

SCHEDULE 4

[^{F1}NHS England's]Terms of service of NHS pharmacists

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**

PART 4

Other terms of service

Duty to provide information about fitness matters as they arise

31.—(1) An NHS pharmacist (P) and, where P is a body corporate, every director and superintendent of P must, within 7 days of its occurrence, inform [^{F1}NHS England] in writing if they—

- (a) are convicted of any criminal offence in the United Kingdom;
- (b) are bound over following a criminal conviction in the United Kingdom;
- (c) accept a police caution in the United Kingdom;
- (d) have, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging them absolutely (without proceeding to conviction);
- (e) have accepted and agreed to pay either a procurator fiscal fine under section 302 of the Criminal Procedure (Scotland) Act 1995 ^{M1} (fixed penalty: conditional offer by procurator fiscal) or a penalty under section 115A of the Social Security Administration Act 1992 ^{M2} (penalty as alternative to prosecution);
- (f) have been convicted of an offence elsewhere than in the United Kingdom where the originating events, if they took place in England, could lead to a criminal conviction in England;
- (g) are charged in the United Kingdom with a criminal offence, or are charged elsewhere than in the United Kingdom with an offence where the originating events, if they took place in England, could lead to a criminal conviction in England;
- (h) are notified by any licensing, regulatory or other body of the outcome of any investigation into their professional conduct, and there is a finding against them;
- (i) become the subject of any investigation into their professional conduct by any licensing, regulatory or other body;
- (j) become the subject of any investigation into their professional conduct in respect of any current or previous employment, or are notified of the outcome of any such investigation and any finding against them;
- (k) become the subject of any investigation by the NHS BSA in relation to fraud;
- (l) become the subject of any investigation by another primary care organisation which might lead to their removal from a relevant list; or
- (m) are removed, contingently removed or suspended from, refused inclusion in or conditionally included in any relevant list for a reason relating to unsuitability, fraud or efficiency of service provision,

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 31. (See end of Document for details)

and must give details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(2) If a person to whom paragraph (1) applies (X) is, or was at the time of the originating events, a director or superintendent of a body corporate, X must in addition inform [^{F1}NHS England] within 7 days if any such body corporate—

- (a) is convicted of any criminal offence in the United Kingdom;
- (b) is convicted of an offence elsewhere than in the United Kingdom where the originating events, if they took place in England, could lead to a criminal conviction in England;
- (c) is charged in the United Kingdom with a criminal offence, or is charged elsewhere than in the United Kingdom with an offence where the originating events, if they took place in England, could lead to a criminal conviction in England;
- (d) is notified 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 the body corporate;
- (e) becomes the subject of any investigation into its provision of professional services by any licensing, regulatory or other body;
- (f) becomes the subject of any investigation by the NHS BSA in relation to any fraud or is notified of the outcome of such an investigation where it is adverse;
- (g) becomes the subject of any investigation by another primary care organisation which might lead to its removal from any relevant list; or
- (h) is removed, contingently removed or suspended from, refused inclusion in or conditionally included in any relevant list for a reason relating to unsuitability, fraud or efficiency of service provision,

and must give the name and registered office of the body corporate and details of any investigation or proceedings which were or are to be brought, including the nature of the investigation or proceedings, where and approximately when that investigation or those proceedings took place or are to take place, and any outcome.

(3) P or X must consent to a request being made by [^{F1}NHS England] to any employer or former employer or licensing or regulatory body in the United Kingdom or elsewhere, for information relating to a current investigation, or an investigation where the outcome was adverse.

Marginal Citations

- M1** 1995 c. 46. Section 302 has been amended by: the [Communications Act 2003 \(c. 21\)](#), [Schedule 17](#), paragraph 133; the [Wireless Telegraphy Act 2006 \(c. 36\)](#), [Schedule 7](#), paragraph 16; the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#), [section 50\(1\)](#); and the [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [section 70\(3\)](#).
- M2** 1992 c. 5. Section 115A was inserted by the [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), [section 15](#), and amended by the [Social Security Fraud Act 2001 \(c. 11\)](#) (“the 2001 Act”), section 14. The amendments made by the 2001 Act are to be repealed by, and other amendments to section 115A are to be made by, the [Welfare Reform Act 2012 \(c. 5\)](#), [sections 113 to 115](#), and Schedule 14, Part 1.

Changes to legislation:

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