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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1073**

**The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020**

**PART 7**

**Fitness grounds and inclusion in and removal from pharmaceutical lists**

**Review of decision to impose a suspension under section 110 of the 2006 Act or a contingent removal under section 108 of the 2006 Act**

**43.**—(1) Where in accordance with section 113 (review of decisions) of the 2006 Act, a Local Health Board must review its decision to contingently remove a person from the pharmaceutical list or suspend a person from the pharmaceutical list under section 110 (suspension) of the 2006 Act, or where it decides to review such a decision, it must give that person—

- (a) notice that it intends to review its decision,
- (b) notice of the decision that it is minded to take upon review, and the reasons for it,
- (c) the opportunity to make written representations to the Local Health Board within the period of 30 days beginning with the date of notification under sub-paragraph (a), and
- (d) the opportunity to put the person's case at an oral hearing before the Local Health Board, if the person so requests within the 30 day period mentioned in sub-paragraph (c).

(2) On such a review, the Local Health Board may—

- (a) confirm the contingent removal or suspension,
- (b) in the case of a suspension terminate it, or
- (c) in the case of a contingent removal, vary the conditions, impose different conditions, revoke the contingent removal, or remove the person from the list.

(3) A person who has been suspended from a pharmaceutical list under section 110 of the 2006 Act or contingently removed from a pharmaceutical list under section 108 of the 2006 Act cannot request a review until the expiry of—

- (a) 3 months beginning with the date of the decision of the Local Health Board to contingently remove, or
- (b) 6 months beginning with the date of the decision on the previous review.

(4) If the Local Health Board receives representations or a request for an oral hearing within the period specified in paragraph (1)(c), it must take the representations into account or hold the oral hearing, as the case may be, before reaching its decision.

(5) Once the Local Health Board has made a decision under section 113(3) of the 2006 Act, it must notify the person of its decision and it must include with the notification of its decision an explanation of—

- (a) the reasons for the decision;
- (b) if the person has a right of appeal in relation to the decision—

- (i) the right of appeal that the person has in relation to that decision under section 114 of the 2006 Act (appeals)(**1**), and
- (ii) the time limit within which, in accordance with the Tribunal Procedure (First Tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, the application notice must be sent to the Tribunal if an appeal is to be brought, and
- (c) if the person has been or remains suspended or contingently removed, the arrangements for review of the suspension or the conditions under section 113(1) of the 2006 Act.

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**Commencement Information**

**II** [Reg. 43](#) in force at 1.10.2021, see [reg. 1\(3\)](#)

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**(1)** Note there is no right of appeal to the Tribunal against a decision to suspend a practitioner or to review a decision on suspension. However, there is a right of appeal to the Tribunal against any decision of a Local Health Board on a review of a contingent removal under section 113 of the 2006 Act. See section 114 of the 2006 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, Section 43.