
WELSH STATUTORY INSTRUMENTS

2020 No. 1073

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

PART 7

Fitness grounds and inclusion in and removal from pharmaceutical lists

Appeals

45.—(1) A person, other than a person notified under regulation 42, who has been notified by a Local Health Board of its decision that—

- (a) intends to—
 - (i) refuse to grant an application to which regulation 37 (refusal of applications on fitness grounds) applies under grounds contained in paragraph (2) or (3) of that regulation,
 - (ii) impose conditions on the person by virtue of regulation 38 (conditional inclusion relating to fitness grounds), or vary the person's terms of service pursuant to that regulation,
 - (iii) in accordance with regulation 39 (removal from a pharmaceutical list for breach of conditions on fitness grounds or imposition or variation or imposition of new conditions under section 108 of the 2006 Act)—
 - (aa) remove the person's name from the pharmaceutical list under section 107 (disqualification of practitioners) of the 2006 Act;
 - (bb) contingently remove the person's name from the pharmaceutical list under section 108 (contingent removal) of the 2006 Act;
 - (cc) remove the person's name from the pharmaceutical list for breach of a condition imposed under section 108 of the 2006 Act;
 - (dd) impose any particular condition under section 108 of the 2006 Act, vary any condition, impose a different condition or vary the person's terms of service under that section;
 - (ee) remove the person's name from the pharmaceutical list for breach of a condition imposed under regulation 38, or
 - (iv) remove the person from the pharmaceutical list on grounds contained in regulation 40(1), or
- (b) has reviewed a decision to impose conditions under regulation 44 (review of a decision to impose conditions) and has decided to take any of the actions in regulation 44(5), or
- (c) has reviewed a decision to contingently remove the person from a pharmaceutical list by virtue of regulation 43 (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) and has—
 - (i) confirmed the contingent removal,

(ii) varied the conditions attached to the contingent removal or imposed different conditions, or

(iii) has removed the person from the pharmaceutical list,

may appeal that decision to the Tribunal.

(2) An appeal under paragraph (1) must be made in writing, setting out the grounds on which the appeal is made and must be submitted to the Tribunal within 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.

(3) The Tribunal, on determining an appeal, may make any decision that the Local Health Board could make under this Part.

Commencement Information

II [Reg. 45](#) in force at 1.10.2021, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, Section 45.