

**FROM THE DIRECTOR OF PRIMARY CARE**

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**CIRCULAR NO. HSS(PCD) 7/2004**

To: The Chief Executive of each Health and Social Services Board  
The Chief Executive of the Central Services Agency  
GMS Contractor Practices  
The Chief Executive of each HSS Trust

Copied for information to: Chair, GPC(NI)  
Chair, BMA Council  
Chair of each Local Medical Committee  
Chair, RCGP(NI)  
Secretary, BMA(NI)  
Chairs of Out of Hours GP Co-operatives  
Chair, Non-Principals Association  
Dr Agnes McKnight, Northern Ireland Medical & Dental  
Training Agency

File Ref: BP1106/04

2 June 2004

Dear Colleague

**THE HEALTH AND PERSONAL SOCIAL SERVICES (PRIMARY MEDICAL SERVICES PERFORMERS LISTS) REGULATIONS (NORTHERN IRELAND) 2004 (S.R. 2004 No. 149)**

**Introduction**

1. The above Regulations, which came into operation on 1 April 2004, give effect to the agreement in the new GMS Contract that existing lists should be replaced by a single primary medical services performers list in each Health

and Social Services Board area, on which any general medical practitioner wishing to perform primary medical services in that area would have to be included.

2. Accordingly, the Regulations introduce primary medical services performers lists, in place of the former medical lists, and require Boards to maintain and publish such a list for their respective areas. The Regulations further provide that no general medical practitioner can perform primary medical services (which includes general medical services), unless he/she is on the performers list of the Board in whose area those services are to be performed. This also means that any general medical practitioner who treats patients in more than one Board area must secure admission to the performers list of each of the Boards concerned.
3. Resulting from the new legislative requirements, any general medical practitioner newly entering general practice here, or moving to work in Northern Ireland as a GP, will now have to apply for inclusion on the performers list of the Board (or Boards) where they will be performing services. Attached at **Annex B** is a model standard application form, which can be used for this purpose. With regard to general medical practitioners, both principal and non-principal, who already perform services here, the immediate implications of the new arrangements are set out in the following paragraphs.

#### **Implications of the new listing arrangements for existing non-principal GPs**

4. In the light of the new Regulations, non-principal GPs who are currently performing primary medical services and who will not yet be on a performers list (including locums, deputies, associates, assistants, GP registrars and retainers) will now have to apply for inclusion on the performers list of the relevant Board (or Boards). To allow such GPs time to make their applications, and for Boards to process them, the Regulations provide for a period of easement of 6 months, which means that the GPs concerned have until **1 October 2004** to secure admission to the relevant list (or lists).
5. Such GPs should now apply for admission to the list of the Board (or Boards) in whose area they perform, or intend to perform, services using the application form at **Annex B**. The completed form should be sent to the Central Services Agency. As indicated on the form, it should be returned by **5 July 2004** to ensure that it is processed by 1 October 2004. Copies of the form are also available on request from the Agency [contact Norma Magee, FPS Directorate on (028) 90535521, e-mail: [mageen@csa.n-i.nhs.uk](mailto:mageen@csa.n-i.nhs.uk)].
6. As required by the Regulations, the application form asks applicants to give the names and addresses of two referees who are willing to provide clinical references relating to two recent posts, lasting at east three months. It is recognised that for some non-principals, for example, locums, it may be difficult to fully comply with this request. Some easement has therefore been provided in the Regulations, and the applicant may instead offer a full explanation and the name and address of any alternative referee or referees.

### **Implications of the new listing arrangements for existing GP Principals**

7. Under the terms of the new legislation, GP principals who were on a Board's medical list on 31 March 2004 automatically transferred to that Board's performers list on 1 April. Those who currently perform services only in the area of the Board on whose list they have been included are, therefore, not immediately affected by the new arrangements. However, principals who also perform services in the area of another Board, for example, as a locum, or whose practice area straddles Board boundaries, or who have a branch surgery located in another Board area, will also have to secure admission to the performers list of that other Board (or Boards).
8. Existing GP principals who need to secure admission to the list of another Board (or Boards), either now or in the future, should do so using the application form at **Annex C**. This is an abridged version of the standard application form, which requires less information to be provided, but which asks the applicant to make the declarations and give the undertakings required by Schedule 1 to the Regulations (a copy of which is attached to this Circular and which will be issued with application forms). Where admission to the relevant Board list has to be secured by 1 October, the completed form should be sent to the Central Services Agency by **5 July 2004**.
9. Although the abridged application form will generally be acceptable in the circumstances indicated above, the recipient Board will still have the right to ask for additional information, if it considers it necessary.

