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## DETERMINATIONS

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### PAYMENTS TO SUSPENDED CHEMISTS

This determination is made by the Secretary of State under regulation 58 of the National Health Service (Pharmaceutical Services) Regulations 2005, and by the Welsh Ministers under regulation 18A of the National Health Service (Pharmaceutical Services) Regulations 1992, acting jointly.

#### Citation and commencement

1. This Determination may be cited as the Payments to Suspended Chemists Determination 2009 and comes into force on 18th January 2010.

#### Modification of the 2005 Determination

2.—(1) The Determination made by the Secretary of State under regulation 58 of the of the National Health Service (Pharmaceutical Services) Regulations 2005, and regulation 18A of the National Health Service (Pharmaceutical Services) Regulations 1992, signed on 1st April 2005, (“the 2005 Determination”) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In the heading, for “DIRECTION OF THE FHSAA” substitute “DIRECTION OR ORDER OF THE FIRST-TIER TRIBUNAL”.

(3) In paragraph 2.1, for “direction of the FHSAA,” substitute “direction or order of the First-Tier Tribunal,”.

#### Orders of the FHSAA

3. By virtue of paragraph 2(5) of Schedule 5 to the Transfer of Tribunal Functions Order 2009, directions of the FHSAA have effect from 18th January 2010 as directions of the First-tier Tribunal, and accordingly, as from 18th January 2010, any chemist who claims or is in receipt of a payment under the 2005 Determination as a consequence of a suspension that continues in effect by virtue of that paragraph is to be treated for the purposes of the 2005 Determination as suspended by direction of the First-tier Tribunal as regards the entirety of their period of suspension.

Signed by authority of the Secretary of State for Health

30th November 2009

*Jeannette Howe*  
A member of the Senior Civil Service  
Department of Health

Signed by authority of the Welsh Ministers

30th November 2009

*Name*  
A member of the Senior Civil Service  
Department