

---

STATUTORY INSTRUMENTS

---

**2013 No. 335**

**The National Health Service (Performers  
Lists) (England) Regulations 2013**

**PART 2**

**Medical Performers List**

**Interpretation**

**23.** In this Part—

“both registers” means the register of medical practitioners and the GP Register;

“CCT” means Certificate of Completion of Training awarded under section 34L(1) of the Medical Act 1983 (award and withdrawal of a Certificate of Completion of Training)(1);

“contractor” has the meaning given in section 84(5) of the 2006 Act (general medical services contracts)(2);

“Fitness to Practise Panel” means a Fitness to Practise Panel of the General Medical Council;

“foundation training scheme” means postgraduate medical education and training necessary for the award of a CCT in general practice;

“general medical practitioner” means a registered medical practitioner—

(a) who is a GP Registrar; or

(b) whose name is included in the GP Register;

“GP Registrar” means a registered medical practitioner who is being trained in general practice by a GP Trainer, whether as part of training leading to a CCT or otherwise;

“GP Trainer” means a general medical practitioner, other than a GP Registrar, who is approved by the General Medical Council under section 34I(1)(c) of the Medical Act 1983 (postgraduate medical education and training: approvals)(3) for the purposes of providing training to a GP Registrar;

“health case” has the meaning given in section 35E(4) of the Medical Act 1983 (provisions supplementary to function of a fitness to practise panel)(4);

“Interim Orders Panel” means an interim orders panel of the General Medical Council;

“licensed medical practitioner” means a medical practitioner who holds a license to practise;

“professional registration number” means, in relation to a medical practitioner, the number against the medical practitioner’s name in the register of medical practitioners;

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

---

(1) 1983 c. 54. Section 34L was inserted by [S.I. 2010/234](#).

(2) Section 84 was amended by the Health and Social Care Act 2012 (c. 7), section 55 and Schedule 4, Part 4, paragraph 31.

(3) Section 34I was inserted by [S.I. 2010/234](#).

(4) Section 35E was substituted by [S.I. 2002/3135](#), articles 2 and 13.

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

- (a) in accordance with section 92 arrangements; or
- (b) under a general medical services contract within the meaning of section 84(2) of the 2006 Act; and

“section 92 arrangements” has the meaning given in section 92(8) of the 2006 Act (arrangements for the provision of primary medical services)(5).

### **Medical performers list**

**24.**—(1) A medical practitioner may not perform any primary medical services unless that medical practitioner is a general medical practitioner and is included in the medical performers list.

This is subject to paragraphs (2) to (5).

(2) A licensed medical practitioner, who is provisionally registered under section 15 (provisional registration), 15A (provisional registration for EEA nationals etc.) or 21 (provisional registration of EEA national etc. with certain overseas qualifications) of the Medical Act 1983(6), may perform primary medical services, when the medical practitioner is not included in the medical performers list, while acting in the course of the medical practitioner’s employment as part of an acceptable programme for provisionally registered doctors within the meaning of section 10A of the Medical Act 1983 (programmes for provisionally registered doctors) in a medical practice which is a recognised practice setting for the purposes of section 44D of that Act (approved practice settings)(7).

(3) A registered medical practitioner who falls within paragraph (4) may perform primary medical services when not included in the medical performers list in so far as the performance of those services constitutes a part of a programme of post-registration supervised clinical practice approved by the General Medical Council (“a post-registration programme”).

(4) A registered medical practitioner falls within this paragraph if that medical practitioner—

- (a) is not a GP Registrar;
- (b) is undertaking a post-registration programme;
- (c) has notified the Board at least 24 hours before commencing any part of such a programme in England; and
- (d) has, with that notification, provided the Board with sufficient evidence to satisfy it that the medical practitioner is undergoing a post-registration programme.

(5) A GP Registrar, who has applied in accordance with these Regulations to the Board for inclusion in the medical performers list, may perform primary medical services, despite not being included in that list, until the first of the following arises—

- (a) the date on which the Board notifies that GP Registrar of its decision on the application for inclusion; or
- (b) the end of a period of 3 months, starting with the date on which that GP Registrar begins a foundation training scheme.

