

SCHEDULE 1

Regulations 8, 12, 17, 23, 26 and 27

Information to be included in applications to provide pharmaceutical services

PART 1

Application for inclusion in or for amendment to a pharmaceutical list

Information required from all applicants

Details of the application

1. Name of the Local Health Board to which the application is made.
2. Type of consent applied for (full or preliminary).
3. Type of application (for example: new inclusion; minor relocation within a Local Health Board's area; minor relocation between neighbouring Local Health Board areas; temporary relocation; change of ownership).

Details of the applicant

4. Name and address of applicant.
5. If the applicant is an individual or a partnership carrying on a retail pharmacy business, the applicant's or each partner's registration number in the General Pharmaceutical Council register.
6. If the applicant is a body corporate carrying on a retail pharmacy business, the name and registration number of applicant's superintendent in the General Pharmaceutical Council register.

Details of the premises and opening hours

7. The address of the premises from which the applicant applies to provide pharmaceutical services; or the location of the premises from which the applicant intends to provide pharmaceutical services if the application is for preliminary consent.
8. Whether the applicant is currently in possession of the premises or whether, for example, the premises are under construction or negotiation.
9. The days on which the pharmacy will be open for the provision of pharmaceutical services and the opening hours on those days.

Pharmaceutical services to be provided

10. Confirmation that all essential services will be provided.
11. Details of directed services that the applicant applies to provide.
12. If the application is to provide services of a different description to those currently provided at the listed premises, details of those services.

Information relating to the necessary or expedient test

13. Where the necessary or expedient test in regulation 9 applies to the determination of an application the applicant must—
 - (a) provide a written description of the proposed neighbourhood;

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- (b) provide a map showing the boundaries of the proposed neighbourhood; and
- (c) state the reasons why the applicant considers granting the application is necessary or expedient to secure in the neighbourhood the adequate provision, by persons included in a pharmaceutical list, of the services or some of the services specified in the application.

Information relating to the prejudice test

14. Where the prejudice test in regulation 9 applies to the determination of an application, the applicant must state the reasons why he or she considers that granting the application will not prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality in which the premises specified in the application are situated.

Information relating to applications involving relocations

15. Where the applicant applies to relocate (whether within the Local Health Board's area under regulation 13, between neighbouring Local Health Board areas under regulation 14 or on a temporary basis under regulation 15) the applicant must provide details of the proposed relocation including the address of the applicant's existing listed premises.

16. Where the application involves a minor relocation between neighbouring Local Health Board areas under regulation 14 the applicant must state—

- (a) the name of the Local Health Board where the existing premises are located;
- (b) that the applicant consents to the removal of his or her name from the pharmaceutical list maintained by the Local Health Board in whose area the existing premises are located and in respect of those existing listed premises with effect from the date on which the provision of pharmaceutical services from the new premises will commence.

17. The applicant must provide details of whether—

- (a) for the patients who are accustomed to accessing pharmaceutical services at the existing premises, the location of the new premises is significantly less accessible;
- (b) the same pharmaceutical services will be provided at the new premises as are provided at the listed premises; and
- (c) the provision of pharmaceutical services will be continuous or interrupted and the reasons for any interruption.

18. If the application is for a temporary relocation, the applicant must state the circumstances that require a temporary relocation.

Information relating to applications involving a change of ownership

19. Name of the person included in the pharmaceutical list currently providing pharmaceutical services from the premises.

20. The applicant must provide details of whether—

- (a) the same pharmaceutical services will continue to be provided from the premises; and
- (b) the provision of pharmaceutical services will be continuous or interrupted and the reasons for any interruption.

Applicant's undertaking

21. The applicant must give an undertaking that if the application is granted the applicant will provide the services at the premises in respect of which the application is granted in accordance with the terms of service.

PART 2

Information and undertakings for applications for inclusion in a pharmaceutical list

Applicant's details

22.—(1) An applicant (other than an applicant which is a body corporate) must provide the following information—

- (a) full name;
- (b) gender;
- (c) date of birth;
- (d) address and telephone number;
- (e) a declaration that he or she is a registered pharmacist; and
- (f) professional registration number and date of first registration in the register.

(2) An applicant which is a body corporate must provide the following information—

- (a) full name;
- (b) company registration number;
- (c) 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) registration number in the Register of Premises maintained by the General Pharmaceutical Council;
- (f) details of any relevant list from which it has been removed or contingently removed, or to which it has been refused admission or in which it has been conditionally included, on fitness grounds, with an explanation as to why.

Investigations, proceedings and convictions

23. An applicant must supply in writing information as to whether he or she, or where the applicant is a body corporate, any of its directors or its superintendent—

- (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);
- (f) has been convicted elsewhere of an offence, or what would constitute a criminal offence if committed in England and Wales, or is subject to a penalty which would be the equivalent of being bound over or cautioned;
- (g) is currently the subject of any proceedings which might lead to such a conviction, which have not yet been notified to the Local Health Board;
- (h) has been subject to any investigation into his or her professional conduct by any licensing, regulatory or other body, where the outcome was adverse;

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- (i) is currently subject to any investigation into his or her 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 Local Health Board or equivalent body, which might lead to his removal from any relevant list;
- (l) is, or has been where the outcome was adverse, the subject of any investigation by the NHS Business Services Authority⁽¹⁾ in relation to fraud;
- (m) has been removed or contingently removed from, refused admission to, or conditionally included in, any relevant list kept by another Local Health Board or equivalent body, or has been or is currently suspended from such a list, on fitness grounds, and if so, why and the name of that Local Health Board or equivalent body; or
- (n) is, or ever has been, subject to a national disqualification,

and, if so, the applicant must 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.

