
STATUTORY INSTRUMENTS

2005 No. 641

**The National Health Service
(Pharmaceutical Services) Regulations 2005**

PART 2

Pharmaceutical Lists and Applications for Admission to a Pharmaceutical List

Conditional inclusion relating to fitness to practise matters

21.—(1) This regulation applies to an application to a Primary Care Trust—

- (a) under regulation 5(1)(a), except an application in respect of which preliminary consent has previously been granted, where the premises specified in the application have the same location as that in respect of which preliminary consent has previously been granted;
- (b) under regulation 40 or 54, where the applicant is not already included in that Primary Care Trust's pharmaceutical list; or
- (c) under regulation 10, where the applicant meets the conditions specified in paragraph (7) of that regulation.

(2) Where a person makes an application to which this regulation applies, a Primary Care Trust may determine that, while he remains included in the pharmaceutical list, or while his preliminary consent has effect, he is to be subject to the imposition of conditions, having regard to the requirements in section 43ZA (conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists) of the Act.

(3) A Primary Care Trust may vary the terms of service in relation to an applicant for the purpose of, or in connection with, the imposition of those conditions.

(4) A Primary Care Trust shall notify the applicant in writing as soon as is practicable of any conditions it intends to impose.

(5) When the Primary Care Trust notifies the applicant of any decision under this regulation, it shall inform him that if he wishes to exercise a right of appeal he must do so within the period of 28 days beginning with the date on which it gave him the notice informing him of its decision, and shall tell him how to make an appeal.

(6) A Primary Care Trust shall require the applicant to notify it, within 28 days of the date of the notification under paragraph (4)—

- (a) whether he agrees to the imposition of the conditions; or
- (b) whether he is appealing against that imposition of conditions under regulation 30.

(7) Paragraph (8) applies where—

- (a) a Primary Care Trust has granted an application for inclusion in its pharmaceutical list but imposed conditions on that grant; and
- (b) the applicant is considering whether to appeal, or has notified the Primary Care Trust that he wishes to appeal, but wishes to be included in the pharmaceutical list during the period until the time for appeal has expired or the appeal is decided.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (8) A Primary Care Trust shall include the applicant in its pharmaceutical list if—
- (a) it has received notification from him that he agrees to the imposition of the conditions during the period until the time for appeal has expired or the appeal is decided; and
 - (b) the requirements of regulation 39 are satisfied.
- (9) Where no notification is received from the applicant in accordance with paragraph (5), the Primary Care Trust shall deem him to have withdrawn his application.
- (10) In the case of an application under regulation 5(1)(b) or (c), where an applicant is subject to conditions imposed in accordance with this regulation, or regulation 30, 42 or 43 a grant of his application shall be subject to those same conditions.