### **Contents of the medical performers list**

**25.** In respect of any medical practitioner included in the medical performers list, the list must include—

---

(5) Section 92 was amended by the Health and Social Care Act 2012 (c. 7), section 55 and Schedule 4, Part 4, paragraph 36.  
 (6) Section 15 was amended by S.I. 2006/1914. Section 15A was inserted by S.I. 2000/3041 and amended by 2006/1914, S.I. 2007/3101 and S.I. 2011/1043. Section 21 was amended by S.I. 1996/1591, S.I. 2002/3135, S.I. 2006/1914 and S.I. 2007/3101.  
 (7) Section 10A was inserted by S.I. 2006/1914 and amended by S.I. 2008/3131. Section 44D was inserted by S.I. 2006/1914.

- (a) the medical practitioner's full name;
- (b) the medical practitioner's professional registration number;
- (c) the dates of the medical practitioner's first registration in the register of medical practitioners and, if applicable, the GP Register;
- (d) confirmation of whether the medical practitioner is a contractor under a general medical services contract;
- (e) confirmation of whether the medical practitioner provides primary medical services in accordance with section 92 arrangements;
- (f) confirmation of whether the medical practitioner is a GP Registrar;
- (g) confirmation of whether the medical practitioner is an armed forces GP and, if so, whether the medical practitioner is a Type 1 or a Type 2 armed forces GP;
- (h) confirmation of whether the medical practitioner is registered as an emergency registered practitioner; and
- (i) the date that the medical practitioner was first included in one the following lists—
  - (i) the medical performers list,
  - (ii) a medical performers list kept by a Primary Care Trust prior to the transfer date, or
  - (iii) a medical list, medical supplementary list or services list prior to 1st April 2004, specifying which list.

#### **Application for inclusion in the medical performers list**

**26.**—(1) In addition to satisfying the requirements of regulation 4, an application by a medical practitioner for inclusion in the medical performers list must satisfy the requirements of this regulation.

- (2) The medical practitioner must—
  - (a) provide details of the medical practitioner's medical qualifications, details of where they were obtained and evidence of them;
  - (b) provide a declaration that the medical practitioner is a licensed medical practitioner whose name is included—
    - (i) in the case of a GP Registrar, in the register of medical practitioners, or
    - (ii) in any other case, in both registers;
  - (c) provide the medical practitioner's professional registration number and dates of first registration—
    - (i) in the case of a GP Registrar, in the register of medical practitioners, or
    - (ii) in any other case, in both registers;
  - (d) in relation to the medical practitioner's professional experience provided under regulation 4(2)(e), separate that information into—
    - (i) general practice experience,
    - (ii) hospital appointments, and
    - (iii) other experience,with full supporting particulars of that experience;
  - (e) if the medical practitioner is a GP Registrar, provide the name and practice address of the medical practitioner's GP Trainer;