### **Implications of new listing arrangements for providers**

10. GMS contractors, or contractors who enter into a different form of contract with a Board to provide primary medical services, need to be aware that, with effect from **1 October 2004**, they cannot employ or engage any general medical practitioner to perform services who is not included on the performers list of the relevant Board. (The exception to this is GP Registrars, who are permitted by the Regulations to start their training without the list admission process having been completed – see paragraph 3 of Annex A.) Contractors should also ensure that any non-principal GP whom they currently employ or engage to perform services is aware of the new listing requirements and their attention should be drawn to this guidance.

### **Functions to be carried out by Boards in relation to Performers Lists**

11. Under the terms of the Regulations, Boards are required to maintain and publish a primary medical services performers list. They will be responsible for determining applications for inclusion on that list, and will take the decision whether to include the applicant. To the extent that it is permitted by the Regulations, they may reject an application or defer taking a decision on it. The Regulations also specify the circumstances in which a Board must remove a general medical practitioner from its list.

## **Role of the Central Services Agency**

12. To assist the Boards in carrying out their responsibilities, certain functions will be carried out by the Central Services Agency. The Agency will be the recipient of all applications for inclusion on lists and, on behalf of the relevant Board or Boards (where the applicant is seeking inclusion on more than one list) will verify information provided on applications forms, carry out a criminal records check and seek references from the referees nominated by the applicant. When these actions are completed, it will copy the application form and the references, along with any other relevant information, to the appropriate Board(s), who will make the decision whether to include the applicant on its performers list. The Agency will also notify the applicant if they have been successful in gaining admission to the list (or lists). If an application has been rejected, it will be the responsibility of the Board to notify the applicant and to give the reasons. The Agency will also keep each Board's performers list up to date, adding or removing names on Board instructions, and will publish and circulate lists, as required by the Regulations.

## **Model Reference Form**

13. Boards may wish to consider drawing up a model reference form for issue to referees, specifying the nature of the information they are seeking.

## **Guidance on the Regulations**

14. A commentary on the main provisions of the Performers Lists Regulations is provided at **Annex A**. A copy of the Regulations is enclosed with this Circular.
15. This guidance, the application forms and the Regulations are also available on the Department's website [www.dhsspsni.gov.uk/hss/gp\\_contracts/index.asp](http://www.dhsspsni.gov.uk/hss/gp_contracts/index.asp)

## **Action**

16. (i) Boards are requested to:
  - note and comply with this guidance and with the responsibilities placed on them by the Regulations in regard to the preparation, publication and maintenance of primary medical services performers lists;
  - expedite the processing of applications from those who have to gain admission to the list by 1 October 2004.
- (ii) The CSA is requested to:
  - ensure that it has the necessary arrangements in place to carry out relevant functions on behalf of the four Boards, discussing and agreeing such arrangements with the Boards as necessary;

- write to GP assistants, associates and those on its locum distribution list, enclosing a copy of this guidance, drawing their attention to the new listing requirements.

(iii) GMS contractors are requested to:

- note that, with effect from 1 October 2004, they cannot employ or engage a general medical practitioner to perform primary medical services unless he or she is included on the performers list of the relevant Board;
- ensure that any non-principal general medical practitioner whom they currently employ or engage to perform primary medical services is aware of the new listing requirements and the date by which admission to the relevant performers list must be secured.

(iv) Non-principal GPs should now apply for admission by 1 October 2004 to the performers list of the Boards (or Boards) in whose area they perform, or wish to perform, services, using the application form at Annex B.

(v) GP principals, who perform, or wish to perform, primary medical services in the area of a Board which is different from the Board on whose performers list they have been included, should now apply for admission to the list of that Board (or Boards) by 1 October 2004, using the application form at Annex C.

17. To further publicise the new listing requirements, the Department intends to place a notice in the medical and local press in conjunction with the issue of this guidance. It will also contact the Northern Ireland Medical and Dental Training Agency to request its assistance in notifying GP retainers and GP registrars of the new requirements.

