National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 8

QUALIFICATIONS TO PRACTICE

CHAPTER 2

DISQUALIFICATION

115 National disqualification

(1) If the **[**[F1]First-tier Tribunal**]** removes the practitioner from a list, it may also decide to disqualify him from inclusion in—

(a) the pharmaceutical lists and ophthalmic lists prepared by each Local Health Board,

(b) the supplementary lists prepared by each Local Health Board,

(c) the lists under section 49 or 63 prepared by each Local Health Board,

(d) the lists corresponding to the lists under section 49 prepared by each Local Health Board by virtue of regulations made under section 103,

[F2](e) . . . . . .

[[F3](f) the lists corresponding to the lists mentioned in paragraphs (a) to (d) prepared by **[**[F4]NHS England**]** under or by virtue of the National Health Service Act 2006,**]**

or only from inclusion in one or more descriptions of such lists prepared by each Local Health Board **[**[F5]and **[**[F4]NHS England**]]**[F6]..., the description being specified by the **[**[F1]First-tier Tribunal**]** in its decision.

(2) A decision by the **[**[F1]First-tier Tribunal**]** to do what is mentioned in subsection (1) is referred to in this section as the imposition of a national disqualification.

Changes to legislation: *National Health Service (Wales) Act 2006, Section 115 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The **[**[F1]First-tier Tribunal**]** may also impose a national disqualification on a practitioner if it dismisses an appeal by him against the refusal by a Local Health Board to include him in such a list.

(4) The Local Health Board may apply to the **[**[F1]First-tier Tribunal**]** for a national disqualification to be imposed on a person after the Local Health Board has—

(a) removed him from a list prepared by it of any of the kinds referred to in subsection (1)(a) to (d), or

(b) refused to include him in such a list.

(5) Any such application must be made before the end of the period of three months beginning with the date of the removal or of the Local Health Board's refusal.

(6) If the **[**[F1]First-tier Tribunal**]** imposes a national disqualification on a person—

(a) no Local Health Board [F7]...**[**[F8]or **[**[F4]NHS England**]]** may include him in a list of any of the kinds prepared by it from which he has been disqualified from inclusion, and

(b) if he is included**[**[F9], and **[**[F4]NHS England**],]** in such a list, each Local Health Board[F10]... in whose list he is included must remove him from it.

(7) The **[**[F1]First-tier Tribunal**]** may at the request of the person upon whom it has been imposed review a national disqualification, and on a review may confirm it or revoke it.

(8) Subject to subsection (9), the person may not request such a review before the end of the period of—

(a) two years beginning with the date on which the national disqualification was imposed, or

(b) one year beginning with the date of the **[**[F11]First-tier Tribunal's**]** decision on the last such review.

(9) The Welsh Ministers may provide in regulations for subsection (8) to have effect in prescribed circumstances as if the reference there to “two years” or “one year” were a reference to a different period specified in the regulations.

Textual Amendments

F1 Words in s. 115(1)-(4)(6)(7) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(1), **Sch. 2 para. 139(a)**

F2 S. 115(1)(e) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(2)(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F3 S. 115(1)(f) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(2)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F4 Words in s. 115 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F5 Words in s. 115(1) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(2)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F6 Words in s. 115(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(2)(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F7 Words in s. 115(6)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(3)(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F8 Words in s. 115(6)(a) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(3)(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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F9 Words in s. 115(6)(b) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(3)(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F10 Words in s. 115(6)(b) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 31(3)(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

F11 Words in s. 115(8)(b) substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(1), **Sch. 2 para. 139(b)**

Modifications etc. (not altering text)

C1 S. 115(4)(5)(6): Functions made exercisable by Local Health Boards (1.10.2009) by The Local Health Boards (Directed Functions) (Wales) Regulations 2009 (S.I. 2009/1511), reg. 4, **Sch.**

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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by 2017 c. 23 s. 9
- s. 201C(2) words substituted by 2018 c. 12 Sch. 19 para. 118(2)
- s. 201C(4) inserted by 2018 c. 12 Sch. 19 para. 118(3)
- Sch. 7 para. 1(2A) inserted by 2009 c. 21 s. 32(3)