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## STATUTORY INSTRUMENTS

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# 2013 No. 349

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

### PART 11

#### Enforcement, reviews and appeals relating to fitness matters

##### Review periods for national disqualifications

**87.**—(1) Section 159(8)(a) of the 2006 Act <sup>MI</sup> (national disqualification) is to have effect as if the reference to “two years” were a reference to “five years”, if the First-tier Tribunal determines, when it imposes the national disqualification, that the conduct of the person on whom the national disqualification has been imposed has been such that there is no realistic prospect of a review being successful if held within five years.

(2) Section 159(8)(b) of the 2006 Act is to have effect as if the reference to “one year” were a reference to “three years”, if the First-tier Tribunal determines, on a review, that the conduct of the person on whom the national disqualification has been imposed has been such that there is no realistic prospect of a further review being successful if held within three years.

(3) Section 159(8) of the 2006 Act is to have effect as if the references to “two years” and “one year”—

(a) in a case where—

- (i) a national disqualification has been imposed as a consequence of a criminal conviction, and
- (ii) on appeal, the conviction has been quashed or the penalty imposed by the court has been reduced; or

(b) in a case where—

- (i) a national disqualification has been imposed as a consequence of an adverse decision of a licensing body, and
- (ii) on appeal, the decision of the licensing body has been quashed or the penalty imposed by it has been reduced,

were a reference to a period equal to the period between the date on which that appeal was determined and the date on which the national disqualification was imposed or last reviewed.

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##### Marginal Citations

**MI** [Section 159](#) has been amended by the Health and Social Care Act 2012, Schedule 4, paragraph 85, and by [S.I. 2010/22](#).

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)