STATUTORY INSTRUMENTS

2015 No. 362

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Performers Lists) (England) (Amendment) Regulations 2015

Made - - - -	*24th February 2015*
Laid before Parliament	*26th February 2015*
Coming into force - -	*1st April 2015*

The Secretary of State for Health, in exercise of the powers conferred by sections 91, 106, 123 and 272(7) and (8) of the National Health Services Act 2006(**1**), makes the following Regulations.

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Performers Lists) (England) (Amendment) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations apply to England only.

Amendment of the National Health Service (Performers Lists) Regulations 2013

2. The National Health Service (Performers Lists) (England) Regulations 2013(**2**) are amended in accordance with regulations 3 to 13.

3. In regulation 2 (interpretation) at the appropriate place in the alphabetical order insert—

""dentists register" means the register referred to in section 14(1) of the Dentists Act 1984(**3**);

"protected caution" means a caution of the kind described in article 2A(1) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**4**);

"protected conviction" means a conviction of the kind described in article 2A(2) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975;".

(**1**) 2006 c.41. Section 91 was amended by the Health and Social Care Act 2012 (c.7) ("the 2012 Act"), section 55 and Schedule 4, Part 4, paragraph 35. Section 106 was amended by the 2012 Act, section 55 and Schedule 4, Part 5, paragraph 47. Section 123 was amended by the 2012 Act, section 55 and Schedule 4, Part 6, paragraph 60.
(**2**) S.I. 2013/335.
(**3**) 1984. c. 24. Section 14 was substituted by S.I. 2005/2011, articles 2 and 6 and amended by S.I. 2007/3101, regulations 109 and 111.
(**4**) S.I. 1975/1023. Regulation 2A was inserted, in relation to England and Wales, by S.I. 2013/1198, articles 2 and 4.

4. In paragraph (5) of regulation 4 (application for inclusion in a performers list)—

(a) in sub-paragraph (a) after "United Kingdom" insert "(but the Practitioner need not declare a protected conviction)";

(b) in sub-paragraph (b) after "United Kingdom" insert "(but the Practitioner need not declare a protected caution)";

(c) in sub-paragraph (e) after "Wales" insert "(but the Practitioner need not declare such an offence if the offence would constitute a protected conviction if committed in England and Wales)".

5. In regulation 12 (suspension)—

(a) after paragraph (1) insert—

"(1A) The Board must suspend a Practitioner from a performers list if the Practitioner's registration—

(a) in the register of medical practitioners is subject to an interim suspension order made under section 41A of the Medical Act 1983(**5**);

(b) in the dentists register is subject to an interim suspension order made under section 32 of the Dentists Act 1984(**6**);

(c) in the register maintained by the General Optical Council under section 7(a) or 8B(1)(a) of the Opticians Act 1989(**7**) is subject to an interim suspension order made under section 13L(**8**) of that Act.

(1B) A suspension under paragraph (1A) will cease to have effect on the date that the interim suspension order referred to in that paragraph ends.

(1C) Where the Board suspends a Practitioner under paragraph (1A) it must notify the Practitioner of the suspension and the reason for it.";

(b) in paragraph (2), after "considering suspending a Practitioner" insert "under paragraph (1)";

(c) in paragraph (6), after "suspension" insert "under paragraph (1)";

(d) in paragraph (21)—

(i) after "suspension" where it first appears insert "imposed under paragraph (1)";

(ii) for "revoke a suspension" substitute "revoke that suspension";

(e) after paragraph (22), insert—

"(23) Nothing in paragraph (22) prevents a Practitioner from being removed from a performers list pursuant to regulation 11(1)(c), 14 or 17(6)(b).".

6. In regulation 16(9)(a) (reviews), after "or (d)" insert ", or (1A)".

7. In regulation 18 (notification), in paragraph (2)(e) for "14 or 17(6)(b)" substitute "14, 16(2)(c) or (3)(c), 17(6)(b), 28(1), 35(1) or 41(1)".

8. In regulation 20 (restrictions on withdrawal from performers list), in paragraph (1)(a) after "or (b)" insert "or regulation 12(1A)".

9. In regulation 28(1)(grounds for removal from the medical performers list)—

(**5**) 1983 c.54. Section 41A was inserted by S.I. 2000/1803, article 10, substituted by S.I. 2002/3135, articles 2 and 13 and amended by S.I. 2006/1914, articles 2, 14 and 59.
(**6**) 1984 c.24. Section 32 was substituted by S.I. 2005/2011, articles 2 and 23.
(**7**) 1989 c.44. Section 7(a) was substituted by S.I. 2005/848, articles 2 and 7(1); section 8B was inserted by S.I. 2007/3101, regulations 178 and 180.
(**8**) Section 13L was inserted by S.I. 2005/848, articles 2 and 16.