

SCHEDULE 3

Appeals to the Secretary of State

PART 3

Determination of appeals

Notification of decisions and subsequent action by [F1NHS England]

10.—(1) Once the Secretary of State has determined the appeal, the Secretary of State must notify the following—

- (a) [F1NHS England];
- (b) the person who made the original application to which the appeal relates;
- (c) if a person other than that person brought the appeal, the person who brought the appeal; and
- (d) any person who made written representations relating to the application pursuant to the notification under Part 2,

and must include with that notification a statement of the reasons for the Secretary of State's decision and the Secretary of State's findings of fact.

[F2(1A) If the Secretary of State has—

- (a) granted or confirmed the grant of a consolidation application; or
- (b) allowed or refused an appeal against a decision as mentioned in paragraph 36(1)(b) in respect of an extension period under paragraph 34A(4)(b)(i),

the Secretary of State must notify the relevant HWB (under this sub-paragraph or sub-paragraph (1) (d)), and must include with that notification a statement of the reasons for the Secretary of State's decision and the Secretary of State's findings of fact.]

(2) If the Secretary of State has granted or confirmed the grant of a routine or excepted application—

- (a) [F1NHS England] must send to the applicant a template of the notice of commencement referred to in paragraph 29 [F3 or a notice of consolidation referred to in paragraph 29A]; and
 - (b) the time periods in paragraphs 31, 32[F4, 34 and 34A] thereafter apply as if the references to the applicant being sent notices of [F1NHS England's] decision were reference to the applicant being notified by the Secretary of State under [F4 sub-paragraph (1)].
- (3) If the Secretary of State has granted or confirmed the grant of—
- (a) a routine application, [F1NHS England] must proceed as soon as is practicable to take such action under regulation 50(4) or (5) as it thinks fit, subject to any directions of the Secretary of State under paragraph 9(2)(b);
 - (b) an application for outline consent, [F1NHS England] must proceed as soon as is practicable to make a determination under regulation 53(3), subject to any directions of the Secretary of State under paragraph 9(6)(a); or
 - (c) an application for premises approval, [F1NHS England] must proceed as soon as is practicable take such action under regulation 57 as it thinks fit, subject to any directions of the Secretary of State under paragraph 9(6)(b).

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 10. (See end of Document for details)

Textual Amendments

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F2** Sch. 3 para. 10(1A) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **20(a)**
- F3** Words in Sch. 3 para. 10(2)(a) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **20(b)(i)**
- F4** Words in Sch. 3 para. 10(2)(b) substituted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **20(b)(ii)**

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