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STATUTORY INSTRUMENTS

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**2005 No. 641**

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

**PART 6**

**Miscellaneous**

**Transitional provisions**

**73.**—(1) Any application under the 1992 Regulations for inclusion in the pharmaceutical list or outline consent that has been received by a Primary Care Trust on or before 31st March 2005 shall be determined in accordance with the provisions of the 1992 Regulations until that application is finally determined.

(2) Any appeal under the 1992 Regulations that is—

- (a) received by the Secretary of State on or before 31st March 2005; or
- (b) made after the coming into force of these Regulations in respect of an application determined in accordance with paragraph (1),

shall be determined in accordance with the provisions of the 1992 Regulations.

(3) Any application granted under the 1992 Regulations (whether or not pursuant to paragraph (1) or (2)) shall be treated as granted under these Regulations for the purposes of regulation 39 unless notice was given under regulation 4(9) of the 1992 Regulations before the coming into force of these Regulations in which case regulation 4(9) and (11) of the 1992 Regulations shall continue to apply.

(4) Where by virtue of paragraph (3) regulation 39 applies, regulation 39 shall be read as if any reference to—

- (a) regulation 5(1)(a) were a reference to regulation 4(2)(a) of the 1992 Regulations;
- (b) regulation 5(1)(b) were a reference to regulation 4(2)(b) of the 1992 Regulations;
- (c) regulation 22(3) were a reference to regulation 12 of the 1992 Regulations;
- (d) regulation 27(1) were a reference to regulation 11(1) of the 1992 Regulations;
- (e) regulations 33 to 36 were a reference to regulation 12 of the 1992 Regulations;
- (f) regulation 37(1) were a reference to regulation 12(11) of the 1992 Regulations; and
- (g) regulation 38 were a reference to regulation 13 of the 1992 Regulations.

(5) Where preliminary consent was granted under regulation 14 of the 1992 Regulations (whether or not pursuant to paragraph (1) or (2)) and no application has been made under regulation 15 of the 1992 Regulations on the date of the coming into force of these Regulations, regulation 41 shall apply as if the preliminary consent had been granted under regulation 40.

(6) Where, pursuant to paragraph (1), an application for outline consent falls to be determined under the 1992 Regulations, the Primary Care Trust shall determine at the same time whether or not to grant premises approval in respect of relevant premises within the meaning of regulation 67(2),

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

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and any appeal relating to the Primary Care Trust's determination under this paragraph shall be dealt with as if it were a refusal of outline consent.