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STATUTORY INSTRUMENTS

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**2006 No. 1385**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service (Performers Lists) Amendment Regulations 2006**

<i>Made</i>	- - - -	<i>23rd May 2006</i>
<i>Laid before Parliament</i>		<i>2nd June 2006</i>
<i>Coming into force</i>	- -	<i>3rd July 2006</i>

The Secretary of State for Health makes these Regulations, in exercise of the powers conferred by sections 28X and 126(4) of the National Health Service Act 1977(1):—

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Performers Lists) Amendment Regulations 2006 and shall come into force on 3rd July 2006.

(2) These Regulations apply in relation to England only.

(3) In these Regulations “the principal Regulations” means the National Health Service (Performers Lists) Regulations 2004(2).

**Amendment of regulation 13 of the principal Regulations**

2. In regulation 13 of the principal Regulations (suspension)—

- (a) at the beginning of paragraph (9), insert “Except as provided in paragraph (9A),” and
- (b) after paragraph (9) insert—

“(9A) For the purpose of an application by a performer who is suspended under these Regulations to be included in another performers list, he shall be treated as still included in the list from which he is suspended, notwithstanding that suspension.”.

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- (1) 1977 c. 49 (“the 1977 Act”); see section 128(1) as amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 26(2)(g) and (i), for the definitions of “prescribed” and “regulations”. Section 28X was inserted by the Health and Community Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”), section 179(1). Section 126(4) was amended by the 1990 Act, s. 65(2); by the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 37(6) and by the Health and Social Care Act 2001 (c. 15) (“the 2001 Act”), Schedule 5, paragraph 5(13) (b). As regards Wales, the functions of the Secretary of State under sections 29 and 126(4) of the 1977 Act are transferred to the National Assembly for Wales under article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; section 68 of the 2001 Act provides that Schedule 1 shall be construed so as to include the amendments made by that Act to the 1977 Act; these Regulations therefore extend only to England.
- (2) S.I. 2004/585; amended by S.I. 2004/2694 and 2005/502, 893 and 3491.

### **Amendment of regulation 22 of the principal Regulations**

**3.** In regulation 22 of the principal Regulations (medical performers list)—

- (a) in paragraph (1), for “(2) and (3)”, substitute “(2) to (3)”; and
- (b) after paragraph (2) insert paragraphs (2A) and (2B)—

“(2A) A medical practitioner who falls within paragraph (2B) may perform primary medical services in the area of a Primary Care Trust, but only in so far as the performance of those services constitutes part of a programme of post-registration supervised clinical practice approved by the Board (“a post-registration programme”).

(2B) A medical practitioner falls within this paragraph if he—

- (a) is not a GP Registrar;
- (b) is undertaking a post-registration programme;
- (c) has notified the Primary Care Trust that he will be undertaking part or all of a post-registration programme in its area at least 24 hours before commencing any part of that programme taking place in the Primary Care Trust’s area; and
- (d) has, with that notification, provided the Primary Care Trust with evidence sufficient for it to satisfy itself that he is undergoing a post-registration programme.”.

Signed by authority of the Secretary of State for Health

23rd May 2006

*Warner*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Performers Lists) Regulations 2004 (“the Principal Regulations”).

Regulation 2 amends regulation 13 to make it clear that a performer who is suspended from a list is still treated as being included in that list in relation to any application he may make for inclusion in another list.

Regulation 3 amends regulation 22 of the principal Regulations so as to permit a doctor, who is undertaking the post-registration part of the foundation programme for newly qualified doctors, to perform primary medical services without being a general medical practitioner or on a list, but only in so far as the performance of primary medical services constitutes part of that programme.