

NATIONAL HEALTH SERVICE ACT 1977

Functions of Primary Care Trusts and Strategic Health Authorities (Enhanced Criminal Record Certificates) Directions 2004

The Secretary of State, in exercise of powers conferred on him by section 17 of the National Health Service Act 1977⁽¹⁾ hereby gives the following Directions: —

Application, citation, commencement and interpretation

1.—(1) These Directions may be cited as the Functions of Primary Care Trusts (Enhanced Criminal Record Certificates) Directions 2004 and shall come into force on 1st November 2004.

(2) These Directions are given to all PCTs in England and, in addition, direction 3 is also given to all SHAs in England.

(3) Words and phrases used in these Directions which appear in the Regulations have the meaning they bear in the Regulations and, in addition, in these Directions —

“enhanced criminal record certificate” means a enhanced criminal record certificate under section 115 of the Police Act 1997⁽²⁾;

“PCT” means a Primary Care Trust;

“the Regulations” means the National Health Service (Performers List) Regulations 2004⁽³⁾;

“relevant SHA” means the SHA established for an area which includes the area for which the PCT is established; and

“SHA” means a Strategic Health Authority.

Enhanced criminal record certificates

2.—(1) Each PCT shall, on or before 1st November 2004, require each medical practitioner, whose name is included in its medical performers list pursuant to Schedule 1 of the Regulations, to provide it with an enhanced criminal record certificate, in accordance with paragraph 13 of Schedule 1 to the Regulations, unless that Trust has already received such a certificate from that practitioner.

(2) In a case where the PCT is satisfied that the medical practitioner has, on or before 1st February 2005, applied to the Criminal Records Bureau in due form for an enhanced criminal record certificate, it shall, pursuant to paragraph 13(3)(a) of the Schedule to the Regulations, extend the period of 3 months prescribed in paragraph 13(2) of Schedule 1 to the Regulations period until such time as the Bureau supplies such a certificate.

¹ 1977 c.49. Section 17 was substituted by the Health Act 1999 (c.8), s. 12 and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), s. 1(3), Sch 1, Pt 1, paras 1 and 7 and the Health and Social Care Act 2001 (c.15), s. 67(1), Sch 5, Pt 1, para 5(1), (3).

² 1977 c.50

³ S.I. 2004/585.

Reports to SHAs

3. Each PCT shall report to the relevant SHA on or before 1st January 2005 and each month thereafter as to—
- (a) the number of enhanced criminal record certificates that have been provided to it under paragraph 13 of Schedule 1 of the Regulations on the date of the report;
 - (b) the number of certificates that remain to be provided to it under that paragraph on the date of the report; and
 - (c) the action that it is taking or has taken regarding certificates that have not been provided under that paragraph,
- until the SHA notifies it that it is no longer required to provide any further reports.

Signed by authority of the Secretary of State for Health

A handwritten signature in black ink, appearing to read 'P. Leitch', is written on a light blue rectangular background.

26 July 2004

Department of Health
A Member of the Senior Civil Service