;
- (f) the General Medical Council or any other appropriate regulatory body;
- (g) ^{F2}... the Agency^{F3};
- (h) NHS Education for Scotland.]

(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 that person, using or used that person's services or considering employing that person or using that person's services in a professional capacity;
- (b) a partnership which provides primary medical services which can establish that the person is or was a member of the partnership or that it is considering inviting the person to become such a member;
- (c) a corporate body which provides primary medical services which can establish that ^{F4}... the person is or was—
 - (i) a member;
 - (ii) a legal and beneficial shareholder;

(iii) a director or secretary; or

(iv) one of the body of persons with control,

of that corporate body, or that the corporate body was considering inviting the person to become such a person.

(4) The matters referred to in paragraph (1) are—

(a) the person's name, address and date of birth;

(b) the person's professional registration number;

(c) the date of and a copy of the Health Board's decision; and

(d) a contact name of a person in the Health Board for further enquiries.

(5) The Health Board shall send to the person concerned a copy of any information about that person 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 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 decision is changed on appeal the Health Board shall notify the persons or bodies that were notified of the original decision of the later decision.

(8) A Health Board may disclose information about a performer supplied to it or acquired by it pursuant to these Regulations, or about references by the Health Board to the Tribunal to any of the following persons or bodies:—

(a) the Scottish Ministers;

(b) any other Health Board or equivalent body, which—

(i) has the person to whom the information relates on any list or equivalent list;

(ii) is considering an application from such a person for inclusion in any list or equivalent list;

(iii) is investigating an allegation against that person;

(c) the Secretary of State;

(d) the National Assembly for Wales;

(e) the Northern Ireland Executive;

(f) the General Medical Council or any other licensing or regulatory body;

(g) ^{F5} ... the Agency;

(h) persons or bodies that can establish that they are or were employing that person, using or used that person's services or considering employing that person or using that person's services in a professional capacity;

(i) a partnership which provides primary medical services which can establish that the person is or was a member of the partnership or that it is considering inviting the person to become such a member; ^{F6} ...

(j) a corporate body which provides primary medical services which can establish that ^{F7} ... the person is or was—

(i) a member;

(ii) a legal and beneficial shareholder;

(iii) a director or secretary; or

- (iv) one of the body of persons with control,
of that corporate body, or that the corporate body was considering inviting the person to
become such a person^{F8}; and
(k) NHS Education for Scotland.]

Textual Amendments

- F1** Reg. 14(1)(c) inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(a)** (with reg. 3)
- F2** Words in reg. 14(2)(g) omitted (21.12.2011) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(b)** (with reg. 3)
- F3** Reg. 14(2)(h) and semicolon inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(c)** (with reg. 3)
- F4** Word in reg. 14(3)(c) omitted (7.6.2004) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/216\)](#), regs. 1, **2(5)**
- F5** Words in reg. 14(8)(g) omitted (21.12.2011) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(d)(i)** (with reg. 3)
- F6** Word in reg. 14(8) omitted (21.12.2011) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(d)(ii)** (with reg. 3)
- F7** Word in reg. 14(8)(j) omitted (7.6.2004) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/216\)](#), regs. 1, **2(5)**
- F8** Reg. 14(8)(k) and word inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(9)(d)(iii)** (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004, Section 14.