

SCHEDULE 3

Appeals to the Secretary of State

PART 2

Notification of appeals

Notification of appeals notices under paragraph 30, 32(5) or 36 of Schedule 2

3.—(1) Unless the Secretary of State determines the appeal under paragraph 2, or the appeal relates to an application pursuant to regulation 23, the Secretary of State must send a copy of a valid notice of appeal sent under paragraph 30, 32(5) or 36 of Schedule 2 to—

- (a) the NHSCB;
- (b) in the case of an appeal against the grant of an application, any person who was entitled to receive notification of the decision by virtue of paragraph 28(5) of Schedule 2;
- (c) in the case of an appeal in relation to a notifiable application, including against decisions as mentioned in paragraphs 32(4) and 36(1)(b) to (f) of Schedule 2—
 - (i) the applicant (unless they are the person bringing the appeal),
 - (ii) any person who was notified in relation to that application under paragraph 19 of Schedule 2 who made representations in writing about the application under paragraph 19(4) of that Schedule (unless they are also the person bringing the appeal), and
- (d) in the case of an appeal in relation to an application pursuant to regulation 26(1), 27 or 28 (including against decisions as mentioned in paragraph 36(1)(d) to (f) of Schedule 2), any person notified in relation to the decision on that application under paragraph 28(3) (c) or (4).

(2) Any person to whom a notice of appeal is sent under sub-paragraph (1) may make representations in writing about the appeal, provided they do so within 30 days of the date on which they are sent the notice of appeal by the Secretary of State.

Notification of appeals relating to notices under regulation 45

4.—(1) A valid notice of appeal under regulation 45(1)(b) does not need to be notified to others.

(2) The Secretary of State must send a valid notice of appeal—

- (a) against a determination under regulation 36(2) to the persons given notice of the proposed determination under regulation 38(1) or (2); or
- (b) against a determination under regulation 41(2) or 42(1) to—
 - (i) the person making the routine application to which the determination relates, and
 - (ii) any person given notice of the determination who is mentioned in regulation 43(1) (b)(ii),

unless they are the person bringing the appeal.

(3) Any person to whom a notice of appeal was sent under sub-paragraph (2) may make representations in writing about the appeal, provided they do so within 30 days of the date on which they were sent the notice of appeal by the Secretary of State.

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

Notification of appeals relating to decisions under Part 8 of these Regulations

- 5.—(1) A valid notice of appeal under regulation 63(1)(a) does not need to be notified to others.
- (2) The Secretary of State must send a valid notice of appeal against—
- (a) a decision mentioned in regulation 63(1)(b) to the persons, other than the appellant, given notice of the decision under regulation 50(6); or
 - (b) a decision or determination mentioned in regulation 63(1)(c) to (f) to—
 - (i) the person who made the original application for outline consent or premises approval,
 - (ii) any person who was notified in relation to that application under regulation 52(1) to (3) who made representations in writing about the application under regulation 52(4), and
 - (iii) if the appeal is against a refusal to grant temporary premises approval, the applicant who made the relevant outstanding pharmacy application,unless they are person bringing the appeal.
- (3) Any person to whom a notice of appeal was sent under sub-paragraph (2) may make representations in writing about the appeal, provided they do so within 30 days of the date on which they were sent the notice of appeal by the Secretary of State.

Non notification of appeals relating to notices under regulation 77 or 98

6. A valid notice of appeal under regulation 77 or 98 does not need to be notified to others.