

SCHEDULE 1

Regulation 6(1)

INFORMATION, DECLARATIONS, <sup>F1</sup>... UNDERTAKINGS<sup>[F2</sup>, CONSENTS, DISCLOSURE REQUEST AND DISCLOSURE RECORD] TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN A PRIMARY MEDICAL SERVICES PERFORMERS' LIST

**Textual Amendments**

- F1** Word in sch. 1 title omitted (21.12.2011) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(a)** (with reg. 3)
- F2** Words in sch. 1 title inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(a)** (with reg. 3)

1. An application shall contain the following information:–
- (a) the applicant's full name, sex, date of birth and private address and telephone number;
  - (b) a full description of the applicant's medical qualifications including the institution which awarded them;
  - (c) the applicant's professional registration number and date of first registration in both registers;
  - (d) chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
  - (e) in relation to the applicant's professional experience provided under (d), the applicant shall separate that information into –
    - (i) general practice experience;
    - (ii) hospital appointments; and
    - (iii) other experience (including obstetric experience),with full supporting particulars of that experience;
  - <sup>[F3</sup>(ea) whether the applicant is included on another Health Board's primary medical services performers list;]
  - (f) details of any list or equivalent list from which the applicant has ever been disqualified, conditionally disqualified, removed or suspended or to which admission was refused together with reasons for disqualification, conditional disqualification, removal, suspension or refusal;
  - (g) name and addresses of two referees who are willing to provide clinical references relating to two recent posts as a medical practitioner which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation and name and address of an alternative referee or referees;
  - (h) if the applicant is a national of an EEA state, evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive primary medical services from the applicant, is necessary for performing primary medical services;
  - (i) whether the applicant is a provider of primary medical services;

**Changes to legislation:** There are currently no known outstanding effects for the *The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004, SCHEDULE 1.* (See end of Document for details)

- (j) if the applicant is a provider of primary medical services, whether the applicant is a provider under more than one arrangement, agreement or contract to provide primary medical services and, if so, details of the other arrangement(s), agreement(s) or contract(s);
- (k) if the applicant is the director or one of the persons with control of a corporate body, the name and registered office of that body;
- (l) whether the applicant is an armed forces GP;
- (m) if the applicant is a GP Registrar, the name and address of the GP Trainer;

**Textual Amendments**

**F3** Sch. 1 para. 1(ea) inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(1)(b)** (with reg. 3)

2. An application shall contain the following declarations as to whether or not the applicant:–
- (a) is a medical practitioner included in both registers;
  - <sup>F4</sup>(b) .....
  - (c) has been convicted of a criminal offence in the United Kingdom;
  - (d) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
  - (e) is currently the subject of any proceedings [<sup>F5</sup>anywhere in the world] which might lead to a conviction specified in sub paragraph (c) or (d);
  - (f) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
  - (g) has accepted and agreed to pay either a [<sup>F6</sup>fixed penalty] under section 302 of the Criminal Procedure (Scotland) Act 1995 <sup>M1</sup> or a penalty under section 115A of the Social Security Administration Act 1992 <sup>M2</sup>;
  - (h) has accepted a police caution in the United Kingdom;
  - (i) has been bound over following a criminal conviction in the United Kingdom;
  - (j) has been subject to any investigation into the applicant’s professional conduct by any licensing, regulatory or other body where the outcome was adverse;
  - (k) is currently subject to any investigation into the applicant’s professional conduct by any licensing, regulatory or other body;
  - (l) is, to the applicant’s knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
  - (m) is the subject of any investigation or proceedings by another Health Board or equivalent body which might result in the applicant being disqualified, conditionally disqualified, removed or suspended from a list, or equivalent list;
  - (n) is, or has been, where the outcome was adverse, the subject of any investigation into the applicant’s professional conduct in respect of any previous or current employment;
  - (o) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate which–
    - (i) has been convicted of a criminal offence in the United Kingdom;

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- (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
- (iii) is currently the subject of any proceedings which might lead to such a conviction;
- (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body; or
- (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;

<sup>F7</sup>(p) .....

#### Textual Amendments

- F4** Sch. 1 para. 2(b) omitted (19.7.2006 for specified purposes in accordance with art. 1(2)(b) of the amending S.I., 19.10.2007 in so far as not already in force, as notified in the London Gazette dated 20.7.2007) by virtue of [The Medical Act 1983 \(Amendment\) and Miscellaneous Amendments Order 2006 \(S.I. 2006/1914\)](#), arts. 1(2)(b)(c)(3), 79(a)(ii)
- F5** Words in sch. 1 para. 2(e) inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(c)(i)** (with reg. 3)
- F6** Words in sch. 1 para. 2(g) substituted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(c)(ii)** (with reg. 3)
- F7** Sch. 1 para. 2(p) omitted (21.12.2011) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(c)(iii)** (with reg. 3)

#### Marginal Citations

- M1** 1995 c. 46.
- M2** 1992 c. 5; section 115A was inserted by section 15 of the [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#).

