



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 4

MEDICAL SERVICES

Performance of primary medical services

49 Persons performing primary medical services

- (1) Regulations may provide that a health care professional of a prescribed description may not perform any primary medical service for which a Local Health Board is responsible unless he is included in a list maintained under the regulations by a Local Health Board.
- (2) For the purposes of this section—
 - (a) “health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),
 - (b) a Local Health Board is responsible for a medical service if it provides the service, or secures its provision, by or under any enactment.
- (3) Regulations under this section may make provision in relation to lists under this section and in particular as to—
 - (a) the preparation, maintenance and publication of a list,
 - (b) eligibility for inclusion in a list,
 - (c) applications for inclusion (including provision as to the Local Health Board to which an application must be made, and for the procedure for applications and the documents to be supplied on application),
 - (d) the grounds on which an application for inclusion may or must be granted or refused,
 - (e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits),

Status: This is the original version (as it was originally enacted).

- (f) suspension or removal from a list (including provision for the grounds for, and consequences of, suspension or removal),
- (g) circumstances in which a person included in a list may not withdraw from it,
- (h) payments to be made in respect of a person suspended from a list (including provision for the amount of the payment, or the method of calculating the payment, to be determined by the Welsh Ministers or a person appointed by them),
- (i) the criteria to be applied in making decisions under the regulations,
- (j) appeals against decisions made by a Local Health Board under the regulations, and
- (k) disclosure of information about applicants for inclusion, grants or refusals of applications or suspensions or removals,

and may make any provision corresponding to anything in sections 107 to 115.

- (4) Regulations under this section may, in particular, also provide for—
 - (a) a person's inclusion in a list to be subject to conditions determined by a Local Health Board,
 - (b) a Local Health Board to vary the conditions or impose different ones,
 - (c) the consequences of failing to comply with a condition (including removal from a list),
 - (d) the review by a Local Health Board of decisions made by it by virtue of the regulations.
- (5) The imposition of such conditions must be with a view to—
 - (a) preventing any prejudice to the efficiency of the services to which a list relates, or
 - (b) preventing fraud.
- (6) Regulations making provision as to the matters referred to in subsection (3)(k) may in particular authorise the disclosure of information—
 - (a) by a Local Health Board to the Welsh Ministers, and
 - (b) by the Welsh Ministers to a Local Health Board.