### **Contact point for queries**

18. Any queries arising from this guidance should be directed to:

Beatrice Major  
GMS Contract Branch  
Room D3.21  
Castle Buildings  
Stormont Estate  
BELFAST BT4 3SQ  
*Direct Line: (028) 9052 0242*  
*e-mail: [Beatrice.Major@dhsspsni.gov.uk](mailto:Beatrice.Major@dhsspsni.gov.uk)*

Yours sincerely

**Dr J F Livingstone**

**THE HEALTH AND PERSONAL SOCIAL SERVICES (PRIMARY MEDICAL SERVICES PERFORMERS LISTS) REGULATIONS (NORTHERN IRELAND) 2004 (S.R. 2004 No. 149)**

1. The main provisions of the Regulations are described below. This commentary should be read in conjunction with the Regulations.

**Regulation 3 - Primary Medical Services Performers**

2. Regulation 3 provides that medical practitioners may not perform primary medical services for which a Board is under a duty to provide or secure the provision of, unless they are included in the primary medical services performers list maintained by that Board.
3. There are, however, certain specified exceptions to this requirement. The exceptions relate to medical practitioners who are provisionally registered under certain sections of the Medical Act, and GP Registrars. The provisionally registered practitioners will be Pre-Registration House Officers and Senior House Officers who are in training and who may spend varying amounts of time in supervised training in primary care settings, in order to get a taste of what life is like as a GP. Easement is also provided in the Regulations for GP Registrars, since it may not always be possible to complete the list admission process before the date on which they are due to begin their training. Accordingly, regulation 3(3) provides that a GP Registrar may perform primary medical services despite not being included in a performers list, so long as he/she has applied to the relevant Board for inclusion. This easement lasts until either the Board gives the Registrar its decision on the application, or for two months after the start of the training period (whichever is the earlier). (Boards need to ensure, therefore, that applications from GP Registrars for inclusion on lists after 1 October are processed before the expiry of the two month period.)
4. Regulation 3(4) provides the easement for those practitioners who are not yet listed and allows them to perform services without being included on the relevant list (or lists) until 1 October 2004.

**Regulation 4 – Primary Medical Services Performers Lists**

5. This regulation requires each Board to prepare a primary medical services performers list of medical practitioners who may perform services in its area. It also specifies the information about each performer which must be contained in the list. This includes, for example, the performer's date of birth, where the performer has consented to its inclusion.

**Regulation 5 – Publication of primary medical services performers lists**

6. This places a duty on Boards to publish and keep up-to-date their primary medical services performers lists. They are required to make copies of the list available for inspection at places they consider convenient for informing interested persons within the Board's area. They are also required to send a copy of the list, at intervals of three months, to the Department, the LMC, the LPC and to pharmacists within the Board's area.

**Regulation 6 – Application for inclusion in the primary medical services performers list**

7. Applications for inclusion in a Board's primary medical services performers list must be made in writing to the Board and must include the information, declarations and undertakings specified in Schedule 1 to the Regulations. Before reaching a decision on an application, the Board must check, so far as practicable, the information provided in the application and obtain references from the two referees named by the applicant. If the Board considers that it requires further information to enable it to reach a decision, it will request the applicant to provide such additional information and the applicant will be required to do so.

**Regulation 7 – Decisions on applications and grounds for refusal and deferral**

8. This regulation specifies the grounds on which the Board must refuse an application for admission to its list: for example, if the applicant is not a general medical practitioner; is the subject of a direction or order made by the Professional Conduct Committee or a Fitness to Practise Panel under the Medical Act; or has been convicted in the UK of murder or another criminal offence for which the sentence was a term of imprisonment of over 6 months. The Board must also refuse the application if, having contacted the referees provided by the applicant, it is not satisfied with the references (if any) provided, or, if it is not satisfied that the applicant has a sufficient knowledge of English. Regulation 7(2) also refers to the Board's duty not to enter an applicant on its list if the applicant has been disqualified or suspended from a list by the Tribunal, or is the subject to inquiry by the Tribunal in a fraud case.
9. When the Board has decided whether or not to admit the applicant to its list, it must notify the applicant within 7 days of reaching that decision, and, where it has decided not to admit the applicant, it must give the applicant the reasons for that decision (including any facts it has relied on) and inform the applicant of his/her right of appeal to the Department against that decision.
10. The grounds on which a Board must defer a decision on an application are also specified. These include the grounds that the applicant is the subject of criminal proceedings in the UK or elsewhere in the world, or is the subject of investigation by any licensing or regulatory body relating to his/her professional conduct, the outcome of which proceedings or investigation would be likely to lead to refusal to include in, or removal from, a primary medical services performers list. A further ground for deferring a decision is that the applicant is the subject of other proceedings in the UK which would

be likely to result in the applicant being disqualified, removed or suspended from an equivalent list.

