
STATUTORY INSTRUMENTS

2005 No. 641

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

PART 5

Provision of Pharmaceutical Services by Doctors

Premises approval: additional and new premises after outline consent has taken effect

65.—(1) A doctor who—

- (a) has been granted outline consent which has taken effect; or
- (b) provides pharmaceutical services in reliance on regulation 60(3)(b),

and who wishes to be granted premises approval in relation to premises in addition to those in respect of which premises approval has been given (“additional premises”) may apply to all the appropriate Primary Care Trusts and—

- (i) the application shall be determined by the relevant Primary Care Trust, and
- (ii) regulations 18, 20(2), 34 to 36(1) and (3) to (9), 37, 38 and 61 and this regulation shall apply to such an application as they apply to an application for outline consent under regulation 61.

(2) For the purposes of this Regulation—

- (a) the “appropriate Primary Care Trusts” are those who hold dispensing doctor lists on which the doctor making the application is included; and
- (b) the “relevant Primary Care Trust” is the Primary Care Trust in whose area the additional premises are situated.

(3) A doctor wishing to be granted premises approval in relation to premises (“new premises”) where he wishes to dispense instead of listed premises may apply to all the appropriate Primary Care Trusts and the application shall be determined by the relevant Primary Care Trust in accordance with paragraph (4).

(4) The relevant Primary Care Trust shall—

- (a) grant the application made in accordance with paragraph (3) where—
 - (i) the new premises are less than 500 metres by the most practicable route on foot from the listed premises which they are to replace, or
 - (ii) the Primary Care Trust is otherwise satisfied that granting the application would not result in a significant change in the arrangements for the provision of pharmaceutical services or dispensing services in any part of a controlled locality,

provided that no further applications shall be granted under this sub-paragraph for a period of 12 months beginning with the date on which the doctor commenced providing services from the new premises unless the Primary Care Trust shall for good cause allow; or

- (b) in any other case determine the application in accordance with paragraph (1) as if the references to additional premises were to new premises.

(5) The Primary Care Trust shall notify its determination under paragraph (4)(a) to the persons to whom the notice is required to be given under regulation 33(2) and (3) and to the appropriate Primary Care Trusts.

(6) A determination by the Primary Care Trust may be appealed to the Secretary of State under regulation 38 by the applicant and any of the persons notified under paragraph (5) apart from any Local Pharmaceutical Committee or any Local Medical Committee.

(7) Subject to paragraph (8), when granted in relation to new or additional premises, the premises approval shall take effect from the date of notification of the grant and for this purpose the date of the notification of a grant of any application shall be—

- (a) where no appeal is made under paragraph (6) against the decision of the Primary Care Trust, the date after the expiry of the period of 30 days beginning with the date on which notice of that decision is given under paragraph (5); or
- (b) where such an appeal is made, the date on which the Secretary of State gives notice of his decision under regulation 38.

(8) Where—

- (a) the premises approval is granted in relation to additional premises; and
- (b) in relation to the premises for which the authority is granted there were, at the date of the grant, outstanding applications,

the premises approval shall provisionally take effect on the date which is the day after the end of a period of one year, or such longer period (not exceeding three months) as the Primary Care Trust may for good cause allow before the expiration of that year, from the final resolution of any outstanding application.

(9) The Primary Care Trust may grant temporary premises approval to a doctor who has outline consent and premises approval in relation to additional or new premises where it considers it desirable to do so to secure the adequate provision of pharmaceutical services in the area served by the premises, and renew any such temporary authority granted, to secure such adequate provision, and where it does so it shall—

- (a) notify those persons to whom notice of the application under regulation 61 was required to be given under regulation 32(2) and (3) and applicants in relation to outstanding applications;
- (b) state the period during which the temporary premises approval is to apply; and
- (c) include those premises in the dispensing doctors list in relation to that doctor.

(10) Temporary premises approval may be granted for a period not exceeding 12 months, and may be renewed for a further period not exceeding three months.