
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

Notification of decision

27.—(1) Subject to paragraph (2), a Primary Care Trust shall, as soon as practicable, and in any event within the period of four months beginning with the date of receipt of the application unless the Primary Care Trust has good cause to require a longer period, give notice in writing of its decision on an application under regulation 5(1), or of its decision whether or not to amend the premises named in the original application as mentioned in regulation 39(8)—

- (a) in the case of an application to which regulation 6, 7, 8, 9, 10 or 39(8) applies, to—
 - (i) the applicant,
 - (ii) any person who is included in a pharmaceutical list and whose interests might, in the opinion of the Primary Care Trust, be significantly affected by the decision,
 - (iii) any LPS chemist whose interests might, in the opinion of the Primary Care Trust, be significantly affected by the decision,
 - (iv) the Local Pharmaceutical Committee,
 - (v) the Local Medical Committee,
 - (vi) any Primary Care Trust or Local Health Board any part of whose locality is within two kilometres of the premises, and
 - (vii) any Patients' Forum serving the locality of the Primary Care Trust, and
 - (viii) any other patient, consumer or community groups in the area of the Primary Care Trust that the Primary Care Trust considers has an interest in the provision of pharmaceutical services in the neighbourhood; and
- (b) in the case of an application to which regulation 12 applies, or would apply but for an exemption under regulation 13 to—
 - (i) the applicant, and
 - (ii) any person who has made representations to the Primary Care Trust in accordance with regulation 23(2) or (3),

and shall include with the notice a statement of the reasons for the decision and of any rights of appeal arising under regulation 29.

(2) In the case of an application that involves a change of ownership and falls to be dealt with under regulation 8(1), for the period of four months specified in paragraph (1) there shall be substituted a period of 30 days.

(3) Any Primary Care Trust or Local Health Board which is notified under paragraph (1)(a)(vi) shall, as soon as practicable, give notice in writing of the decision and reasons to—

- (a) the Local Pharmaceutical Committee for its locality;
- (b) the Local Medical Committee for its locality;
- (c) any person whose name is included in the pharmaceutical list and whose interests might in the opinion of that Primary Care Trust or Local Health Board be significantly affected by the decision;
- (d) any LPS chemist whose interests might, in the opinion of that Primary Care Trust, be significantly affected by the decision;
- (e) any Patient’s Forum or Community Health Council notified under regulation 23(3)(e); and
- (f) any other patient, consumer or community groups in the area of the Primary Care Trust that the Primary Care Trust considers has an interest in the provision of pharmaceutical services in the neighbourhood,

and shall notify them of any rights of appeal arising under regulation 29.

(4) In this regulation, “decision” includes a decision to grant an application subject to conditions, where the applicant has agreed to the imposition of the conditions pursuant to regulation 21(6)(a).