11. Where it defers a decision on an application, the Board must notify the applicant in writing, giving the reasons for the deferral. The Board may only defer the determination of an application until the outcome of the relevant event is known. Once that happens, the Board must ask the applicant if he/she wishes to proceed with the application and, if so, to provide details of any changes to the information included in the application within 28 days (or such longer period as the Board specifies). The Board will then consider the application and notify the applicant of its decision. Where it refuses the application, the Board must give its reasons (including any facts relied on) and inform the applicant of his/her right to appeal to the Department against the Board's decision.

**Regulation 8 – Requirements with which a medical practitioner included in a primary medical services performers list must comply**

12. This places a requirement on performers to comply with the undertakings specified in paragraph 3 of Schedule 1 (i.e. to inform the Board if any of the events listed in that paragraph occur). This requirement also applies to performers who did not have to apply for inclusion on the list (i.e. those who were automatically transferred from former medical lists).

**Regulation 9 - Removal from primary medical services performers lists**

13. This regulation specifies the grounds on which a Board must remove a performer from its list, in addition to its duty to remove the performer following their disqualification or suspension from the list by the Tribunal. These additional grounds, which are listed at paragraph (1)(a) to (c) of regulation 9, include: the death of the performer; the fact that he/she is no longer a general medical practitioner and conviction for murder. Where the Board has decided to remove the performer on any of the specified grounds, it must notify the performer in writing as soon as practicable, giving the reasons for the removal.

**Regulation 10 – Removal from the primary medical services performers list of medical practitioners not performing primary medical services**

14. This regulation gives a Board the power to remove a medical practitioner from its list, if it determines that he/she has not performed primary medical services for the preceding 12 months, unless the Department directs to the contrary. Certain periods which the Board must disregard in calculating the 12 months are specified at paragraph (2) of regulation 10 (e.g. any period during which the performer was suspended).
15. Paragraphs (3) to (7) specify the procedures to be followed by the Board, where it wishes to remove a performer from its list under regulation 10. Paragraph (8) makes specific provision about performers who have completed a period of relevant service in the armed forces.

### **Regulation 11 – Re-inclusion in a primary medical services performers list**

16. This regulation allows a Board to reinstate a medical practitioner who was removed from its list on grounds of conviction of a criminal offence, where that conviction is subsequently overturned on appeal, or the sentence is reduced on appeal to 6 months or less imprisonment. The medical practitioner may be re-included on the list without having to apply (or re-apply), if the Board is satisfied there is no further information it should consider, and provided it has received undertakings from the practitioner to comply with the Regulations.

### **Regulation 12 – Amendment of or withdrawal from primary medical services performers lists**

17. This regulation stipulates at paragraph (1) that a performer must notify the Board in writing within 28 days of any occurrence that requires a change in the information recorded on its primary medical services performers list. (The information which must be recorded on the list is specified in regulation 4(2)). On receiving such information, the Board must as soon as practicable amend its list accordingly.
18. Paragraph (2) of this regulation provides that, unless it is impracticable to do so, a performer must give a Board at least 3 months' notice of his/her intention to withdraw from that Board's list, and the Board shall so amend its list on the date on which the withdrawal is to take effect. Once a notice under this paragraph has been given to the Board, the performer cannot withdraw it without the consent of the Board.
19. Paragraph (5) of this regulation provides that a performer about whom representations have been made to the Tribunal is not entitled to withdraw from a list until those proceedings have been concluded, except with the consent of the Department and subject to such conditions as it may impose.

### **Regulation 13 – Appeal to the Department**

20. Paragraph (1) of regulation 13 allows a person to appeal to the Department for a re-determination of a Board's decision in the following circumstances, namely, where their application has been refused under regulation 7, or where the Board has decided to remove them from the list pursuant to regulation 10(1) (removal on grounds that they have not been performing primary medical services). Paragraphs (2) and (3) prescribe how an appeal should be made, and paragraphs (4) to (9) prescribe the procedures to be followed by the Department following receipt of an appeal. Paragraphs (10) and (11) set out the courses which may be taken by the Department where it allows an appeal.

