
WELSH STATUTORY INSTRUMENTS

2016 No. 101

The National Health Service (Performers Lists) (Wales) (Amendment) Regulations 2016

Amendment of regulation 4A of the principal Regulations

- 4.—(1) Regulation 4A of the principal Regulations is amended as follows.
- (2) For regulation 4A(1), substitute—
- “(1) An application by a performer already included in a performers list held by a primary care organisation shall be made by sending the Local Health Board an application in writing, which must include the information, undertakings, consents and documentation required by this regulation, and—
- (a) in relation to application for inclusion in the medical performers list, satisfy the requirements of regulation 23A; and
- (b) in relation to an application for inclusion in the dental performers list, satisfy the requirements of regulation 30A.”.
- (3) For regulation 4A(2), substitute —
- “(2) The performer shall provide the information as required by paragraphs (2)(a), (b), (c), (d), (g), (h), (i), (j) and (k) of regulation 4.”.
- (4) For regulation 4A(3), substitute —
- “(3) The performer shall provide the information and undertakings as required by paragraphs (3)(a), (b), (c), (d), (e) and (h) of regulation 4.”.
- (5) For regulation 4A(4), substitute —
- “(4) The performer shall provide an enhanced criminal record certificate as required by paragraph (3)(f) of regulation 4 unless:
- (a) the performer is registered with the Disclosure and Barring Service Update Service and has provided all necessary authority and information to allow the Local Health Board to view the performer’s online Disclosure and Barring Service certificate status at any time, and an undertaking that if the Local Health Board’s Disclosure and Barring Service status check indicates that the performer’s enhanced criminal record certificate is no longer current, that the performer will provide the Local Health Board with a new enhanced criminal record certificate under section 113B of the Police Act 1997; or
- (b) the performer has provided a certificate to the primary care organisation with which he or she is listed which is dated within three years immediately preceding the date upon which the performer makes the application under this regulation to the Local Health Board, in which case the performer shall provide the Local Health Board with a certified copy or give all necessary authority to enable the Local Health Board to make a request to the primary care organisation to obtain a certified copy of the certificate.”.
- (6) In regulation 4A(5)(b), for “Local Health Board”, substitute “primary care organisation”.

(7) For regulation 4A(8), substitute —

“(8) Upon receipt of a performer’s application made in accordance with this regulation, a Local Health Board will consider the application and notify the performer of their decision as to whether:

- (a) the performer is provisionally included in its performers list (with or without conditions);
- (b) the decision on the application is deferred until the Local Health Board has received and considered all the information required under this regulation; or
- (c) the performer is refused admission to its performers list.”.

(8) After regulation 4A(8), insert—

“(8A) A performer who is provisionally included on a Local Health Board performer list pursuant to regulation 4A may perform primary services until the first of the following events arises:

- (a) the Local Health Board, after considering the performer’s online Disclosure and Barring Service certificate status, or the enhanced criminal record certificate required by regulation 4A(4)(b), the information and clinical references required by paragraph (5)(b), and the information relating to a general medical practitioner’s medical qualifications required by regulation 23A(6) or a dentist’s dental qualifications required by regulation 30A(5), notifies the performer of its decision to —
 - (i) include the performer in the performers list;
 - (ii) contingently remove the performer from the performers list; or
 - (iii) remove the performer from the performers list; or
- (b) the end of a period of three months, starting on the date on which the Local Health Board receives the application under this regulation from the performer.

(8B) If the Local Health Board defers their decision pursuant to paragraph (8)(b) of this regulation the Local Health Board must notify the performer of the reasons for the deferral.

(8C) The Local Health Board may only defer a decision under paragraph (8)(b) until such time as the Local Health Board receives and considers the enhanced criminal record certificate as required by paragraph (4)(b), the information and clinical references required by paragraph (5)(b), and the information relating to a general medical practitioner’s medical qualifications required by regulation 23A(6) or a dentist’s dental qualifications required by regulation 30A(5), as appropriate.

(8D) The Local Health Board shall notify the performer as soon as possible that —

- (a) the performer’s application to be included in its performers list has been successful; or
- (b) the Local Health Board has decided to refuse the application or impose conditions on the performer’s inclusion and the reasons for that (including any facts relied upon), and any right of appeal under regulation 15.”.