
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

Applications involving a minor relocation within a Primary Care Trust's area

6.—(1) In the case of an application under regulation 5(1)(b), where the applicant intends to change within the neighbourhood the premises from which he provides pharmaceutical services, being the same services as he intends to provide from the new premises, and the Primary Care Trust is satisfied that—

- (a) the change is a minor relocation; and
- (b) the provision of pharmaceutical services will not be interrupted (except for such period as the Primary Care Trust may for good cause allow),

the Primary Care Trust shall grant the application, subject to regulations 9(2) and 21(10) (and accordingly regulations 11 to 20 shall not apply).

(2) Except where paragraph (3) applies, a Primary Care Trust shall determine an application to which paragraph (1) relates in accordance with the procedures set out in, regulations 23, 24(1) and (3) to (6), 25, 26, 27 and 29.

(3) Where the minor relocation is to premises which are less than 500 metres by the most practicable route by foot from the applicant's existing premises ("a minor relocation of less than 500 metres"), the Primary Care Trust shall—

- (a) determine the application without giving notice of the application under regulation 23 or hearing any oral representations under regulation 24; and
- (b) grant the application,

unless, within the period of 30 days beginning with the date of receipt of the application it notifies the applicant that it considers that it is desirable that the application be determined as if it were a minor relocation to premises which are 500 metres or more by the most practicable route by foot from the applicant's existing premises ("a minor relocation of 500 metres or more").

(4) Where the Primary Care Trust determines under paragraph (3) that an application for a minor relocation of less than 500 metres should be determined as if it were a minor relocation of 500 metres or more, it shall send the applicant a statement in writing setting out—

- (a) its decision and its reasons for it; and
- (b) the applicant's right of appeal under paragraph (5).

(5) The applicant may within the period of 30 days beginning with the date of receipt of the notification under paragraph (4), appeal in writing to the Secretary of State against the decision notified to him under that paragraph.

Status: This is the original version (as it was originally made).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

(6) A notice of appeal under paragraph (5) shall contain a concise statement of the grounds of appeal.

(7) The Secretary of State may, when determining the appeal under paragraph (5)—

- (a) confirm the decision of the Primary Care Trust;
- (b) grant the appeal; or
- (c) grant the application.

(8) The Secretary of State shall notify the applicant and the Primary Care Trust in writing of his determination and shall include with the notification a written statement of the reasons for his determination.

(9) Where the determination of the Secretary of State is to grant the appeal, the Primary Care Trust shall within the period of 30 days beginning with the date of receipt of the notification under paragraph (8) determine the application in accordance with paragraph (3)(a).