### **Regulation 14 – Disclosure of information**

21. Regulation 14(1) stipulates that a Board must notify certain persons within 7 days of any decision to refuse to admit an applicant to its list on the grounds

specified in regulation 7(1), or to remove a performer from its list under regulation 9 or 10. The persons who are to be so notified are specified in paragraph (2), and persons to be additionally notified are specified at paragraph (3). The details which are to be notified under paragraph (1) are listed in paragraph (4). Paragraphs (5) to (8) specify further matters relating to the disclosure of information with which Boards must, or may, comply.

#### **Regulation 15 – Payment to suspended medical practitioners**

22. This regulation places a duty on a Board to make payments to a medical practitioner who has been suspended from its list. The payments must be in accordance with any determination made by the Department, following consultation with such persons as it considers appropriate.

#### **Schedule 1 – Information, declarations and undertakings to be included in an application for inclusion in a primary medical services performers list**

23. Paragraph 1 of the Schedule details the information to be provided by applicants, and paragraphs 2 and 3 list various declarations and undertakings which must be given by applicants as part of their application. Further to paragraph 2(e)(ii), paragraph 4 details the events which, if they arise, will require a GP Registrar to withdraw from the list.

**APPLICATION FOR INCLUSION IN A PRIMARY MEDICAL SERVICES  
PERFORMERS LIST (NON-PRINCIPALS)**

**NB: The completed application form should be returned by 5 July 2004 to:  
Norma Magee, FPS Directorate, Central Services Agency, 25 Adelaide Street, Belfast BT2 8FH.**

**1. Personal Details**

<b>Surname:</b>
<b>Forenames:</b>
<b>Sex:</b>
<b>Date of Birth*:</b>
<b>Private Address:</b>
<b>Post Code:</b>
<b>Home Tel. No:</b>
<b>Mobile Tel. No:</b>
<b>Work Tel. No:</b>
<b>E-mail address:</b>

**\* Do you consent to your DOB being included in the published list? Yes  No**

**2. Medical Qualifications and Institution which awarded them**

<b>Qualification</b>	<b>Institution</b>	<b>Date awarded</b>

3. *Professional and Further Education*

<b>College/School/Institute or body responsible for training</b>	<b>Course attended</b>	<b>Date/Year</b>

4. *Professional registration number*

<b>Type of registration</b>	<b>Registration Number</b>	<b>Renewal/Expiry Date Day/Month/Year</b>
<b>Date of first registration in Medical Register</b>		

5. *Chronological details of professional experience, including starting and finishing dates of each appointment. (Note: An up-to-date curriculum vitae may be attached instead.)*

GP experience	Hospital appointments	Other experience

6. *Details of any list or equivalent list from which you have ever been disqualified, conditionally disqualified, removed or suspended or to which admission was refused (together with reasons for disqualification, conditional disqualification, removal, suspension or refusal)*

*(Please provide an explanation of any gaps between appointments, any additional supporting particulars and an explanation of dismissal from any post)*

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7. *Please give the names and addresses of 2 referees who are willing to provide clinical references relating to 2 recent posts as a medical practitioner, which lasted at least 3 months without a significant break and which may include a current post, or, where that is not possible, a full explanation and the name and address of any alternative referee or referees.*

<b>First referee:</b>	<b>Second referee:</b>
<b>Name:</b>	<b>Name:</b>
<b>Address:</b>	<b>Address:</b>
<b>Tel No:</b>	<b>Tel No:</b>

8. *If you are a national of a state which is within the European Economic Area, please provide evidence that you have a knowledge of English which, in the interests of the applicant and of patients who may receive primary medical services from the applicant, is necessary for performing primary medical services*

9. *Please state if you are a provider of primary medical services and give details of arrangements/agreements or contracts*

10. *Please state if you are a director or one of the persons with control of a corporate body and give the name of the registered office of that body*

11. *Please indicate whether you are you an armed forces GP*

YES/NO

12. *If you are a GP Registrar, give the name and address of the GP Trainer*

13. *Your application must include the declarations and undertakings required by paragraphs 2 and 3 of Schedule 1 to the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 149). The text of Schedule 1 is attached for ease of reference. Please read this carefully, before giving the required declarations and undertakings below.*

(i) I declare that none of the matters listed at paragraph 2(c) to (o) of Schedule 1 applies\* and I give the consent required by paragraph 2(p).

