
STATUTORY INSTRUMENTS

2004 No. 585

**The National Health Service
(Performers Lists) Regulations 2004**

PART 2

MEDICAL PERFORMERS LISTS

Interpretation

21.—(1) For the purposes of this Part the prescribed description of performer is medical practitioner and the relevant body is the General Medical Council.

(2) In this Part—

“2002 Order” means the Medical Act 1983 (Amendment) Order 2002(1);

“2003 Order” means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(2);

“armed forces GP” means a medical practitioner, who is employed on a contract of service by the Ministry of Defence, whether or not as a member of the armed forces, and

(a) before the coming into force of article 10 of the 2003 Order holds either a certificate of prescribed experience under regulation 10 of, or a certificate of equivalent experience under regulation 11 of, the Vocational Training Regulations; or

(b) upon the coming into force of paragraph 22 of Schedule 8 to the 2003 Order, is an eligible general medical practitioner pursuant to that paragraph, other than by virtue of having an acquired right under paragraph 1(d) of Schedule 6 to that Order; and

in either case, after the coming into force of article 10 of the 2003 Order, is entered on the GP Register;

“the Board” means the Postgraduate Medical Education and Training Board;

“both registers” means the register of medical practitioners and, after the coming into force of article 10 of the 2003 Order, that register and the GP Register;

“CCT” means Certificate of Completion of Training awarded under article 8 of the 2003 Order, including any such certificate awarded in pursuance of the competent authority functions of the Board specified in article 20(3)(a) of that Order;

“contractor” means a general medical practitioner, who both provides and performs primary medical services in accordance with section 28C(3) arrangements or under a general medical services contract;

(1) [S.I. 2002/3135](#).

(2) [S.I. 2003/1250](#).

(3) Section 28C was inserted by the National Health Service (Primary Care) Act 1997, s. 21(1) and amended by the 1999 Act, s.65(1) and Schedule 4, the 2001 Act, s.40 and Schedule 5 and the 2003 Act, s. 180 and Schedule 11, paragraph 14.

“Fitness to Practise Panel” means a panel constituted pursuant to paragraph 19E of Schedule 1 to the Medical Act(4);

“the GP Register”, after the coming into force of article 10 of the 2003 Order, means the register kept by virtue of that article;

“GP Registrar” means a medical practitioner, who is being trained in general practice—

- (a) prior to the coming into force of article 5 of the 2003 Order, by a medical practitioner who—
 - (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Vocational Training Regulations, and
 - (ii) performs primary medical services; or
 - (iii) after the coming into force of that article, by a GP Trainer, whether as part of training leading to a CCT, including any such certificate awarded in pursuance of the competent authority functions of the Board specified in article 20(3)(a) of that Order, or otherwise;

“GP Trainer” means a general medical practitioner, other than a GP Registrar, who is—

- (a) prior to the coming into force of article 4(5)(d) of the 2003 Order, approved as a GP Trainer by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Vocational Training Regulations; or
- (b) after the coming into force of that article, approved by the Board under article 4(5)(d) of the 2003 Order for the purposes of providing training to a GP Registrar under article 5(1)(c)(i);

“general medical practitioner” means a GP Registrar or—

- (a) on and after the coming into force of article 10 of the 2003 Order, a medical practitioner whose name is included in the GP Register; and
- (b) until the coming into force of that article, a medical practitioner who is either—
 - (i) until the coming into force of paragraph 22 of Schedule 8 to the 2003 Order, suitably experienced within the meaning of section 31(2), section 21 of the National Health Service (Scotland) Act 1978(5) or Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978(6), or
 - (ii) upon the coming into force of paragraph 22 of Schedule 8 to the 2003 Order, an eligible general practitioner pursuant to that paragraph or has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994;

“health case” has the meaning ascribed to it by section 35E(4) of the Medical Act(7);

“Health Committee” means the Health Committee of the General Medical Council referred to in section 1(3) of the Medical Act;

“Medical Act” means the Medical Act 1983(8);

“Professional Conduct Committee” means the Professional Conduct Committee of the General Medical Council, referred to in section 1(3) of the Medical Act;

(4) Paragraph 19E is inserted by article 5(3) of the 2002 Order, with effect from such date as the Secretary of State may specify.
 (5) 1978 c. 29.
 (6) S.I. 1978/1907 (N.I. 26) or would have been so considered notwithstanding the repeal of the relevant provision.
 (7) Section 35E is inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.
 (8) 1983 c. 54.

