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STATUTORY INSTRUMENTS

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**1996 No. 698**

**The National Health Service (Pharmaceutical Services) Amendment Regulations 1996**

**PART II**

**SUSPENSION BY THE NHS TRIBUNAL**

**Amendment of regulation 2 of the 1992 Regulations**

**2.** In regulation 2 of the 1992 Regulations (interpretation), in paragraph (1), after the definition of “Scheduled drug” insert—

““suspended by direction of the Tribunal” means suspended as respects the provision of pharmaceutical services by a direction of the Tribunal made pursuant to section 49A(2) or section 49B(1) of the Act<sup>(1)</sup> or to any provisions in force in Scotland or Northern Ireland corresponding to those provisions”.

**Amendment of regulation 17 of the 1992 Regulations**

**3.** In regulation 17 of the 1992 Regulations (removal from pharmaceutical lists), after paragraph (3) insert—

“(3A) A period during which the chemist was suspended by direction of the Tribunal does not count towards the period of six months referred to in paragraph (3)”.

**Payments to suspended chemists**

**4.** After regulation 18 of the 1992 Regulations insert—

**“Payments to suspended chemists**

**18A.—**(1) The Health Authority shall make payments to any chemist who is suspended by direction of the Tribunal in accordance with the Secretary of State’s determination in relation to such payments.

(2) The Secretary of State shall make the determination in accordance with paragraph (3) after consultation with such organisations as he may recognise as representing chemists with whom arrangements for the provision of pharmaceutical services exist, and it shall be published with the Drug Tariff.

(3) The determination may be amended from time to time by the Secretary of State after consultation with the organisations referred to in paragraph (2), and any amendments shall also be published with the Drug Tariff.

(4) Subject to paragraphs (5) and (6), the Secretary of State’s determination shall be such as to secure that, as far as reasonably practicable, and after making adjustments for

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(1) Sections 49A and 49B were inserted by section 2(1) of the National Health Service (Amendment) Act 1995 (c. 31).

any reduction in expenses, the suspended chemist receives payments at a rate corresponding to his remuneration under the Drug Tariff (but excluding any payments made by virtue of regulation 18(1)(f) and (i)) during the 12 months ending with the direction for suspension by the Tribunal.

(5) The Secretary of State's determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(6) In a case to which section 49B(3) of the Act applies, the determination shall provide for the payments to be reduced to take account of any payments which the suspended chemist receives for providing pharmaceutical services other than as a principal”.

### **Prevention of employment of disqualified or suspended pharmacists**

5.—(1) Paragraph 5 of Schedule 2 to the 1992 Regulations (which says that drugs must be provided either by or under the direct supervision of a pharmacist) is amended as follows.

(2) In sub-paragraph (1), omit the words from “who” to the end.

(3) After sub-paragraph (1) insert—

“(1A) Where the pharmacist referred to in sub-paragraph (1) is employed by a chemist, the pharmacist must not be one—

- (a) who, having been disqualified under section 46(2)(b) of the Act (or under any corresponding provision in force in Scotland or Northern Ireland) from inclusion in the pharmaceutical list of a Health Authority (or, in Scotland, of a Health Board or, in Northern Ireland, of a Health and Social Services Board), is also the subject of a declaration under section 46(2)(c) of the Act (or any corresponding provision in force in Scotland or Northern Ireland) that he is not fit to be engaged in any capacity in the provision of pharmaceutical services; or
- (b) who is suspended by direction of the Tribunal, other than in a case falling within section 49B(3) of the Act.”.