(ii) I also give the undertakings required by paragraph 3 of Schedule 1.

\*If any of the matters listed in paragraph 2(c) to (o) of Schedule is applicable, please provide details on the next page.

*I hereby apply for inclusion on the primary medical services performers list of the Board(s) indicated on page 7 of the application form.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Declarations under paragraph 2 of Schedule 1**

I wish to declare the following.

**NOTE: ALL APPLICANTS MUST COMPLETE THIS PAGE**

**AREAS IN WHICH SERVICES ARE TO BE PERFORMED**

Please indicate below the Board Areas in which you perform, or wish to perform, primary medical services:

<b>Board Area</b>	<b>Please <math>\checkmark</math></b>
<b>Eastern Health and Social Services Board</b>	
<b>Northern Health and Social Services Board</b>	
<b>Southern Health and Social Services Board</b>	
<b>Western Health and Social Services Board</b>	

**NB: YOU ARE NOT REQUIRED TO MAKE A SEPARATE APPLICATION TO EACH BOARD. THE CSA WILL FORWARD YOUR APPLICATION TO THE BOARD OR BOARDS CONCERNED.**

**FOR BOARD USE ONLY:**

I confirm that, the necessary verification processes having been undertaken, including the taking up of references, Dr [ full name ] has been included in the Board's Primary Medical Services Performers List with effect from [date].

[Name] Board

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION FOR INCLUSION IN A PRIMARY MEDICAL SERVICES PERFORMERS LIST (PRINCIPALS)**

**NB: The completed application form should be returned by 5 July 2004 to:  
Norma Magee, FPS Directorate, Central Services Agency, 25 Adelaide Street, Belfast BT2 8FH.**

**1. Personal Details**

<b>Surname:</b>
<b>Forenames:</b>
<b>Sex:</b>
<b>Practice Address:</b>
<b>Post Code:</b>
<b>Home Tel. No:</b>
<b>Mobile Tel. No:</b>
<b>Work Tel. No:</b>
<b>E-mail address:</b>

- 2. I currently perform primary medical services in the area of the Eastern/Northern/Southern/Western [delete as appropriate] Board and I am included on that Board's primary medical services performers list.**

**I also currently perform/wish to perform [delete as appropriate] services in the area(s) of the Board(s) indicated below and I wish to apply for inclusion on the primary medical services performers list of that Board/those Boards.**

**Performers List(s) on which inclusion is sought:**

<b>Board Area</b>	<b>Please √</b>
<b>Eastern Health and Social Services Board</b>	
<b>Northern Health and Social Services Board</b>	
<b>Southern Health and Social Services Board</b>	
<b>Western Health and Social Services Board</b>	

**3. Your application must include the declarations and undertakings required by paragraphs 2 and 3 of Schedule 1 to the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 149). The text of Schedule 1 is attached for ease of reference. Please read this carefully, before giving the required declarations and undertakings below.**

(i) I declare that none of the matters listed at paragraph 2(c) to (o) of Schedule 1 applies\* and I give the consent required by paragraph 2(p).

(ii) I also give the undertakings required by paragraph 3 of Schedule 1.

\*If any of the matters listed in paragraph 2(c) to (o) of Schedule is applicable, please provide details on the next page.

***I hereby apply for inclusion on the primary medical services performers list of the Board(s) indicated above.***

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FOR BOARD USE ONLY**

I confirm that Dr [ full name ] has been included in the Board's Primary Medical Services Performers List with effect from [ date ].

[name] Board      Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Date: \_\_\_\_\_

**Declarations under paragraph 2 of Schedule 1**

I wish to declare the following.

## SCHEDULE 1

Regulation 6(1)

### INFORMATION, DECLARATIONS AND UNDERTAKINGS TO BE INCLUDED IN AN APPLICATION FOR INCLUSION IN A PRIMARY MEDICAL SERVICES PERFORMERS LIST

