
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

Notification of a decision to impose conditions

42.—(1) Where a Local Health Board decides to—

- (a) refuse to grant an application from a person under regulation 37,
- (b) impose conditions under regulation 38,
- (c) remove a person from its pharmaceutical list under regulation 39 or 40,
- (d) suspend a person from its pharmaceutical list under regulation 41,
- (e) impose or vary a condition under regulation 43, or
- (f) impose or vary a condition under regulation 44,

it must notify the persons and bodies specified in paragraph (2) and additionally notify those specified in paragraph (3), if requested to do so by those persons or bodies in writing (including electronically), of the matters set out in paragraph (4).

(2) The persons to be notified are—

- (a) the Welsh Ministers,
- (b) any other Local Health Board or equivalent body that to the knowledge of the notifying Local Health Board has the applicant included in a relevant list,
- (c) the Scottish Ministers,
- (d) the Secretary of State,
- (e) the Northern Ireland Executive,
- (f) the General Pharmaceutical Council, the Pharmaceutical Society of Northern Ireland or any other appropriate regulatory body,
- (g) the Local Pharmaceutical Committee for the Local Health Board's area,
- (h) the National Health Service Commissioning Board, and
- (i) in the case of fraud, the NHS Business Services Authority.

(3) The persons or bodies who may request to be additionally notified in accordance with paragraph (1) are—

- (a) persons or bodies that can establish that they—
 - (i) are or were employing the person, are using or have used their services (or where the person is a body corporate, have used the services of any director or superintendent of that body corporate) in a professional capacity, or

- (ii) are considering employing or using the services of the person (or where the person is a body corporate, using the services of any director or superintendent of that body corporate) in a professional capacity, and
 - (b) a partnership any of whose members provide or assist in the provision of pharmaceutical services and can establish that the person is or was a member of the partnership or that it is considering inviting the person to become a member.
- (4) The matters referred to in paragraph (1) are—
- (a) where the person is an individual or a partnership—
 - (i) the person’s, or each member of the partnership’s name, address and date of birth,
 - (ii) the person’s or each member of the partnership’s, professional registration number,
 - (iii) the date and copy of the decision of the Local Health Board, and
 - (iv) a contact name of a person in the Local Health Board for further enquiries;
 - (b) where the person is a body corporate—
 - (i) the body corporate’s name, company registration number and the address of the registered office,
 - (ii) the professional registration number of body corporate’s superintendent and of any director of the body corporate who is a registered pharmacist,
 - (iii) the date and copy of the decision of the Local Health Board, and
 - (iv) a contact name of a person in the Local Health Board for further enquiries.
- (5) The Local Health Board must send to the person a copy of any information about them provided to the persons or bodies specified in paragraphs (2) and (3) and any correspondence with those persons or bodies relating to that information.
- (6) Where the Local Health Board has notified any of the persons or bodies specified in paragraph (2) or (3) of the matters set out in paragraph (4), it may in addition, if so requested by that person or body, notify that person or body of any evidence that was considered, including representations made by the person.
- (7) Where a Local Health Board is notified by the Tribunal that it has imposed a national disqualification on a person whom the Local Health Board has removed from its pharmaceutical list, the Local Health Board must notify the persons or bodies specified in paragraph (2)(b), (g), (h) and (i) and paragraph (3).
- (8) Where a decision is changed on review or appeal, or a suspension lapses, the Local Health Board must notify any person or body that was notified of the original decision of the later decision, or of the fact that the suspension has lapsed.