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STATUTORY INSTRUMENTS

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**2023 No. 828**

**The National Health Service (Performers Lists)  
(England) (Amendment) (No. 2) Regulations 2023**

**National disqualification**

**14.** After regulation 17 (restrictions on withdrawal from performers list) of the 2013 Regulations insert—

**“National disqualification**

**17A.** Where the First-tier Tribunal imposes a national disqualification from a performers list on a Practitioner under section 159 of the National Health Service Act 2006<sup>(1)</sup>—

- (a) the reference in section 159(8)(a) of that Act to a period of two years is to be treated as a reference to a period of five years if the Tribunal is of the opinion that the criminal or professional conduct of the Practitioner is such that there is no realistic prospect of a review being successful if held within that period of two years;
- (b) the reference in section 159(8)(b) of the Act to a period of one year is to be treated as a reference to a period of three years if the Tribunal is of the opinion that the criminal or professional conduct of the Practitioner is such that there is no realistic prospect of a further review being successful if held within that period of one year;
- (c) the references in section 159(8)(a) and (b) of the Act to periods of two years and one year are each to be treated as references to a period of one day, if—
  - (i) a criminal conviction considered by the Tribunal in reaching a decision to impose the national disqualification has been quashed or the penalty reduced on appeal; or
  - (ii) the decision of a licensing, regulatory or other body considered by the Tribunal in reaching a decision to impose the national disqualification has been quashed or the penalty reduced on appeal.”.

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(1) Section 159 was amended by the Health and Care Act 2022 (c. 3), the Health and Social Care Act 2012 (c. 7) and the Transfer of Tribunal Functions Order 2010 (S.I. 2010/22).