1. An application shall contain the following information:–

- (a) the applicant's full name, sex, date of birth and private address and telephone number;
- (b) a full description of the applicant's medical qualifications including the institution which awarded them;
- (c) the applicant's professional registration number and date of first registration in both registers;
- (d) chronological details of the applicant's professional experience (including the starting and finishing dates of each appointment together with explanation of any gaps between appointments) with any additional supporting particulars, and an explanation of why the applicant was dismissed from any post;
- (e) in relation to the applicant's professional experience provided under (d), the applicant shall separate that information into –
  - (i) general practice experience;
  - (ii) hospital appointments; and
  - (iii) other experience,with full supporting particulars of that experience;
- (f) details of any list or equivalent list from which the applicant has ever been disqualified, conditionally disqualified, removed or suspended or to which admission was refused together with reasons for disqualification, conditional disqualification, removal, suspension or refusal;
- (g) name and addresses of two referees who are willing to provide clinical references relating to two recent posts as a medical practitioner which lasted at least 3 months without a significant break and which may include a current post, or, where this is not possible a full explanation and name and address of an alternative referee or referees;
- (h) evidence that the applicant has a knowledge of English which, in the interests of the applicant and of patients who may receive primary medical services from the applicant, is necessary for performing primary medical services;
- (i) whether the applicant is a provider of primary medical services;
- (j) if the applicant is a provider of primary medical services, whether the applicant is a provider under more than one arrangement, agreement or contract to provide primary medical services and, if so, details of the other arrangement, agreement or contract;
- (k) if the applicant is the director or one of the persons with control of a corporate body, the name and registered office of that body;
- (l) whether the applicant is an armed forces GP;
- (m) if the applicant is a GP Registrar, the name and address of the GP Trainer.

2. An application shall contain the following declarations as to whether or not the applicant:–

- (a) is a medical practitioner included in both registers<sup>1</sup>;
- (b) if the applicant is a GP Registrar, and is not a fully registered medical practitioner included in register of medical practitioners, that the applicant is registered in that register with limited registration, with details of the limits of that registration, as defined in the direction by virtue of which the applicant is registered;
- (c) has been convicted of a criminal offence in the United Kingdom;
- (d) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Northern Ireland;
- (e) is currently the subject of any proceedings which might lead to a conviction specified in sub-paragraph (c) or (d);
- (f) has in summary proceedings in respect of an offence, been the subject of an order discharging the applicant absolutely (without proceeding to conviction);
- (g) has accepted and agreed to pay a penalty under Section 109A of the Social Security Administration (Northern Ireland) Act 1992, a penalty under Section 115A of the Social Security Administration Act 1992 or a procurator fiscal fine under Section 302 of the Criminal Procedure (Scotland) Act 1995;
- (h) has accepted a police caution in the United Kingdom;
- (i) has been bound over following a criminal conviction in the United Kingdom;
- (j) has been subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body where the outcome was adverse;
- (k) is currently subject to any investigation into the applicant's professional conduct by any licensing, regulatory or other body;
- (l) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
- (m) is the subject of any investigation or proceedings by another Board or equivalent body which might result in the applicant being disqualified, conditionally disqualified, removed or suspended from a list, or equivalent list;
- (n) is, or has been, where the outcome was adverse, the subject of any investigation into the applicant's professional conduct in respect of any previous or current employment;
- (o) is, or has in the preceding 6 months been, or was at the time of the events that gave rise to conviction, proceedings or investigation, a director or one of the body of persons with control of a body corporate which—
  - (i) has been convicted of a criminal offence in the United Kingdom;
  - (ii) has been convicted elsewhere of an offence which would constitute a criminal offence if committed in Northern Ireland;
  - (iii) is currently the subject of any proceedings which might lead to such a conviction;
  - (iv) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body; or
  - (v) is, to the applicant's knowledge, or has been, where the outcome was adverse, the subject of any investigation by the Agency in relation to fraud;
- (p) that the applicant consents to a request being made by the Board to any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub-paragraph, "employer" includes any partnership of which the applicant is or was a member.

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<sup>1</sup> Only the Medical Register is in operation. A separate GP Register is planned, but has not yet been introduced.

