
STATUTORY INSTRUMENTS

2012 No. 1909

The National Health Service
(Pharmaceutical Services) Regulations 2012

PART 10

Performance related sanctions and market exit

Limitation on withdrawal from pharmaceutical lists while fitness investigations or proceedings are ongoing

76.—(1) If a Primary Care Trust (PCT1) would otherwise remove an NHS chemist (C) from its pharmaceutical list under regulation 75, but—

- (a) is investigating an NHS chemist (C) in order to see whether there are grounds for exercising its powers in relation to C under section 151, 152 or 154 of the 2006 Act **(1)**(which relate to disqualification of practitioners, contingent removal and suspension), or regulation 80;
- (b) has decided to—
 - (i) remove C from its pharmaceutical list under section 151 or 152 of the 2006 Act or regulation 80, or
 - (ii) contingently remove C under section 152 of the 2006 Act, but C has not yet been removed or contingently removed; or
- (c) has suspended C under section 154 of the 2006 Act,

it must not, without the consent of the Secretary of State, remove C from its pharmaceutical list under regulation 75 until the relevant investigation or proceedings have been concluded.

(2) If C's name is kept on PCT1's pharmaceutical list pursuant to paragraph (1)—

- (a) as regards C, PCT1 may exercise its functions under—
 - (i) Part 11 of these Regulations, and
 - (ii) Chapter 6 of Part 7 of the 2006 Act (pharmaceutical services and local pharmaceutical services – disqualification); but
- (b) for all other purposes, C is to be treated as having been removed from its pharmaceutical list under regulation 75.