
STATUTORY INSTRUMENTS

2006 No. 2072

The Primary Care Trusts (Establishment and Dissolution) (England) Order 2006

Matters consequential on allocation to lists

9.—(1) In this Order, “ongoing matter” means any application made by a person for inclusion in an old list, or any matter, question or proceeding in respect of a practitioner in relation to his inclusion in an old list under—

- (a) the National Health Service (General Ophthalmic Services) Regulations 1986(1);
- (b) the Service Committees and Tribunal Regulations;
- (c) the National Health Service (Performers Lists) Regulations 2004(2);
- (d) the National Health Service (General Ophthalmic Services Supplementary List) and (General Ophthalmic Services Amendment and Consequential Amendment) Regulations 2005(3); or
- (e) the Pharmaceutical Services Regulations;

and which has not been finally determined or dealt with by an old PCT before the operational date.

(2) The definition of “ongoing matter” in paragraph (1) does not include—

- (a) any matters dealt with by article 16 or 17; and
- (b) functions of a home Primary Care Trust under regulation 69A (Home Primary Care Trusts) of, paragraph 31 of Schedule 1 (Home Primary Care Trusts of bodies corporate) to, and paragraph 18 of Schedule 3 (Home Primary Care Trusts of bodies corporate) to the Pharmaceutical Services Regulations.

(3) In any case where there is an ongoing matter—

- (a) the relevant new PCT shall be responsible for dealing with or determining the matter;
- (b) any acts done by the old PCT in relation to that matter before the operational date shall, on and after that date, be deemed to have been done by the relevant new PCT; and
- (c) any decision or determination binding on an old PCT that relates to an ongoing matter shall be binding on the relevant new PCT.

(4) If an old list contained, in relation to a practitioner whose name was included in the list, any condition or contingent removal, or if the practitioner was suspended from the list, that condition, contingent removal or suspension shall apply to the corresponding list in which the practitioner’s name is included.

(5) Where the Family Health Services Appeal Authority established under section 49S of the Act(4) (the Family Health Services Appeal Authority) has taken a decision before the operational date and, by virtue of rule 46 of the Family Health Services Appeal Authority (Procedure) Rules

(1) S.I. 1986/975, as amended by S.I. 1996/705, 2001/3739, 2002/601, 2002/2469, 2004/85, 2005/480, 2005/1481 and 2005/3491.
(2) S.I. 2004/585, as amended by S.I. 2004/2649, 2005/502, 2005/893 and 2005/3491.
(3) S.I. 2005/480, as amended by S.I. 2005/502, 2005/1481, 2005/3491, 2006/635 and 2006/1550.
(4) Section 49S was inserted by section 27(1) of the 2001 Act and amended by section 1(3) of, and paragraphs 1 and 18 of Part I of Schedule 1 to, the 2002 Act.

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

2001(5) (publication of certain decisions by FHSAA), it was, at the time it took that decision, obliged to publish it, that obligation shall continue after the operational date if it has not published the decision by that date.