
STATUTORY INSTRUMENTS

2004 No. 585

The National Health Service
(Performers Lists) Regulations 2004

PART 1

GENERAL PROVISIONS AS TO PERFORMERS LISTS

Reviews

14.—(1) A Primary Care Trust may and, if requested in writing to do so by the performer, shall review its decision to—

- (a) impose or vary conditions imposed under regulation 8;
- (b) impose or vary conditions imposed under regulation 12; or
- (c) suspend him under regulation 13(1)(a) or (b), except where a suspension is continuing by order of the FHSAA.

(2) A performer may not request a review of a Primary Care Trust's decision until the expiry of a three month period beginning with the date of that decision or, in the case of a conditional inclusion under regulation 8, beginning with the date it includes his name in its performers list.

(3) After a review has taken place, the performer cannot request a further review before the expiry of six months from the date of the decision on the last review.

(4) If a Primary Care Trust decides to review its decision under this regulation to conditionally include, contingently remove or suspend a performer, it shall give him—

- (a) notice of any allegation against him;
- (b) notice of what action it is considering and on what grounds;
- (c) the opportunity to make written representations to it within 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity to put his case at an oral hearing before it, if he so requests within the 28 day period mentioned in sub-paragraph (c).

(5) If there are no representations within the period specified in paragraph (4)(c), the Primary Care Trust shall notify the performer of its decision, the reasons for it (including any facts relied upon) and of any right of appeal under regulation 15.

(6) If there are representations, the Primary Care Trust must take them into account before reaching its decision.

(7) The Primary Care Trust shall, within 7 days of making its decision, notify the performer of—

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) If a Primary Care Trust decides to review its decision to impose conditions under regulation 8, it may vary the conditions, impose different conditions, remove the conditions or remove the performer from its performers list.

(9) If a Primary Care Trust decides to review its decision to impose a contingent removal under regulation 12, it may vary the conditions, impose different conditions, or remove the performer from its performers list.

(10) If a Primary Care Trust decides to review its decision to suspend a performer under regulation 13(1)(a) or (b), it may decide to impose conditions or remove him from its performers list.

(11) A Primary Care Trust may not review its decision to suspend a performer under regulation 13(1)(c) or (d).