

## SCHEDULE 2

### Procedures to be followed by Local Health Boards to determine applications under the Regulations

## **PART 2**

### Determination of controlled localities

#### **Notice of proposed determination in respect of controlled localities**

4.—(1) If a Local Health Board decides that an application by a Local Medical Committee or a Local Pharmaceutical Committee cannot be considered by virtue of regulation 6(3) (areas that are controlled localities), the Local Health Board must take no action in relation to that application other than to notify the applicant of that fact and of its right of appeal against that decision under regulation 7 (appeals).

(2) In all other cases, before making a determination under regulation 6(2) a Local Health Board must give a written notice of proposed determination to—

- (a) the Local Medical Committee in its area;
- (b) the Local Pharmaceutical Committee in its area;
- (c) the Community Health Council for the area; and
- (d) any person included in a pharmaceutical list maintained by the Local Health Board and any provider of local pharmaceutical services under a pilot scheme or any provider of primary medical services in the area for which the Local Health Board is established who, in the opinion of the Local Health Board, may be affected by the determination.

(3) A notice of proposed determination must inform the person notified of their right to make representations (or in the case of a Local Medical Committee or Local Pharmaceutical Committee being notified that applied for the determination any further representations) in writing on the proposed determination within 30 days of the date on which the notice was sent to them.

#### **Deferral of applications**

5. Where a Local Health Board has issued a notice of proposed determination it must defer consideration of any application submitted under Part 4 or Part 5 of these Regulations but not determined by it if the application could be affected by the proposed determination until—

- (a) it has determined whether or not the locality is or is part of a controlled locality and the period for bringing an appeal relating to that determination has ended; or
- (b) the date of the determination of any such appeal.

#### **Imposition of conditions**

6. Where a Local Health Board determines whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality it—

- (a) must consider whether the provision of—
  - (i) primary medical services by a provider of such services (other than itself),
  - (ii) pharmaceutical services by an NHS pharmacist or NHS appliance contractor,
  - (iii) local pharmaceutical services provided under a pilot scheme, or

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

- (iv) pharmaceutical services by a doctor,  
is likely to be adversely affected as a consequence of that determination; and
- (b) may, where it is of the opinion that any of those services are likely to be adversely affected, impose conditions to postpone, for such period as it thinks fit, the making or termination of arrangements under regulation 20 (arrangements for the provision of pharmaceutical services by doctors) or equivalent provision under the GMS Regulations for the provision by a doctor or GMS contractor of pharmaceutical services or dispensing services to patients on the relevant patient list.

#### **Notification of determinations and action following determinations**

7.—(1) Once a Local Health Board has determined the question of whether or not any particular area within the area for which it is established is, because it is rural in character, a controlled locality or part of a controlled locality it must—

- (a) as soon as practicable after reaching a determination give notice in writing to those notified under paragraph 4(2) informing them of—
    - (i) the determination and the reasons for it,
    - (ii) any conditions that it has imposed under paragraph 6, and
    - (iii) any rights of appeal under Schedule 3; and
  - (b) as soon as practicable after the relevant date—
    - (i) delineate precisely on a map the boundaries of the controlled locality or remove the delineated boundary of a locality that has ceased to be a controlled locality;
    - (ii) give a doctor that is affected reasonable notice of any conditions that have been imposed under paragraph 6 as a result of the determination; and
    - (iii) proceed to determine any applications that have been deferred under paragraph 5.
- (2) For the purposes of this paragraph, the “relevant date” (“*dyddiad perthnasol*”) is the later of—
- (a) the date on which the period for bringing an appeal relating to the determination ends; or
  - (b) the date of the determination of any such appeal.