
STATUTORY INSTRUMENTS

2002 No. 2016

The National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No. 2) Regulations 2002

Amendment of the principal Regulations

5.—(1) The principal Regulations are amended as follows.

(2) In regulation 2 (interpretation), in the appropriate alphabetical position, insert—

““the 2001 Act” means the Health and Social Care Act 2001(1);”,

““local pharmaceutical services” have the meaning given in regulation 2 of the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) Regulations 2002(2);”,
and

““pharmacy pilot scheme” has the same meaning as the term “pilot scheme” in section 28(2) of the 2001 Act”.

(3) After regulation 8 (appeals), insert—

“Right of return to pharmaceutical lists

8A.—(1) This regulation applies if the Secretary of State makes a determination under regulation 4 of the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No. 2) Regulations 2002(3) that a person is to be given a right of return to a Health Authority’s pharmaceutical list on making an application for his name to be included in that list after ceasing to provide local pharmaceutical services under a pharmacy pilot scheme, and the conditions mentioned in paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the period of time between the cessation of provision of local pharmaceutical services by the applicant and the commencement of provision of pharmaceutical services by the applicant will be such that the provision of such services will be continuous (except for such period as the Health Authority may for good cause allow); and
- (b) the determination or determinations relevant to the application have not been invalidated by any subsequent determination, and that any conditions specified in the determination or determinations are satisfied.

(3) A person making an application under this regulation for inclusion of his name in a pharmaceutical list must apply to the Health Authority in the form set out in Part I of Schedule 3 while he is still providing local pharmaceutical services under a pharmacy pilot scheme, and in addition he must—

- (a) make clear that the application is made by virtue of this regulation; and
- (b) attach copies of all determinations relevant to the application.

(1) 2001 c. 15.
(2) S.I. 2002/888.
(3) S.I. 2002/2016.

(4) If a person has made an application in the manner described in paragraph (3) to a Health Authority for his name to be included in their pharmaceutical list, the Health Authority must grant the application.

(5) Any conditions imposed by a Health Authority under regulation 9(7) or 12(15) (or by the Secretary of State under regulation 10(10)(b) or 13(13)(b)) which are still in force by virtue of regulation 12(15A)(4) shall be unaffected by the grant of an application under this regulation.

(6) A Health Authority must, as soon as is practicable, give notice in writing of its decision on an application under this regulation to those persons or bodies listed in regulation 7(1)(a).

(7) Where a Health Authority grants an application under this regulation, the applicant must be included in the relevant pharmaceutical list or lists only if, not less than 14 days before the expiry of six months after the date on which the grant was notified to him by the Health Authority in accordance with paragraph (6), he notifies the Health Authority, in the form set out in Part II of Schedule 3, that he will, within the next 14 days, commence the provision of the services in respect of which the application was made at the premises to which the application related.

(8) Where, at any time after making an application under this regulation, but before the expiry of the six months referred to in paragraph (7), the applicant notifies the Health Authority that he intends to change within the neighbourhood the premises from which he intends to provide pharmaceutical services, being the same services as those named in the application, and the Health Authority is satisfied that the change is a minor relocation, it may amend the premises named in the original application.

(9) For the purposes of paragraph (7), the date of the notification of a grant of an application is the day after the expiry of the period of 30 days beginning on the date on which notice of that decision is given under paragraph (6).

(10) For the avoidance of doubt, regulations 4 (except paragraph (1)), 5, 6, 7, 8, 11, 12, 13, 14 and 15 do not apply to an application under this regulation.”

(4) In regulation 12 (determination of applications in respect of controlled localities), after paragraph (15) insert—

“(15A) Where a Health Authority has imposed any conditions under regulation 9(7) or paragraph (15), or the Secretary of State has imposed any conditions under regulation 10(10)(b) or 13(13)(b), those conditions shall be unaffected by the commencement or continuation of a pharmacy pilot scheme for the provision of local pharmaceutical services by the person whose application was granted subject to such conditions (or by a successor to that person who likewise provides local pharmaceutical services under that scheme).”

(5) In regulation 17 (removal from pharmaceutical lists), after paragraph (1) insert—

“(1A) Where a chemist provides local pharmaceutical services under a pharmacy pilot scheme, and no longer provides pharmaceutical services, the Health Authority must remove his name from the pharmaceutical list.”

(6) In Part I of Schedule 3 (application for inclusion in a pharmaceutical list or inclusion in a list in respect of different services or premises), in paragraph 7, after “*pharmaceutical services listed in paragraph 6 are already provided*”, insert “, or those applying for a right of return to a pharmaceutical list under regulation 8A”.

(4) Paragraph (15A) of regulation 12 was inserted by S.I. 2002/2016.