3. An application shall include the following undertakings:-
- (a) that the performer will participate in appropriate and relevant NHS appraisal procedures;
  - (b) that the performer will notify the Health Board in writing within 7 days of its occurrence if the performer-
    - (i) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in Scotland, would constitute a criminal offence
    - (ii) is convicted of a criminal offence in the United Kingdom;
    - (iii) is convicted <sup>F8</sup>... elsewhere of an offence which would constitute a criminal offence if committed in Scotland;
    - (iv) has, in summary proceedings, in respect of an offence, been the subject of an order discharging the performer absolutely (without proceeding to conviction);
    - (v) has accepted and agreed to pay either a [<sup>F9</sup>fixed penalty] under section 302 of the Criminal Procedure (Scotland) Act 1995 or a penalty under section 115A of the Social Security Administration Act 1992;
    - (vi) has accepted a police caution in the United Kingdom;
    - (vii) is bound over following a criminal conviction in the United Kingdom;

**Changes to legislation:** *There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004, SCHEDULE 1. (See end of Document for details)*

- (viii) becomes the subject of any investigation into the performer's professional conduct by any licensing, regulatory or other body;
- (ix) is informed by any licensing, regulatory or other body of the outcome of any investigation into the performer's professional conduct, and there is a finding against the performer;
- (x) becomes, to the performer's knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, where it is adverse;
- (xi) becomes the subject of any investigation or proceedings by another Health Board or equivalent body, which might result in the performer being disqualified, conditionally disqualified, removed or suspended from a list, or equivalent list;
- (xii) is disqualified, conditionally disqualified, removed or suspended from or refused admission to any list or equivalent list;
- (xiii) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction or investigation, a director or one of the persons with control of a body corporate and that body corporate—
  - (aa) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in Scotland, would constitute a criminal offence;
  - (bb) is convicted of a criminal offence in the United Kingdom;
  - (cc) is convicted elsewhere of an offence which, if committed in Scotland, would constitute a criminal offence;
  - (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body;
  - (ee) is informed by any licensing, regulatory or other body of the outcome of any investigation into its provision of professional services, and there is a finding against it; or
  - (ff) becomes, to the performer's knowledge, the subject of any investigation by the Agency in relation to fraud, or is informed of the outcome of any such investigation, if adverse,together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;
- (c) if the performer is a provider of primary medical services—
  - (i) under a general medical services contract, to comply with the requirements of [F10] paragraph 117 (gifts) of schedule 6 of] the General Medical Services Contracts Regulations;
  - (ii) under a section 17C agreement, to comply with requirements of [F11] paragraph 82 of schedule 1] to the Section 17C Agreements Regulations;
- (d) if the performer is not a provider of primary medical services but performs primary medical services in accordance with a—
  - (i) general medical services contract, to comply with the requirements of [F12] paragraph 117 (gifts) of schedule 6 of] the General Medical Services Contracts Regulations; or
  - (ii) section 17C arrangement, to comply with the requirements of [F13] paragraph 82 of schedule 1] to the Section 17C Agreements Regulations,as though the performer were a provider of primary medical services;

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(e) that the performer shall not prescribe drugs, medicines or appliances whose cost or quantity, in relation to any patient, is, by reason of the character of the drug, medicine or appliance in question in excess of that which is reasonably necessary for the proper treatment of that patient;

<sup>F14</sup>(f) .....

(g) if the performer is a provider of primary medical services, that the performer shall claim for a payment under the arrangement, agreement or contract by which the performer provides primary medical services only in accordance with the terms of that arrangement, agreement or contract;

(h) if the performer is not a provider of primary medical services, that the performer shall—

(i) assist a provider of primary medical services in a claim for a payment under the arrangement, agreement or contract by which that provider provides primary medical services only where that claim is in accordance with the terms of that arrangement, agreement or contract; and

(ii) claim a payment from a provider of primary medical services only in accordance with the terms of the performer's employment or engagement by that provider;

(i) if the performer is a GP Registrar, unless the performer has an acquired right under [<sup>F15</sup>article 6(6) of the Postgraduate Medical Education and Training Order of Council 2010] that the performer will—

(i) not perform primary medical services except when acting for, and under the supervision of, the performer's GP Trainer;

(ii) withdraw from the primary medical services performers list if any of the events in paragraph 4 takes place;

<sup>F16</sup>(iii) .....