“professional registration number” means the number against the general medical practitioner’s name in the registers of medical practitioners;

“relevant scheme” means the scheme in respect of which the general medical practitioner is applying to be included in a medical performers list;

“register of medical practitioners” has the meaning given to it by section 2(2) of the Medical Act;

“scheme” means an arrangement to provide primary medical services—

- (a) in accordance with section 28C; or
- (b) under a general medical services contract;

“the Vocational Training Regulations” means the National Health Service (Vocational Training for General Medical Practice) Regulations 1997⁽⁹⁾, the National Health Service (Vocational Training for General Medical Practice) Regulations (Scotland) 1998⁽¹⁰⁾ or the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998⁽¹¹⁾ as the case may be; and

“vocational training scheme” means—

- (a) a pre-arranged programme of training which is designed for the purpose of enabling a medical practitioner to gain the medical experience prescribed by regulation 6(1) of the Vocational Training Regulations; or
- (b) after the coming into force of article 4 of the 2003 Order, post-graduate medical education and training necessary for the award of a CCT in general practice under that article.

Medical performers list

22.—(1) Subject to paragraphs (2) and (3), a medical practitioner may not perform any primary medical services, unless he is a general medical practitioner and his name is included in a medical performers list.

(2) A medical practitioner, who is provisionally registered under section 15, 15A or 21 of the Medical Act⁽¹²⁾, may perform primary medical services, when his name is not included in a medical performers list, but only whilst acting in the course of his employment in a resident medical capacity in an approved medical practice (within the meaning of section 11(4) of that Act⁽¹³⁾).

(3) A GP Registrar, who has applied in accordance with these Regulations to a Primary Care Trust to have his name included in its medical performers list, may perform primary medical services, despite not being included in that list, until the first of the following events arises—

- (a) the Trust notifies him of its decision on that application; or
- (b) the end of a period of 2 months, starting with the date on which his vocational training scheme begins.

(4) In respect of any medical practitioner, whose name is included in a medical performers list, the list shall include—

- (a) his full name;
- (b) his professional registration number with, suffixed to it, the organisational code given by the Secretary of State to the Primary Care Trust;
- (c) his date of birth, where he consents, or if not, his dates of first registration in both registers;

⁽⁹⁾ S.I. 1997/2817, as amended by S.I. 1998/669 and 2003/3148.

⁽¹⁰⁾ S.S.I. 1998/5; as amended by S.I. 2003/3148.

⁽¹¹⁾ S.S.R. 1998/13; as amended by S.I. 2003/3148.

⁽¹²⁾ Relevant amendments to sections 15 and 21 are S.I. 1996/1591 and s. 41(10) of and paragraph 61(1) and (4) to Schedule 2 to the 1997 Act.

⁽¹³⁾ Relevant amendments are s. 35(1) and (4) of the 1997 Act.

- (d) whether he is a contractor;
- (e) whether he is a GP Registrar;
- (f) whether he is an armed forces GP; and
- (g) the date that his name was included in the medical performers list or, if his name was included in any medical, supplementary or services list of a Primary Care Trust, first included in such a list.

Application for inclusion in a medical performers list

23.—(1) In addition to the information required by regulation 4(2), the general medical practitioner, when making an application for the inclusion of his name in a medical performers list, shall give the following information—

- (a) his medical qualifications and where they were obtained, with evidence concerning his qualifications and experience;
- (b) subject to sub-paragraph (e), a declaration that he is a fully registered medical practitioner, included in both registers;
- (c) his professional registration number and date of first registration in both registers;
- (d) in relation to his professional experience given under regulation 4(2)(e), he shall separate that information into—
 - (i) general practice experience,
 - (ii) hospital appointments, and
 - (iii) other experience,with full supporting particulars of that experience;
- (e) if he is a GP Registrar, the name and practice address of his GP Trainer and, if he is not a fully registered medical practitioner included in the register of medical practitioners, a declaration that he is registered in that register with limited registration, with details of the limits of that registration, as defined in the direction by virtue of which he is registered;
- (f) whether he is a contractor;
- (g) whether he is a contractor for more than one scheme and, if so, which schemes and which of those schemes is the relevant scheme; and
- (h) whether he is an armed forces GP.

