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STATUTORY INSTRUMENTS

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**2016 No. 1077**

The National Health Service (Pharmaceutical Services,  
Charges and Prescribing) (Amendment) Regulations 2016

PART 2

Amendments relating to consolidation applications

**New paragraph 34A of Schedule 2 to the principal Regulations**

**18.** In Schedule 2 to the principal Regulations (applications in respect of pharmaceutical lists and the procedures to be followed) after paragraph 34 insert—

**“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,

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**Status:** This is the original version (as it was originally made).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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(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.”.