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STATUTORY INSTRUMENTS

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**2005 No. 641**

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

**PART 2**

**Pharmaceutical Lists and Applications for Admission to a Pharmaceutical List**

**Effect of preliminary consent**

**41.**—(1) Subject to paragraph (2) and regulations 19, 25 and 26, where the applicant has been finally granted preliminary consent, the Primary Care Trust shall grant an application made under regulation 5(1) provided that—

- (a) the date of the application under regulation 5(1), being the date on which the application was received by the Primary Care Trust, falls within the period referred to in regulation 40(4);
- (b) the pharmaceutical services which it is proposed to provide are the same as those specified in the application for preliminary consent; and
- (c) the premises specified in the application are within the location in respect of which the preliminary consent was granted.

(2) Where sub-paragraphs (a) and (b) of paragraph (1) are satisfied, but the premises specified in the application are in a different location from that in respect of which preliminary consent was granted, the Primary Care Trust shall treat the application as though it were an application under regulation 5(1)(b)(ii) to change the location of the premises, and the determination of such an application shall be subject to regulations 19, 21, 25 and 26.

(3) The grant of an application under this regulation shall be subject to any conditions imposed under regulation 20, 21, 29, 30 or 38 in relation to the final grant of the corresponding preliminary consent, except where different conditions are imposed under regulation 42 or 43 in relation to the application in which case it shall be subject to those different conditions.