

SCHEDULE 2

Applications in respect of pharmaceutical lists and the procedures to be followed

PART 5

Notification, taking effect of decisions and rights of appeal to the Secretary of State

[^{F1}Taking effect of decisions relating to business consolidations

34A.—(1) This paragraph applies as regards a consolidation application that is granted, in relation to the person who is—

- (a) P1 for the purposes of regulation 26A (P1), if regulation 26A(3) applied to that application; or
- (b) P2 for the purposes of regulation 26A (P2), if regulation 26A(4) applied to that application.

(2) The NHSCB may only change a pharmaceutical list to give effect to that decision if P1 or P2 gives the NHSCB a valid notice of consolidation, in the correct form, informing the NHSCB of the date on which the consolidation is to take effect in the next 14 days.

(3) A notice of consolidation under this paragraph is in the correct form if it—

- (a) includes the information required under paragraph 29A; and
- (b) is in the same format as the version of the notice sent by the NHSCB with the notice of decision under paragraph 28.

(4) A notice of consolidation is invalid unless it is sent to the NHSCB within—

- (a) 6 months of the date on which the applicant was sent the notice of the NHSCB's decision under paragraph 28 granting the application;
- (b) such longer period—
 - (i) not exceeding a further 3 months as the NHSCB may allow, or
 - (ii) if—

(aa) the grant is appealed by a person with third party appeal rights, or

(bb) P1 or P2 appeals successfully against a decision not to allow a longer period under paragraph (i),

as the Secretary of State may allow when the appeal is determined,

(5) A notice of consolidation ceases to have effect if the Secretary of State receives a valid notice of appeal from a person with third party appeal rights relating to the grant to which the notice of consolidation relates.

(6) Once, having regard to sub-paragraph (4), a valid notice of consolidation can no longer be sent in relation to the grant of a consolidation application, the grant of that application lapses.]

F1 Sch. 2 para. 34A inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), 18

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)