**3. An application shall include the following undertakings:–**

- (a) that the performer will participate in appropriate and relevant appraisal procedures;
  - (b) that the performer will notify the Board in writing within 7 days of its occurrence if the performer–
    - (i) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in Northern Ireland, would constitute a criminal offence
    - (ii) is convicted of a criminal offence in the United Kingdom;
    - (iii) is convicted in elsewhere of an offence which would constitute a criminal offence if committed in Northern Ireland;
    - (iv) has, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging the performer absolutely (without proceeding to conviction);
    - (v) has accepted and agreed to pay a penalty under Section 109A of the Social Security Administration (Northern Ireland) Act 1992, a penalty under Section 115A of the Social Security Administration Act (Northern Ireland) 1992 or a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995;
    - (vi) has accepted a police caution in the United Kingdom;
    - (vii) is bound over following a criminal conviction in the United Kingdom;
    - (viii) becomes the subject of any investigation into the performer’s professional conduct by any licensing, regulatory or other body;
    - (ix) is informed by any licensing, regulatory or other body of the outcome of any investigation into the performer’s professional conduct, and there is a finding against the performer;
    - (x) becomes the subject of any investigation or proceedings by another Board or equivalent body, which might result in the performer being disqualified, conditionally disqualified, removed or suspended from a list, or equivalent list;
    - (xi) is disqualified, conditionally disqualified, removed or suspended from or refused admission to any list or equivalent list;
    - (xii) is, was in the preceding 6 months, or was at the time of the events that gave rise to the charge, conviction or investigation, a director or one of the persons with control of a body corporate and that body corporate–
      - (aa) is charged in the United Kingdom with a criminal offence, or is charged elsewhere with an offence which, if committed in Northern Ireland, would constitute a criminal offence;
      - (bb) is convicted of a criminal offence in the United Kingdom;
      - (cc) is convicted elsewhere of an offence which, if committed in Northern Ireland, would constitute a criminal offence;
      - (dd) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body; or
      - (ee) is informed by any licensing, regulatory or other body of the outcome of any investigation into its provision of professional services, and there is a finding against it,
- together with details of the occurrence, including approximate dates, and where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome;
- (c) if the performer is a provider of primary medical services under a general medical services contract, to comply with the requirements of paragraph 116 (gifts) of Schedule 5 (other contractual terms) to the General Medical Services Contracts Regulations;
  - (d) if the performer is not a provider of primary medical services but performs primary medical services in accordance with a general medical services contract, to comply with

- the requirements of paragraph 116 (gifts) of Schedule 5 to the General Medical Services Contracts Regulations as though the performer were a provider of primary medical services;
- (e) if the performer is a GP Registrar, unless the performer has an acquired right under regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 that the performer will—
    - (i) not perform primary medical services except when acting for, and under the supervision of, the performer’s GP Trainer;
    - (ii) withdraw from the primary medical services performers list if any of the events in paragraph 4 takes place;
    - (iii) until the coming into force of Article 10 of the 2003 Order apply for a certificate of prescribed experience under regulation 10 of the Vocational Training Regulations or a certificate of equivalent experience under regulation 12 of those Regulations as soon as the performer is eligible to do so, and provide the Board with a copy of any such certificate; and
    - (iv) after the coming into force of Article 10 of the 2003 Order, provide the Health Board with evidence of the performer’s inclusion in the GP Register;
  - (f) that the performer shall consent to a request being made by the Board to any employer or former employer, licensing, regulatory or other body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse, into the applicant or a body corporate referred to in this paragraph and, for the purposes of this sub-paragraph, “employer” includes any partnership of which the applicant is or was a member.

4. The events to which this paragraph applies are—

- (a) the conclusion of any period of training prescribed by regulation 6(3) of the Vocational Training Regulations or after the coming into operation of Articles 4 and 5 of the 2003 Order, any period of general practice training required pursuant to those Articles, unless—
  - (i) it forms part of a vocational training scheme which has not yet been concluded, or
  - (ii) the GP Registrar provides the Board with—
    - (aa) a certificate of prescribed experience under regulation 10 of the Vocational Training Regulations,
    - (bb) a certificate of equivalent experience under regulation 12 of those Regulations, or
    - (cc) after the coming into operation of Article 10 of the 2003 Order, evidence of the applicant’s inclusion in the GP Register;
- (b) the failure satisfactorily to complete any period of training within the meaning of regulation 9 of the Vocational Training Regulations or after the coming into operation of Articles 4 and 5 of the 2003 Order, of general practice training within the meaning of those Articles; and
- (c) the completion of a vocational training scheme, unless the GP Registrar provides the Board with—
  - (i) a certificate of prescribed experience under regulation 10 of the Vocational Training Regulations,
  - (ii) a certificate of equivalent experience under regulation 12 of those Regulations, or
  - (iii) after the coming into operation of Article 10 of the 2003 Order, evidence of the GP Registrar’s inclusion in the GP Register.