
STATUTORY INSTRUMENTS

1996 No. 840

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1996

PART II

SUSPENSION BY THE NHS TRIBUNAL

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (interpretation), in paragraph (1)—

(a) after the definition of “supplemental services” insert—

““suspended by direction of the Tribunal” means suspended as respects the provision of pharmaceutical services by a direction of the Tribunal made pursuant to section 32A(2) or section 32B(1) of the Act(1) or to any provisions in force in England and Wales or Northern Ireland corresponding to those provisions;”, and

(b) after the definition of “terms of service” insert—

““the Tribunal” means the Tribunal constituted under section 29 of the Act(2).”.

Amendment of regulation 7 of the principal Regulations

3.—(1) Regulation 7 of the principal Regulations (removal from and amendment to pharmaceutical list) is amended as follows.

(2) After paragraph (1) insert—

“(1A) A period during which the person was suspended by direction of the Tribunal does not count towards the period of six months referred to in paragraph (1).”.

(3) In paragraph (3)(a) after the word “notice” insert the words “in writing”.

Payments to suspended pharmacists

4. After regulation 9 of the principal Regulations insert—

“Payments to suspended pharmacists

9A.—(1) The Board shall make payments to any pharmacist who is suspended by direction of the Tribunal in accordance with the Secretary of State’s determination in relation to such payments.

(1) Sections 32A and 32B were inserted by section 8 of the National Health Service (Amendment) Act 1995 (c. 31).

(2) Section 29 was amended by the Health and Social Security Act 1984 (c. 48), section 24 and Schedule 8, Part I and by the National Health Service (Amendment) Act 1995 (c. 31), sections 7 and 9 and the Schedule.

(2) The Secretary of State shall make the determination in accordance with paragraph (3) after consultation with the organisation referred to in regulation 9, and it shall be published with the Drug Tariff.

(3) The determination may be amended from time to time by the Secretary of State, after consultation with the organisation referred to in paragraph (2), and any amendments shall also be published with the Drug Tariff.

(4) Subject to paragraphs (5) and (6), the Secretary of State's determination shall be such as to secure that, as far as reasonably practicable, and after making adjustments for any reduction in expenses, the suspended pharmacist receives payments at a rate corresponding to his remuneration under the Drug Tariff (but excluding any payments made by virtue of regulation 9(g)) during the 12 months ending with the direction for suspension by the Tribunal.

(5) The Secretary of State's determination may include provision that payments in accordance with the determination are not to exceed a specified amount in any specified period.

(6) In a case to which section 32B(3)(3) of the Act applies, the determination shall provide for the payments to be reduced to take account of any payments which the suspended pharmacist receives for providing pharmaceutical services other than as a principal.”.

Prevention of employment of disqualified or suspended pharmacists

5.—(1) Paragraph 5 of Schedule 1 to the principal Regulations (dispensing of medicines) is amended as follows.

(2) The existing wording shall become sub-paragraph (1) and the words from “who” to the end shall be omitted.

(3) After sub-paragraph (1) insert—

“(2) Where the pharmacist referred to in sub-paragraph (1) is employed, the pharmacist must not be one—

- (a) who, having been disqualified under section 29(3)(b) of the Act (or under any corresponding provision in force in England and Wales or Northern Ireland) from inclusion in the pharmaceutical list of any Board (or in England and Wales of a Health Authority or in Northern Ireland of a Health and Social Services Board), is also the subject of a declaration under section 29(3)(c)(4) of the Act (or any corresponding provision in force in England and Wales or Northern Ireland) that he is not fit to be engaged in any capacity in the provision of pharmaceutical services; or
- (b) who is suspended by direction of the Tribunal, other than in a case falling within section 32B(3) of the Act.”.

(3) Section 32B was inserted by section 8 of the National Health Service (Amendment) Act 1995 (c. 31).

(4) Section 29(3)(b) was created, and (c) was inserted, by section 7 of the National Health Service (Amendment) Act 1995.