
STATUTORY INSTRUMENTS

2013 No. 349

The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

PART 11

Enforcement, reviews and appeals relating to fitness matters

Procedure for suspensions in fitness cases

83.—(1) Where [F1NHS England] is considering suspending an NHS chemist (C) from a pharmaceutical list under section 154(1) or section 155(2) of the 2006 Act ^{M1} (which relate to suspension and suspension pending appeal), before reaching its decision, it must—

- (a) notify C of the action [F1NHS England] is considering taking and its grounds for considering taking that action; and
- (b) as part of that notification—
 - (i) where [F1NHS England] is considering taking action under section 154(1), inform C of any allegation against C, and
 - (ii) advise C that C may make oral representations to [F1NHS England] with regard to the possible suspension on a specified day, provided C notifies [F1NHS England] of C's wish to do so within a specified period (of not less than 24 hours).

(2) If, within the specified period—

- (a) C does not advise [F1NHS England] that C wishes to make oral representations to [F1NHS England] on the specified day, thereafter [F1NHS England] may suspend C with immediate effect; or
- (b) C does advise [F1NHS England] that C wishes to make oral representations to [F1NHS England] on the specified day, [F1NHS England] must not suspend C until after the oral hearing, but may then do so with immediate effect.

(3) Once [F1NHS England] has taken its decision, it must notify C of its decision as soon as is practicable, and it must include with the notification of its decision an explanation of—

- (a) the reasons for the decision;
- (b) if [F1NHS England] has decided to suspend C under section 154(1), the arrangements for review of the suspension under section 157(1) of the 2006 Act ^{M2} (review of decisions).

Textual Amendments

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), [Sch. para. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 83. (See end of Document for details)

Marginal Citations

- M1** Section 154 has been amended by the [Health and Social Care Act 2012 \(c. 7\)](#) (“the 2012 Act”), Schedule 4, paragraph 81, and by [S.I. 2010/22](#). Section 155 has been amended by the 2012 Act, Schedule 4, paragraph 82, and by [S.I. 2010/22](#).
- M2** Section 157 has been amended by the Health and Social Care Act 2012, Schedule 4, paragraph 83, and by [S.I. 2010/22](#).

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 83.