24. 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 or she must in addition supply information in writing to the Local Health Board 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 Local Health Board;
- (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 Local Health Board or equivalent body, which might lead to its removal from any relevant list;
- (g) is, or has been where the outcome was adverse, the subject of any investigation by the NHS Business Services Authority in relation to fraud;
- (h) has been removed or contingently removed from, refused admission to, or conditionally included in, any relevant list, or has been or is currently suspended from such a list, on fitness grounds; or
- (i) is or ever has been, subject to a national disqualification,

and if so, the applicant must give the name and address of the registered office of the body corporate and 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.

(1) Established by the NHS Business Services Authority (Awdurod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005 (S.I.2005/2414).

Pharmaceutical qualifications, referees etc.

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

26. Where the applicant (or where the applicant is a body corporate, any director or superintendent of the applicant) is a registered pharmacist, the applicant must 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.

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

28. The applicant must supply the name of any Local Health Board (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 applications (including deferred applications) for inclusion in, or preliminary consent to be included in, any pharmaceutical list of a Local Health Board (or equivalent body) with the name of the Local Health Board (or body) in question.

29. If the applicant is the director or superintendent of a body corporate that is included in any relevant list, or which has an outstanding application (including a deferred application) for inclusion in any relevant list, the applicant must supply the name of the Local Health Board or equivalent body in question, and the name and registered office of any such body corporate.

Undertakings

30.—(1) The applicant must give a written undertaking to notify the Local Health Board within 7 days of any material changes to the information provided in the application until—

- (a) his or her name is entered on the pharmaceutical list;
- (b) the period specified in regulation 17(2) for him or her to notify the Local Health Board that he or she will commence the provision of the services in respect of which the application was made has expired;
- (c) he or she withdraws the application; or
- (d) in the case of an applicant who has been granted preliminary consent under regulation 12, the period during which the preliminary consent has effect under regulation 12(5) has expired.

(2) The applicant must give a written undertaking to notify the Local Health Board if he or she is included or applies to be included in a relevant list.

PART 3

Notification of commencement date

Information to be provided prior to the commencement of the provision of pharmaceutical services

31. The applicant must provide the following information—

- (a) applicant's name;

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- (b) date application granted;
- (c) premises specified in the application from which the pharmaceutical services will be provided;
- (d) confirmation that premises are registered with the General Pharmaceutical Council (including reference number);
- (e) details of the services to be provided;
- (f) date on which the provision of pharmaceutical services will commence;
- (g) name and registration number of the registered pharmacist in charge at the premises; and
- (h) undertaking that the applicant will, in accordance with the application granted by the Local Health Board, provide the pharmaceutical services from the premises in accordance with the terms of service.

PART 4

Applications for outline consent and premises approval

Details of the application

- 32.** Name of the Local Health Board to which the application is made.
- 33.** Type of application (outline consent, premises approval or both).

Details of the applicant

- 34.** Name and address of the applicant.
- 35.** The General Medical Council reference number under which the applicant is included in the List of Registered Medical Practitioners maintained by the General Medical Council.

Application for outline consent

- 36.** Description and map of the area within which the applicant wishes to provide pharmaceutical services.
- 37.** Address of any pharmacy within the area described and delineated under paragraph 36.

Application for premises approval

- 38.** The address of the practice premises from which the applicant applies to provide pharmaceutical services and whether those practice premises are listed premises in relation to a different area.
- 39.** Distance between those premises and the nearest pharmacy (and the address of that pharmacy).
- 40.** Whether the application is for premises approval, for additional premises or to relocate to new premises (and if the latter the distance from the new premises to the premises in respect of which the applicant currently has premises approval).
- 41.** Whether the application arises because a practice amalgamation has taken place or will be taking place and, if so, the names of the doctors or contractors participating in the amalgamation.
- 42.** If outline consent has already been granted a description and map of the area in respect of which consent has been granted.

43. Details of any other medical practice premises which have been granted premises approval or in respect of which an application has already been made but not yet determined by the Local Health Board.

Pharmaceutical services to be provided

44. The pharmaceutical services to be provided and the opening hours and days on which those services will be provided.

Prejudice test

45. The reasons why the applicant considers that granting the application will not prejudice the proper provision of primary medical services, dispensing services or pharmaceutical services in the controlled locality in which the premises specified in the application are situated.

Necessary or expedient

46. The reasons why the applicant considers it is necessary or expedient to grant the application in order to secure in the area in respect of which the applicant has applied for outline consent the adequate provision, by persons included in a list, of the services or some of the services specified in the application.

Applicant's undertaking

47. The applicant must give an undertaking that if the application is granted and outline consent and premises approval is in effect the applicant will provide the services from the practice premises in respect of which the application is granted in accordance with the terms of service.