
STATUTORY INSTRUMENTS

2004 No. 585

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

PART 2

MEDICAL PERFORMERS LISTS

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(1), of the Professional Conduct Committee,
 - (ii) section 37 of that Act(2), of the Health Committee, or
 - (iii) section 36A of or paragraph 5A(3) of Schedule 4 to that Act(3), 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(4)—
 - (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(5); 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(6).

(1) 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.
(2) 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.
(3) 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.
(4) 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.
(5) Section 35D is inserted by article 13 of the 2002 Order, with effect from such date as the Secretary of State may specify.
(6) Schedule 4 is substituted by article 14 of the 2002 Order, with effect from such date as the Secretary of State may specify.

(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.