- (f) confirm whether the medical practitioner is a contractor under a general medical services contract or provides primary medical services in accordance with section 92 arrangements;
  - (g) confirm whether the medical practitioner is a contractor under a general medical services contract or provides primary medical services in accordance with section 92 arrangements for more than one scheme and, if so, which schemes and which of those schemes is the relevant scheme; and
  - (h) confirm whether the medical practitioner is an armed forces GP and, if so, whether the medical practitioner is a Type 1 or a Type 2 armed forces GP.
- (3) The medical practitioner must give the following undertakings—
- (a) if the medical practitioner is a GP Registrar, unless that medical practitioner has an acquired right under article 6(6) of the Postgraduate Medical Education and Training Order of Council 2010 (persons with acquired rights)(8)—
    - (i) not to perform any primary medical services except when acting for and under the supervision of the medical practitioner’s GP Trainer,
    - (ii) to withdraw from the medical performers list if any of the events listed in paragraph (4) takes place, except in situations where paragraph (5) applies, and
    - (iii) to provide the Board with evidence of the medical practitioner’s inclusion in the GP Register within 28 days of the medical practitioner’s inclusion in that register;
  - (b) if the medical practitioner is a contractor under a general medical services contract, to comply with the requirements of paragraph 124 of Schedule 6 to the National Health Service (General Medical Services Contracts) Regulations 2004 (gifts)(9); and
  - (c) if the medical practitioner is not a contractor under a general medical services contract, to comply with the requirements referred to in sub-paragraph (b) as though the medical practitioner were such a contractor.
- (4) The events to which this paragraph applies are—
- (a) the conclusion of any period of general practice training required by section 34J of the Medical Act 1983 (minimum requirements for general practice training)(10), unless it forms part of a foundation training scheme which has not yet been completed by the medical practitioner;
  - (b) the failure to complete satisfactorily any period of general practice training within the meaning of section 34J of the Medical Act 1983 (minimum requirements for general practice training); and
  - (c) the completion of a foundation training scheme.
- (5) A medical practitioner is not required to withdraw from the medical performers list under paragraph (3)(a)(ii) if, in compliance with the undertaking given under paragraph (3)(a)(iii), the medical practitioner provides the Board with evidence of the medical practitioner’s inclusion in the GP Register within 28 days of the medical practitioner’s first inclusion in that register.
- (6) The provision of evidence of inclusion in the GP Register in accordance with an undertaking given under paragraph (3)(a)(iii) is to constitute notice for the purposes of regulation 19(1).

### **Additional grounds for refusal**

27.—(1) In addition to the grounds in regulation 7(2), the Board may refuse to include a medical practitioner in the medical performers list if—

(8) S.I. 2010/473.

(9) S.I. 2004/291. Paragraph 124 of Schedule 6 was amended by S.I. 2005/3315 and S.I. 2013/363.

(10) Section 34J was inserted by S.I. 2010/234.

- (a) the medical practitioner's registration in the register of medical practitioners is subject to conditions by virtue of an order made by an Interim Orders Panel, a Fitness to Practise Panel or a court under section 41A of the Medical Act 1983 (interim orders)(**11**);
- (b) the medical practitioner's registration in that register is subject to conditions by virtue of a direction of a Fitness to Practise Panel under section 35D of the Medical Act 1983 (functions of a fitness to practise panel)(**12**); or
- (c) the medical practitioner's registration in that register is subject to conditions by virtue of a direction of a Fitness to Practise Panel pursuant to rules made under paragraph 5A(3) of Schedule 4 to the Medical Act 1983 (professional performance assessments)(**13**).

(2) For the purposes of regulation 7(2)(e), the day prescribed in this Part is 3rd November 2003 or, if the medical practitioner concerned had been included in a medical list or a medical supplementary list, 14th December 2001.

### **Grounds for removal from the medical performers list**

**28.**—(1) In addition to the grounds in regulation 14(1), the Board must remove a medical practitioner from the medical performers list where it becomes aware that—

- (a) the medical practitioner's name is no longer included in the GP Register;
- (b) the medical practitioner's registration in the register of medical practitioners has been suspended;
- (c) the medical practitioner's licence to practice has been withdrawn; or
- (d) if the medical practitioner is a GP Registrar, the medical practitioner is in breach of an undertaking provided in accordance with regulation 26(3) and has failed to withdraw from the list after the Board has given the medical practitioner 28 days notice requesting the medical practitioner to do so.

This is subject to paragraph (2).

(2) Paragraph (1)(b) does 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 14(3)(a), the day prescribed in this Part is 3rd November 2003 or, if the medical practitioner had been included in a medical list or a medical supplementary list, 14th December 2001.

(4) In calculating the period of 12 months under regulation 14(7), the Board must disregard any period during which a medical practitioner's registration in the register of medical practitioners is suspended.

---

(11) Section 41A was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#).

(12) Section 35D was substituted by [S.I. 2002/3135](#) and amended by [S.I. 2006/1914](#).

(13) Schedule 4 was substituted by [S.I. 2002/3135](#).