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STATUTORY INSTRUMENTS

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**2013 No. 391**

**The Medical Profession (Responsible Officers) (Amendment) Regulations 2013**

**Amendment to Part 2 (Responsible Officers)**

3.—(1) Part 2 of the 2010 Regulations is amended as follows.

(2) For regulation 5 substitute—

**“Duty to nominate or appoint responsible officers**

5.—(1) Subject to the following provisions of this regulation, every designated body must nominate or appoint a responsible officer.

(2) The Board must nominate or appoint a sufficient number of responsible officers.

(3) When a responsible officer nominated or appointed in accordance with paragraph (1) or (2) ceases to hold that position, subject to paragraph (4), the designated body must nominate or appoint a replacement as soon as reasonably practicable.

(4) When a responsible officer nominated or appointed in accordance with paragraph (2) ceases to hold that position, the Board is not required to nominate or appoint a replacement if, in its opinion, there remains a sufficient number of responsible officers appointed or nominated under that paragraph.

(5) Subject to paragraph (6), a body listed in Part 2 of the Schedule to these Regulations which is a designated body by virtue of regulation 4(3) is not required to nominate or appoint a responsible officer if, and for so long as, there is no prescribed connection under regulation 10 between that body and any medical practitioner.

(6) Paragraph (5) does not apply where a medical practitioner would have, but for the application of regulation 12, a prescribed connection with a designated body under regulation 10.”.

(3) In regulation 9(1)(a) (nomination of responsible officer by the Secretary of State) after “responsible officer” insert “or a sufficient number of responsible officers”.

(4) In regulation 10 (connection between designated bodies and medical practitioners)—

(a) before paragraph (1)(a) insert—

“(za) the designated body is the Faculty of Medical Leadership and Management<sup>(1)</sup> and the medical practitioner holds the post of either the National Medical Director or National Deputy Medical Director of the Board;”;

(b) after paragraph (1)(a)(i) insert—

“(ia) a Local Education and Training Board<sup>(2)</sup> and the medical practitioner is a doctor in training who is a member of a foundation or speciality training programme managed by that Board; or”;

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(1) The Faculty of Medical Leadership and Management was established in 2011 and works to promote excellence in leadership on behalf of all doctors in public health, primary and secondary care, and at all stages of a medical career.

(2) Local Education and Training Boards are committees of Health Education England.

- (c) in paragraph (1)(b)—
- (i) for “where sub-paragraph (a) does not apply” substitute “where none of the preceding sub-paragraphs apply”;
  - (ii) after “medical performers list” insert “or ophthalmic performers list”;
- (d) for paragraph (1)(b)(i) substitute—
- “(i) regulations 3(1)(a) or 3(1)(c) (as the case may be) of the National Health Service (Performers Lists) (England) Regulations 2013(3);”;
- (e) after paragraph (1)(b)(iii) insert—
- (ba) where none of the preceding sub-paragraphs apply, the designated body is Public Health England(4) and the medical practitioner is employed by a local authority in England;
  - (bb) where none of the preceding sub-paragraphs apply, the designated body is the Pathology Delivery Board and the medical practitioner is on the Home Office Register of Forensic Pathologists(5);”;
- (f) for paragraph (c) substitute—
- “(c) where none of the preceding sub-paragraphs apply, the medical practitioner is employed by the designated body;”;
- (g) for regulation (f) substitute—
- “(f) the designated body owns or manages a hospital and the medical practitioner has responsibility for treating patients in that hospital in accordance with practising privileges for that hospital;”;
- (h) for regulation (g) substitute—
- “(g) where none of the preceding sub-paragraphs apply, the designated body is—
- (i) the Faculty of Occupational Medicine,
  - (ii) the Faculty of Public Health,
  - (iii) the Faculty of Pharmaceutical Medicine,
  - (iv) the Faculty of Homeopathy,
  - (v) the Faculty of Medical Leadership and Management, or
  - (vi) the British College of Aesthetic Medicine,
- and the medical practitioner is a member of that body, or where the medical practitioner is a member of more than one of those bodies, that body with which the medical practitioner has been a member for the longest period;”.
- (5) In regulation 11 (responsibilities of responsible officers: prescribed connection under regulation 10) for paragraph (6) substitute—
- “(6) Where a responsible officer is nominated or appointed in accordance with regulation 5(2) (the Board: sufficient number of responsible officers) the division of responsibilities under paragraph (1) for each responsible officer is to be determined by the Board.”.
- (6) For regulation 12 (connection between designated bodies and medical practitioners who are responsible officers) substitute—

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(3) [S.I. 2013/335](#).

(4) Public Health England is an executive agency of the Department of Health.

(5) Admission to the Home Office Register of Forensic Pathologists is controlled by the Pathology Delivery Board and in particular by its sub committee, Registration and Training, which reviews all applications on behalf of that Board.

**“Connection between designated bodies and medical practitioners who are responsible officers**

**12.—(1)** A registered medical practitioner who is a responsible officer for a body referred to in column 1 of the table has, for the purposes of section 45B of the Act, a prescribed connection with the body, Department or persons referred to in the corresponding entry in column 2 of that table.

**Table**

| <i>Column 1</i>   | <i>Column 2</i>   |
|---|---|
| <i>(Body of which a registered medical practitioner is a responsible officer)</i>   | <i>(Body with which there is a prescribed connection)</i>   |
| <b>1.</b> Any Government department or executive agency of a Government department in England.  | <b>1.</b> Department of Health.                             |
| <b>2.</b> Any non-departmental public body in England except the Board.   | <b>2.</b> Department of Health.                             |
| <b>3.</b> Local Education and Training Boards.  | <b>3.</b> Health Education England <sup>(6)</sup> .         |
| <b>4.</b> Any body in England not falling within the preceding entries except—  | <b>4.</b> the Board.  |
| (a) the Board,  |   |
| (b) Faculty of Medical Leadership and Management.   |   |
| <b>5.</b> The Board in respect of a medical practitioner appointed or nominated under regulation 5(2) who holds the post of National Medical Director or National Deputy Medical Director of the Board. | <b>5.</b> the Faculty of Medical Leadership and Management. |
| <b>6.</b> The Board in respect of a medical practitioner appointed or nominated under regulation 5(2) and not falling in the preceding entry.   | <b>6.</b> the Board.  |
| <b>7.</b> Any body in Scotland.   | <b>7.</b> the Scottish Ministers.                           |
| <b>8.</b> Any body in Wales.  | <b>8.</b> the Welsh Ministers.                              |

(2) A medical practitioner who is a responsible officer for—

- (a) the Department of Health;
- (b) the Scottish Ministers;
- (c) the Welsh Ministers; or
- (d) the Faculty of Medical Leadership and Management,

does not have a prescribed connection with a designated body under these Regulations.”.

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<sup>(6)</sup> Health Education England was established as a Special Health Authority on 28th June 2012 by the Health Education England (Establishment and Constitution) Order 2012 (S.I. 2012/1273).

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

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(7) In regulation 13 (responsibilities of responsible officers: prescribed connection under regulation 12) for paragraph (6) substitute—

“(6) Where a responsible officer is nominated or appointed in accordance with regulation 5(2) (the Board: sufficient number of responsible officers) the division of responsibilities under paragraph (1) for each responsible officer is to be determined by the Board.”

(8) In regulation 14 (provision of resources to responsible officers) in the first line of paragraph (1) after “the responsible officer” insert “or responsible officers (as the case may be)”.