

## SCHEDULE 1

### Information to be included in applications to provide pharmaceutical services

#### 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;

*Status: This is the original version (as it was originally made).*

- (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;
- (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<sup>(1)</sup> 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,

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

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.

### **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.