(iv) <sup>F17</sup>... provide the Health Board with evidence of the performer's inclusion in the GP Register;

(j) that the performer shall consent to a request being made by the Health Board to any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub-paragraph, "employer" includes any partnership of which the applicant is or was a member<sup>F18</sup>;

(k) that the performer shall consent to disclosure of information in terms of regulation 14;

(l) that the performer will remain a scheme member.]

#### Textual Amendments

**F8** Word in sch. 1 para. 3(b)(iii) omitted (7.6.2004) by virtue of [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/216\)](#), regs. 1, **2(6)(b)(i)**

**F9** Words in sch. 1 para. 3(b)(v) substituted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(d)(i)** (with reg. 3)

**F10** Words in sch. 1 para. 3(c)(i) substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/66\)](#), reg. 1, **sch. 10 para. 2(3)(a)** (with reg. 2) (as amended by [S.S.I. 2018/94](#), reg. 10(a))

**Changes to legislation:** There are currently no known outstanding effects for the *The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004, SCHEDULE 1.* (See end of Document for details)

- F11** Words in sch. 1 para. 3(c) substituted (1.4.2018) by The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (S.S.I. 2018/67), art. 1(2), **sch. 8 para. 2(3)(a)** (with reg. 2)
- F12** Words in sch. 1 para. 3(d)(i) substituted (1.4.2018) by The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (S.S.I. 2018/66), reg. 1, **sch. 10 para. 2(3)(b)** (with reg. 2)
- F13** Words in sch. 1 para. 3(d) substituted (1.4.2018) by virtue of The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (S.S.I. 2018/67), art. 1(2), **sch. 8 para. 2(3)(b)** (with reg. 2)
- F14** Sch. 1 para. 3(f) omitted (1.4.2011) by virtue of The National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011 (S.S.I. 2011/55), reg. 1, **sch. para. 3(3)**
- F15** Words in sch. 1 para. 3(i) substituted (1.4.2010) by The National Health Service (General Medical Services Contracts, Primary Medical Services Section 17C Agreements and Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2010 (S.S.I. 2010/93), regs. 1(2), **4**
- F16** Sch. 1 para. 3(i)(iii) omitted (1.4.2010) by virtue of The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234), art. 1(4), **Sch. 3 para. 7(4)(a)(i)**; S.I. 2010/478, art. 2(c)
- F17** Words in sch. 1 para. 3(i)(iv) omitted (1.4.2010) by virtue of The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234), art. 1(4), **Sch. 3 para. 7(4)(a)(ii)**; S.I. 2010/478, art. 2(c)
- F18** Sch. 1 para. 3(k)(l) and semicolon inserted (21.12.2011) by The National Health Service (Primary Medical Services Performers Lists) (Scotland) Amendment Regulations 2011 (S.S.I. 2011/392), regs. 1, **2(11)(d)(ii)** (with reg. 3)

[<sup>F19</sup>4. The events to which this paragraph applies are—

- (a) the conclusion of any period of general practice training required by section [<sup>F20</sup>34H] of the Medical Act 1983 unless—
- (i) it forms part of a vocational training scheme which has not yet been concluded; or
- (ii) the GP Registrar provides the Health Board with evidence of their inclusion in the GP Register;
- (b) the failure satisfactorily to complete any period of general practice training [<sup>F21</sup>established under] that section of that Act; and
- (c) the completion of a vocational training scheme unless the GP Registrar provides the Health Board with evidence of their inclusion in the GP Register.]

#### Textual Amendments

- F19** Sch. 1 para. 4 substituted (1.4.2010) by The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2010 (S.I. 2010/234), art. 1(4), **Sch. 3 para. 7(4)(b)**; S.I. 2010/478, art. 2(c)
- F20** Word in sch. 1 para. 4(a) substituted (31.12.2020) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 11(a)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in sch. 1 para. 4(b) substituted (31.12.2020) by The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 9 para. 11(b)** (with reg. 12A, Sch. 9 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 17); 2020 c. 1, Sch. 5 para. 1(1)

[<sup>F22</sup>5. An application shall include—

- (a) a disclosure request for any disclosure record required under regulation 6(3)(d); and

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- (b) where required by the Health Board under that regulation, any existing disclosure record the applicant holds.]

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**Textual Amendments**

**F22** Sch. 1 para. 5 inserted (21.12.2011) by [The National Health Service \(Primary Medical Services Performers Lists\) \(Scotland\) Amendment Regulations 2011 \(S.S.I. 2011/392\)](#), regs. 1, **2(11)(e)** (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004, SCHEDULE 1.