

SCHEDULE 4

Appeals to the Welsh Ministers

PART 2

Appeals against decisions determining controlled localities

Right of appeal to the Welsh Ministers

3.—(1) Where a Local Health Board has decided that an application by a Local Medical Committee or a Local Pharmaceutical Committee cannot be considered by virtue of regulation 13(3) (areas that are controlled localities), the applicant may submit a notice of appeal against that decision to the Welsh Ministers.

(2) Where a Local Health Board has determined under regulation 13(2) 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, the persons entitled to submit a notice of appeal against that determination to the Welsh Ministers are—

- (a) the Local Medical Committee,
- (b) the Local Pharmaceutical Committee, and
- (c) any person included in a pharmaceutical list maintained by the Local Health Board, 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 and who were given notice of the determination by the Local Health Board under paragraph 7(1) of Schedule 3.

(3) Where a Local Health Board has determined that it should or should not postpone the making or termination of arrangements, as mentioned in paragraph 6(b) of Schedule 3, those that may submit a notice of appeal against that determination to the Welsh Ministers are—

- (a) the Local Medical Committee,
- (b) the Local Pharmaceutical Committee, and
- (c) any person included in a pharmaceutical list maintained by the Local Health Board, 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 and who were given notice of the determination by the Local Health Board under paragraph 7(1) of Schedule 3.

(4) A notice of appeal is valid if—

- (a) it is submitted by a person with the right of appeal under sub-paragraph (1), (2) or (3),
- (b) it is sent to the Welsh Ministers within 30 days of the date on which notice of the decision being appealed was sent by the Local Health Board to the person making the appeal, and
- (c) it contains a statement of the grounds of appeal.

Notification of appeals

4.—(1) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 3(1) send a copy of the notice to the Local Health Board.

(2) The Welsh Ministers must on receipt of a notice of appeal submitted under paragraph 3(2) or 3(3) send a copy of the notice to—

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- (a) the Local Health Board, and
 - (b) those persons to whom the Local Health Board has given notice of its determination under paragraph 7(1) of Schedule 3.
- (3) Those sent a copy of the notice of appeal under sub-paragraphs (1) to (3) must, at the same time, be informed by the Welsh Ministers—
- (a) that they may within 30 days of the date on which the notice of appeal was sent to them, make representations on the appeal in writing to the Welsh Ministers, and
 - (b) of the circumstances in which the Welsh Ministers may require an oral hearing to be held.

Decision on appeals

5.—(1) The Welsh Ministers must after reaching a decision on an appeal submitted under paragraph 3 give written notice of their decision together with the reasons for it to those persons sent a copy of the notice of appeal under paragraph 4.

- (2) The Welsh Ministers—
- (a) must, where they allow an appeal against a decision by a Local Health Board that an application cannot be considered by virtue of regulation 13(3), either—
 - (i) themselves determine the question of whether or not the particular locality is or is part of a controlled locality, or
 - (ii) remit the question to the Local Health Board for determination,
 - (b) may, where the Local Health Board, on determining the application, considered the imposition of conditions under paragraph 6 of Schedule 3, themselves consider whether to impose conditions,
 - (c) may, where the Local Health Board, on determining the application, has not considered the imposition of conditions under paragraph 6 of Schedule 3 either—
 - (i) themselves consider whether to impose conditions, or
 - (ii) remit the question to the Local Health Board for determination,
 - (d) may, where the Local Health Board, on determining the application, considered the question whether to postpone the making or termination of arrangements under regulation 26 (or equivalent provision under the GMS Regulations) for the provision by a doctor or a GMS contractor of pharmaceutical services or dispensing services to patients, themselves postpone, for such period as they think fit, the making or termination of such arrangements, or
 - (e) must, where the Local Health Board, did not consider the question whether to postpone the making or termination of arrangements under regulation 26 (or equivalent provision under the GMS Regulations) for the provision by a doctor or a GMS contractor of pharmaceutical services or dispensing services to patients, remit the question to the Local Health Board for determination.