
STATUTORY INSTRUMENTS

2004 No. 585

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

PART 1

GENERAL PROVISIONS AS TO PERFORMERS LISTS

Notification

16.—(1) Where a Primary Care Trust decides to—

- (a) refuse to admit a performer to its performers list on the grounds specified in regulation 6;
- (b) impose conditions on his inclusion in that list under regulation 8;
- (c) remove him from that list under regulation 10;
- (d) remove him from that list contingently under regulation 12; or
- (e) suspend him from that list under regulation 13,

it shall notify the persons or bodies specified in paragraph (2) and shall additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4).

(2) Where paragraph (1) applies, a Primary Care Trust shall notify within 7 days of that decision—

- (a) the Secretary of State;
- (b) any other Primary Care Trust or equivalent body that, to the knowledge of the notifying Trust—
 - (i) has the performer on any list or equivalent list,
 - (ii) is considering an application for inclusion in any list or equivalent list by him, or
 - (iii) in whose area he performs services;
- (c) the Scottish Executive;
- (d) the National Assembly for Wales;
- (e) the Northern Ireland Executive;
- (f) the relevant body or any other appropriate regulatory body;
- (g) the NCA; and
- (h) where it is a fraud case, the NHS Counter Fraud and Security Management Service.

(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 him, are using or have used his services or are or were considering employing him or using his services in a professional capacity; and

- (b) a partnership which provides primary services and can establish that the performer is or was a member of the partnership or that it is considering inviting the performer to become such a member.
- (4) The matters referred to in paragraph (1) are—
 - (a) his name, address and date of birth;
 - (b) his professional registration number;
 - (c) the date and a copy of the Primary Care Trust’s decision; and
 - (d) a contact name of a person in the Trust for further enquiries.
- (5) The Primary Care Trust shall send to the performer concerned a copy of any information about him 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 Primary Care Trust 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 Primary Care Trust is notified by the FHSAA that it has imposed a national disqualification on a performer who was, or had applied to be included, in its performers list, it shall notify the persons or bodies listed in paragraph (2)(b), (g) and (h) and paragraph (3).
- (8) Where a decision is changed on review or appeal, or a suspension lapses, the Primary Care Trust shall notify the persons or bodies that were notified of the original decision of the later decision or the fact that that suspension has lapsed.