(2) In addition to the undertakings required by regulation 4(3), the general medical practitioner shall give the following further undertakings—

- (a) not to perform any primary medical services in the area of another Primary Care Trust or equivalent body from whose medical performers list, medical list, services list, supplementary list or equivalent list he has been removed, except where that removal was at his request or in accordance with regulation 10(6) of these Regulations, regulation 10(6) of the Services List Regulations, regulation 10(7) of the Supplementary List Regulations 2001 or regulation 7(2) or (11) of the Medical Regulations or any equivalent provision in Scotland or Wales, without the consent, in writing, of that Trust or equivalent body;
- (b) if he is a GP Registrar, unless he has an acquired right under regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(14), an undertaking—
 - (i) not to perform any primary medical services, except when acting for and under the supervision of, his GP Trainer,

- (ii) to withdraw from the medical performers list if any of the events listed in paragraph (3) takes place, and
 - (iii) (aa) until the coming into force of article 10 of the 2003 Order, to apply for a certificate of prescribed experience under regulation 10 of, or a certificate of equivalent experience under regulation 11 of, the Vocational Training Regulations, as soon as he is eligible to do so, and to provide the Primary Care Trust with a copy of any such certificate, or
 - (bb) after the coming into force of article 10 of the 2003 Order, to provide the Primary Care Trust with evidence of his inclusion in the GP Register; and
 - (c) if he is a contractor, to comply with the requirements of paragraph 124 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004 (gifts)(15); and
 - (d) if he is not a contractor, to comply with the requirements of that paragraph as though he were a contractor.
- (3) The events to which this paragraph applies are—
- (a) the conclusion of any period of training prescribed by regulation 6(3) of the Vocational Training Regulations or, after the coming into force of articles 4 and 5 of the 2003 Order, any period of general practice training required pursuant to those articles, unless—
 - (i) it forms part of a vocational training scheme, which has not yet been concluded, or
 - (ii) the medical practitioner provides the Primary Care Trust with—
 - (aa) a certificate of prescribed experience, under regulation 10 of the Vocational Training Regulations,
 - (bb) a certificate of equivalent experience under regulation 11 of those regulations, or
 - (cc) after the coming into force of article 10 of the 2003 Order, evidence of his inclusion in the GP Register;
 - (b) the failure satisfactorily to complete any period of training within the meaning of regulation 9 of the Vocational Training Regulations or, after the coming into force of articles 4 and 5 of the 2003 Order, of general practice training within the meaning of those articles; and
 - (c) the completion of a vocational training scheme, unless the medical practitioner provides the Primary Care Trust with—
 - (i) a certificate of prescribed experience under regulation 10 of, or a certificate of equivalent experience under regulation 11 of, the Vocational Training Regulations, or
 - (ii) after the coming into force of article 10 of the 2003 Order, evidence of his inclusion in the GP Register.
- (4) If he is an armed forces GP, he shall not be required to give an undertaking pursuant to regulation 4(3)(e) (undertaking to participate in NHS appraisal).

Additional grounds for refusal

24.—(1) In addition to the grounds in regulation 6(1), a Primary Care Trust may also refuse to admit a medical practitioner to its medical performers list if—

- (a) having checked the information he provided under regulation 23(1), it considers he is unsuitable to be included in its list;
 - (b) his registration in the register of medical practitioners is subject to conditions imposed, before the coming into force of article 13 of the 2002 Order, pursuant to a direction under—
 - (i) section 36(1)(iii) of the Medical Act(16), of the Professional Conduct Committee,
 - (ii) section 37 of that Act(17), of the Health Committee, or
 - (iii) section 36A of or paragraph 5A(3) of Schedule 4 to that Act(18), of the Committee on Professional Performance of the General Medical Council referred to in section 1(3) of that Act;
 - (c) his registration in the register of medical practitioners is subject to an order, under section 41A of that Act(19)—
 - (i) before the coming into force of article 13 of the 2002 Order, of any of those committees or of the Interim Orders Committee of that Council referred to in section 1(3) of that Act,
 - (ii) after the coming into force of that article, of a Fitness to Practise Panel or an Interim Orders Panel of that Council;
 - (d) after the coming into force of article 13 of the 2002 Order, his registration in that register is subject to conditions imposed by a Fitness to Practise Panel pursuant to section 35D(2)(c), (5)(c), (8)(c) or (12)(c) of the Medical Act(20); or
 - (e) after the coming into force of article 14 of the 2002 Order, his registration in that register is subject to conditions imposed by a Fitness to Practise Panel pursuant to rules made under paragraph 5A of Schedule 4 to the Medical Act(21).
- (2) In addition to the grounds in regulation 6(2), a Primary Care Trust shall also refuse to admit a medical practitioner to its medical performers list if—
- (a) he is a contractor and, at the date of his application, more of the patients of the relevant scheme reside in the area of another Primary Care Trust than reside in the area of the Trust in whose list he has applied for inclusion;
 - (b) he is a contractor and the relevant scheme is not one that lies within its area; or
 - (c) he is included in the medical performers list of another Primary Care Trust, unless he has given notice to that Trust that he wishes to withdraw from that list.
- (3) Regulation 6(2)(a) (intention to work in the Primary Care Trust’s area) shall not apply in the case of an armed forces GP.
- (4) For the purposes of regulation 6(2)(d), the day prescribed in this Part is 3rd November 2003 or, if that medical practitioner had been included in a medical list or a supplementary list, 14th December 2001.
- (5) In addition to checking the information provided by the medical practitioner as required by regulation 6(3)(a), the Primary Care Trust shall also check the information he provided under regulation 23.

