



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 7

#### PHARMACEUTICAL SERVICES AND LOCAL PHARMACEUTICAL SERVICES

### CHAPTER 6

#### DISQUALIFICATION

#### 159 National disqualification

- (1) If the [<sup>F1</sup>First-tier Tribunal] removes the practitioner from a list, it may also decide to disqualify him from inclusion in—
  - (a) the pharmaceutical lists prepared by [<sup>F2</sup>NHS England],
  - (b) [<sup>F3</sup>the supplementary lists prepared by [<sup>F2</sup>NHS England],]
  - (c) the lists under section 91, 106, or 123 prepared by [<sup>F2</sup>NHS England],
  - (d) the lists under [<sup>F4</sup>section 146][<sup>F4</sup>section 147A] prepared by [<sup>F2</sup>NHS England], or the lists corresponding to the lists under section 91 prepared by [<sup>F2</sup>NHS England] by virtue of regulations made under section 145,
  - (e) the lists corresponding to the lists mentioned in paragraphs (a) to (d) prepared by each Local Health Board under or by virtue of the National Health Service (Wales) Act 2006 (c. 42),or only from inclusion in one or more descriptions of such lists prepared by [<sup>F2</sup>NHS England] and each Local Health Board, the description being specified by the [<sup>F1</sup>First-tier Tribunal] in its decision.
- (2) A decision by the [<sup>F1</sup>First-tier Tribunal] to do what is mentioned in subsection (1) is referred to in this section as the imposition of a national disqualification.
- (3) The [<sup>F1</sup>First-tier Tribunal] may also impose a national disqualification on a practitioner if it dismisses an appeal by him against the refusal by [<sup>F2</sup>NHS England] to include him in such a list.

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*Changes to legislation: National Health Service Act 2006, Section 159 is up to date with all changes known to be in force on or before 16 April 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*

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- (4) [F<sup>2</sup>NHS England] may apply to the [F<sup>1</sup>First-tier Tribunal] for a national disqualification to be imposed on a person after [F<sup>2</sup>NHS England] 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 [F<sup>2</sup>NHS England's] refusal.
- (6) If the [F<sup>5</sup>First-tier Tribunal] imposes a national disqualification on a person—
- (a) [F<sup>6</sup>neither [F<sup>2</sup>NHS England] nor a] Local Health Board 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 in such a list, [F<sup>7</sup>[F<sup>2</sup>NHS England] (if he is included in a list prepared by it)] and each Local Health Board in whose list he is included must remove him from it.
- (7) The [F<sup>8</sup>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 [F<sup>9</sup>First-tier Tribunal's] decision on the last such review.
- (9) The Secretary of State 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. 159(1)-(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 119\(a\)](#) (with Sch. 5)
- F2** Words in Act 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)
- F3** S. 159(1)(b) omitted (27.3.2012 for specified purposes) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 208\(4\)\(a\)](#), 306(1)(d)(4)
- F4** Words in s. 159(1)(d) substituted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 208\(4\)\(b\)](#), 306(1)(d)(4)
- F5** Words in s. 159(6) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 119\(a\)](#) (with Sch. 5)
- F6** Words in s. 159(6)(a) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 85\(6\)\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F7** Words in s. 159(6)(b) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 85\(6\)\(b\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F8** Words in s. 159(7) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 119\(a\)](#) (with Sch. 5)
- F9** Words in s. 159(8)(b) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 119\(b\)](#) (with Sch. 5)

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**Modifications etc. (not altering text)**

- C1** S. 159 modified (18.9.2023) by S.I. 2013/335, reg. 17A (as inserted by [The National Health Service \(Performers Lists\) \(England\) \(Amendment\) \(No. 2\) Regulations 2023](#) (S.I. 2023/828), regs. 1(1), **14**)
- C2** S. 159(8) modified (E.) (1.9.2012) by [The National Health Service \(Pharmaceutical Services\) Regulations 2012](#) (S.I. 2012/1909), regs. 1, **87(3)**
- C3** S. 159(8) modified (1.4.2013) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#) (S.I. 2013/349), regs. 1, **87(3)**
- C4** S. 159(8)(a) modified (E.) (1.9.2012) by [The National Health Service \(Pharmaceutical Services\) Regulations 2012](#) (S.I. 2012/1909), regs. 1, **87(1)**
- C5** S. 159(8)(a) modified (1.4.2013) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#) (S.I. 2013/349), regs. 1, **87(1)**
- C6** S. 159(8)(b) modified (E.) (1.9.2012) by [The National Health Service \(Pharmaceutical Services\) Regulations 2012](#) (S.I. 2012/1909), regs. 1, **87(2)**
- C7** S. 159(8)(b) modified (1.4.2013) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#) (S.I. 2013/349), regs. 1, **87(2)**

**Changes to legislation:**

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**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. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)