
STATUTORY INSTRUMENTS

2013 No. 349

**The National Health Service (Pharmaceutical and
Local Pharmaceutical Services) Regulations 2013**

PART 11

Enforcement, reviews and appeals relating to fitness matters

Procedure for reviewing some suspensions and contingent removal conditions

- 84.**—(1) This paragraph applies where the NHSCB—
- (a) is required to review a contingent removal or a suspension under section 157(1) of the 2006 Act (review of decisions); or
 - (b) decides to review a contingent removal or a suspension that it could be required to review under that section (if section 157(2) were satisfied).
- (2) Where paragraph (1) applies, as part of the review, the NHSCB must afford the NHS chemist who has been contingently removed or is suspended (C) the opportunity to make—
- (a) written representations to the NHSCB, provided C notifies the NHSCB with those representations within 30 days beginning with the date of the notification by the NHSCB; and
 - (b) oral representations to the NHSCB with regard to that action, provided—
 - (i) C notifies the NHSCB of C's wish to do so within 30 days beginning with the date of the notification by the NHSCB, and
 - (ii) C (or a representative of C) attends the hearing that the NHSCB arranges for the purpose of hearing those representations, which the NHSCB must give C reasonable notice of.
- (3) Once the NHSCB has taken its decision under section 157(3) of the 2006 Act, it must notify C of its decision, and it must include with the notification of its decision an explanation of—
- (a) the reasons for the decision;
 - (b) if C has a right of appeal in relation to the decision—
 - (i) the right of appeal that C has in relation to that decision under section 158 of the 2006 Act⁽¹⁾ (appeals), and
 - (ii) the time limit within which, in accordance with the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008⁽²⁾, the application notice must be sent to the Tribunal if an appeal is to be brought; and
 - (c) if C has been or remains suspended or contingently removed, the arrangements for review of the suspension or the conditions under section 157(1) of the 2006 Act.

(1) Section 158 has been amended by the Health and Social Care Act 2012 (c. 7), Schedule 4, paragraph 84, and by S.I. 2010/22.
(2) See rule 19 of those Rules.

