

SCHEDULES

SCHEDULE 3

Combined lists

PART 2

Information and undertakings to be provided in applications

Declarations

7.—(1) A qualified practitioner applying to be included in the Local Health Board's combined list must declare whether the qualified practitioner—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been bound over following a criminal conviction in the United Kingdom;
- (c) has accepted a police caution in the United Kingdom;
- (d) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992⁽²⁾ (penalty as alternative to prosecution);
- (e) has, in proceedings in Scotland for an offence, been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 (admonition and absolute discharge) discharging the practitioner absolutely;
- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales, would constitute a criminal offence;
- (h) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;
- (i) has been subject to any investigation into the professional conduct of the qualified practitioner by any licensing, regulatory or other body anywhere in the world, where the outcome was adverse;
- (j) is currently subject to any investigation into the professional conduct of the qualified practitioner by any licensing, regulatory or other body anywhere in the world;
- (k) is, or has been where the outcome was adverse, the subject of any investigation into the professional conduct of the qualified practitioner in respect of any current or previous employment;

(1) 1995 c. 46.

(2) 1992 c. 5.

Status: This is the original version (as it was originally made).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

- (l) becomes to the qualified practitioner's knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
- (m) is the subject of an investigation by another Local Health Board or equivalent body, which might lead to the qualified practitioner's removal from a primary care list or equivalent list;
- (n) has been removed, contingently removed or suspended from, refused admission to or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body;
- (o) is, or has ever been, subject to a national disqualification.

(2) A declaration under sub-paragraph (1) must give details, including approximate dates, of where the investigation or proceedings were or are to be brought, the nature of that investigation or those proceedings, and any outcome.

(3) If the qualified practitioner applying to be included in the Local Health Board's combined list is, has in the preceding 6 months been, or was at the time of the originating events, a director of a body corporate, the qualified practitioner must declare whether the body corporate—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;
- (d) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in England and Wales would constitute a criminal offence;
- (e) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world, where the outcome was adverse;
- (f) is currently subject to any investigation into its provision of professional services by any licensing, regulatory or other body anywhere in the world;
- (g) becomes to the qualified practitioner's knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
- (h) is the subject of any investigation by another Local Health Board which might lead to its removal from a primary care list or equivalent list;
- (i) has been removed, contingently removed or suspended from, refused admission to or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body.

(4) A declaration under sub-paragraph (3) must give the name and address of the registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(5) Where the qualified practitioner applying to be included in a Local Health Board's ophthalmic list is a corporate optician, the qualified practitioner must declare whether any of its directors—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been bound over following a criminal conviction in the United Kingdom;
- (c) has accepted a police caution in the United Kingdom;
- (d) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty

under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);

- (e) has, in proceedings in Scotland for an offence, been the subject of an order under section 246(2) or (3) of the Criminal Procedure (Scotland) Act 1995 (admonition and absolute discharge) discharging that director absolutely;
 - (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
 - (g) is currently the subject of any proceedings which might lead to such a conviction which have not yet been notified to the Local Health Board;
 - (h) is currently subject to any investigation into that director's professional conduct by any licensing, regulatory or other body;
 - (i) is to that director's knowledge the subject of any investigation by the NHS Counter Fraud Authority in relation to fraud, or is notified of the outcome of such an investigation, where it is adverse;
 - (j) is the subject of any investigation by another Local Health Board or equivalent body which might lead to that director's removal from a primary care list or equivalent list;
 - (k) has been removed, contingently removed or suspended from, refused admission to, or conditionally included in a primary care list or equivalent list, and if so, why and the name of that Local Health Board or equivalent body.
- (6) A declaration under sub-paragraph (5) must give details, including approximate dates, of where any investigation or proceedings were or are to be brought, the nature of that investigation or those proceedings, and any outcome.