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STATUTORY INSTRUMENTS

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**2013 No. 335**

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

**PART 1**

**General Provisions as to Performers Lists**

**Conditions**

**10.**—(1) Where the Board considers it appropriate for the purpose of preventing any prejudice to the efficiency of the services which those included in a performers list perform or for the purpose of preventing fraud, it may impose conditions on a Practitioner's—

- (a) initial inclusion in a performers list; or
- (b) continued inclusion in such a list.

(2) Where the Board is considering imposing conditions under paragraph (1) it must give the Practitioner—

- (a) notice of any allegation against the Practitioner;
- (b) notice of what action it is considering and on what grounds;
- (c) the opportunity to make representations to it within a period of 28 days of the date of the notification under sub-paragraph (b); and
- (d) the opportunity to put the Practitioner's case at an oral hearing before it, if the Practitioner so requests, within the 28 day period mentioned in sub-paragraph (c).

(3) After consideration of any representations made under paragraph (2)(c) and any oral hearing held under paragraph (2)(d), the Board must decide whether or not to impose conditions on the Practitioner's inclusion in the performers list and within 7 days of making that decision, notify the Practitioner of—

- (a) that decision and the reasons for it (including any facts relied upon);
- (b) any right of review under regulation 16; and
- (c) any right of appeal under regulation 17.

(4) Where the Board notifies a Practitioner under paragraph (3)(c) it must also inform the Practitioner—

- (a) that the right of appeal must be exercised within the period of 28 days beginning with the date of the notification of that decision; and
- (b) how to exercise any such right.

(5) Where the Board decides to impose conditions under paragraph (1)(a), the Practitioner must, within 28 days of the date of notification of the decision—

- (a) notify the Board whether the Practitioner wishes to be included in the performers list subject to those conditions; and

- (b) if the Practitioner does so wish, provide an undertaking that the Practitioner will comply with the conditions specified.