

SCHEDULES

SCHEDULE 2

Regulation 45

Transitional and Savings Provisions

Interpretation

1. In this Schedule, “PCT” means a Primary Care Trust.

Decisions of PCTs

2. A decision of a PCT prior to the transfer date is, as from that date, to be treated as a decision of the Board.

Allocation of practitioners on previous lists

3. Each Practitioner who was included immediately before the transfer date in a medical, dental or ophthalmic performers list (as the case may be) held by a PCT is, with effect from that date, included in the corresponding list held by the Board.

Inclusion subject to conditions

- 4.—(1) This paragraph applies if, immediately before the transfer date, the inclusion of a Practitioner in a PCT’s medical, dental or ophthalmic performers list (as the case may be) was subject to conditions imposed by that PCT.

(2) If the conditions would have continued in force on the transfer date, the inclusion of that Practitioner in the relevant performers list held by the Board continues to be subject to those conditions as if they had been imposed in the same terms and for the same duration by the Board pursuant to regulation 10, 11, 12 or 16 and the Board is to be taken to have had the power to impose those conditions.

Suspended inclusion

- 5.—(1) This paragraph applies if, immediately before the transfer date, the inclusion of a Practitioner in a PCT’s medical, dental or ophthalmic performers list (as the case may be) was suspended by that PCT.

(2) From the transfer date, the inclusion of that Practitioner in the relevant performers list held by the Board is to be treated as if it had been suspended on the same terms and for the same duration by the Board (which is to be taken to have had the power to do so).

Outstanding applications for registration

- 6.—(1) This paragraph applies to an application made before the transfer date, but not by then determined, for inclusion in a medical, dental or ophthalmic performers list held by a PCT.

(2) Such an application is to be treated from the transfer date as having been made to the Board for inclusion in the relevant performers list held by the Board.

Readmission

7. A Practitioner who has, before the transfer date, been removed from a relevant performers list by the PCT which holds that list and who has not by then been restored to that list, may from that date be included, if the conditions specified in regulation 6 are met (as if the Practitioner had been removed from the list by the Board), in the corresponding relevant performers list held by the Board.

Reviews

8. A decision of a PCT before the transfer date to impose or vary conditions on the inclusion of a Practitioner in a performers list or in relation to the suspension of a Practitioner from such a list, may as from that date be reviewed by the Board under regulation 16 as if the Board was reviewing a decision of its own under these Regulations.

Appeals

9.—(1) Sub-paragraph (2) applies where a Practitioner has, before the transfer date, appealed to the First-tier Tribunal against a decision of a PCT which has not, by then, been the subject of a decision by way of determination by that Tribunal.

(2) Any redetermination of a PCT's decision by the First-tier Tribunal on or after the transfer date is to take effect as if it were a redetermination of a decision of the Board.

(3) Where there has been a determination by the First-tier Tribunal before the transfer date, the Board may take any steps under these Regulations which it could have taken if the determination had occurred after that date.

National disqualification

10. Regulations 18A (national disqualification) and 19 (review periods on national disqualification) of the National Health Service (Performers Lists) Regulations 2004 are to continue to apply for the purposes of any appeal or review relating to a national disqualification imposed under those provisions prior to the transfer date.