

SCHEDULE 4

Part 3

INFORMATION AND UNDERTAKINGS TO BE GIVEN BY AN APPLICANT IN CONNECTION WITH AN APPLICATION FOR INCLUSION (OR TEMPORARY INCLUSION) IN A PHARMACEUTICAL LIST

1. An applicant (other than an applicant which is a body corporate) shall provide the following information—
 - (a) his full name;
 - (b) his sex;
 - (c) his date of birth;
 - (d) his private address and telephone number;
 - (e) a declaration that he is a registered pharmacist; and
 - (f) his professional registration number and date of first registration in the register.
2. An applicant which is a body corporate shall provide the following information—
 - (a) its full name;
 - (b) its company registration number;
 - (c) its registered office and telephone number relating to that office;
 - (d) a declaration that it is a person who is or who will be lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968;
 - (e) its registration number in the Register of Premises maintained by the Royal Pharmaceutical Society of Great Britain;
 - (f) details of any Primary Care Trust list or equivalent list from which it has been removed or contingently removed, or to which it has been refused admission or in which he has been conditionally included, on fitness to practise grounds, with an explanation as to why.
3. An applicant shall provide the following undertakings—
 - (a) an undertaking to notify the Primary Care Trust within 7 days of any material changes to the information provided in the application until the application is finally determined; and
 - (b) an undertaking to notify the Primary Care Trust if he is included, or applies to be included, in any other list or equivalent list held by a Primary Care Trust or equivalent body.
4. An applicant shall supply in writing information as to whether he, or where the applicant is a body corporate, any of its directors or its superintendents—
 - (a) has any criminal convictions in the United Kingdom;
 - (b) has been bound over following a criminal conviction in the United Kingdom;
 - (c) has accepted a police caution in the United Kingdom;
 - (d) has, in summary proceedings in Scotland in respect of an offence, been the subject of an order discharging him absolutely (without proceeding to conviction);
 - (e) has accepted a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995 (fixed penalty: conditional offer by procurator fiscal) or agreed to pay a penalty under section 115A of the Social Security Administration Act 1992 (penalty as alternative to prosecution);

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- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (g) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Primary Care Trust;
- (h) has been subject to any investigation into his professional conduct by any licensing, regulatory or other body, where the outcome was adverse;
- (i) is currently subject to any investigation into his professional conduct by any licensing, regulatory or other body;
- (j) is, or has been where the outcome was adverse, the subject of any investigation into his professional conduct in respect of any current or previous employment;
- (k) is the subject of any investigation by another Primary Care Trust or equivalent body, which might lead to his removal from any list or equivalent list;
- (l) is to his knowledge, or has been where the outcome was adverse, the subject of any investigation by the National Health Service Counter Fraud and Security Management Service in relation to fraud;
- (m) has been removed or contingently removed from, refused admission to, or conditionally included in, any list or equivalent list kept by another Primary Care Trust or equivalent body, or has been or is currently suspended from such a list, on fitness to practise grounds, and if so, why and the name of that Primary Care Trust or equivalent body; or
- (n) is, or ever has been, subject to a national disqualification,

and, if so, the applicant shall give details including approximate dates, or where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome.

5. If the applicant (and where the applicant is a body corporate, any director or superintendent of the applicant) is, has in the preceding six months been, or was at the time of the originating events, a director or superintendent of a body corporate, he shall in addition supply information in writing to the Primary Care Trust as to whether the body corporate—

- (a) has any criminal convictions in the United Kingdom;
- (b) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales;
- (c) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Primary Care Trust;
- (d) has been subject to any investigation into its provision of professional services by any licensing, regulatory or other body, where the outcome was adverse;
- (e) is currently subject to any investigation into its provision of professional services by any licensing, regulatory or other body;
- (f) is the subject of any investigation by another Primary Care Trust or equivalent body, which might lead to its removal from any list or equivalent list;
- (g) is, or has been where the outcome was adverse, the subject of any investigation by the National Health Service Counter Fraud and Security Management Service in relation to fraud;
- (h) has been removed or contingently removed from, refused admission to, or conditionally included in, any list or equivalent list, or has been or is currently suspended from such a list, on fitness to practise grounds; or
- (i) is, or ever has been, subject to a national disqualification,

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and if so, the applicant shall give the name and address of the registered office of the body corporate and details, including approximate dates, of where any investigation or proceedings were or are to be brought, the nature of that investigation or proceedings, and any outcome.

6. Where the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) is a pharmacist, the applicant shall supply details of his pharmaceutical qualifications (including where obtained) and chronological details of his professional experience (including starting and finishing dates of each appointment), with an explanation of any gaps between appointments and of why he was dismissed from any post.

7. Where the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) is a pharmacist, the applicant shall supply names and addresses of two referees who are willing to provide references in respect of two recent posts (which may include any current post) as a pharmacist which lasted at least three months without a significant break, or where this is not possible, a full explanation and alternative referees.

8. Where the applicant is a body corporate, the name and address of each director and superintendent of the body corporate shall be supplied.

9. The applicant shall supply the name of any Primary Care Trust (or equivalent body) in whose pharmaceutical list the applicant, and where the applicant is a body corporate, any director or superintendent of the applicant, is included, and particulars of any outstanding application (including deferred applications) for inclusion in, or preliminary consent to be included in, any pharmaceutical list of a Primary Care Trust (or equivalent body) with the name of the Trust (or body) in question.

10. If the applicant is the director or superintendent of a body corporate that is included in any of a Primary Care Trust's lists, or equivalent lists, or which has an outstanding application (including a deferred application) for inclusion in any of a Primary Care Trust's lists or equivalent lists, the applicant shall supply the name of the Primary Care Trust or equivalent body in question, and the name and registered office of any such body corporate.

11. If, in the case of any application, the Primary Care Trust finds that the information, references or documentation supplied by the applicant are not sufficient for it to determine his application, it shall seek from him such further information, references or documentation as it may reasonably require in order to make a decision, and he shall supply the material so sought to the Primary Care Trust.

12. The applicant shall give a written undertaking to notify the Primary Care Trust within 7 days of any material changes to the information provided in his application until such time as—

- (a) his name is entered on the pharmaceutical list;
- (b) the period specified in regulation 39(2) for him to notify the Primary Care Trust that he will commence the provision of the services in respect of which the application was made has expired;
- (c) he withdraws the application;
- (d) in the case of an applicant who has been granted preliminary consent under regulation 40, the period during which the preliminary consent has effect under regulation 40(5) has expired; or
- (e) the period for appealing against a Primary Care Trust's decision to refuse an application has expired and no appeal has been lodged, or an application has been refused on appeal either by the Secretary of State or the FHSA.