(16) Section 36 was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 5 and by S.I. 2000/1803, articles 2 and 5.
 (17) Section 37 was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 6 and by S.I. 2000/1803, articles 2 and 7.
 (18) Section 36A was inserted by the 1995 Act, section 1 and amended by S.I. 2000/1803, articles 2 and 6 and paragraph 5A of Schedule 4 was added by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 20.
 (19) Section 41A was inserted by S.I. 2000/1803, articles 2 and 10 and is substituted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.
 (20) Section 35D is inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.
 (21) Schedule 4 is substituted by article 14 of the 2002 Order, with effect from such date as the Secretary of State may specify.

Requirements with which a medical practitioner in a medical performers list must comply

25. Regulation 9(6) (requirement to participate in a Primary Care Trust's appraisal) shall not apply in the case of an armed forces GP, but in such a case he shall provide the Primary Care Trust with a copy of his annual appraisal by the Ministry of Defence or the armed forces, as the case may be.

Grounds for removal from a medical performers list

26.—(1) Subject to paragraph (2) and in addition to the grounds in regulation 10(1), the Primary Care Trust must remove a medical practitioner from its medical performers list where it becomes aware that he is—

- (a) the subject of a direction given by the Professional Conduct Committee under section 36(1) (i) or (ii) of the Medical Act (professional misconduct and criminal offences)(22);
- (b) the subject of an order or direction made by that Committee under section 38(1) of that Act (order for immediate suspension)(23);
- (c) following the coming into force of article 13 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel for erasure or immediate suspension under section 35D(2) (a) or (b), (5)(a) or (b), (10)(a) or (b), or (12)(a) or (b) (functions of a Fitness to Practise Panel), or section 38(1) (power to order immediate suspension etc) of that Act(24);
- (d) following the coming into force of article 14 of the 2002 Order, the subject of a direction by a Fitness to Practise Panel suspending him pursuant to rules made under paragraph 5A(3) of Schedule 4 to that Act(25) (professional performance assessments);
- (e) included in the medical performers list of another Primary Care Trust; or
- (f) if a GP Registrar, in breach of the undertaking provided in accordance with regulation 23(2) and has failed to withdraw from the list after the Primary Care Trust has given him 28 days notice requesting him to do so.

(2) Paragraph (1)(c) shall not apply where a direction that a medical practitioner's registration be suspended is made in a health case.

(3) For the purposes of regulation 10(1)(b), the day prescribed in this Part is 3rd November 2003 or, if that medical practitioner had been included in a medical list or a supplementary list, 14th December 2001.

(4) Regulation 10(6) (power to remove for non-practice in the area) shall not apply in the case of an armed forces GP.

(5) In calculating the period of 12 months under regulation 10(7) (periods to be disregarded), the Primary Care Trust shall disregard any period during which the medical practitioner's registration or his entitlement to practise as such was suspended—

- (a) before the coming into force of article 13 of the 2002 Order, by a committee of the General Medical Council pursuant to sections 37 or 41A of the Medical Act;
- (b) after the coming into force of that article, by a Fitness to Practise Panel pursuant to section 41A(1)(a) of that Act; or
- (c) after the coming into force of that article, in a health case.

(22) Section 36 was amended by [S.I. 2000/1803](#).

(23) Section 38(1) was amended by the 1995 Act, section 4 and Schedule 1, paragraphs 1 and 7.

(24) Sections 35D and 38 are inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.

(25) Schedule 4 is substituted by article 14 of the 2002 Order, with effect from such date as the Secretary of State may specify.

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

Additional decision that may be appealed

27. A general medical practitioner may also appeal, under regulation 15, against a decision of the Primary Care Trust to refuse to include his name in its medical performers list under regulation 24(1).