

---

STATUTORY INSTRUMENTS

---

**2012 No. 1909**

**The National Health Service  
(Pharmaceutical Services) Regulations 2012**

**PART 3**

General matters relating to pharmaceutical lists and applications in respect of them

**Unforeseen benefits applications: additional matters to which the Primary Care Trust must have regard**

**18.**—(1) If a Primary Care Trust receives a routine application and is required to determine whether the Primary Care Trust is satisfied that granting it, or granting it in respect of some only of the services specified in it, would secure improvements, or better access—

- (a) to pharmaceutical services, or pharmaceutical services of a specified type, in its area; but
- (b) the improvements or better access that would be secured were or was not included in its pharmaceutical needs assessment in accordance with paragraph 4 of Schedule 1,

in determining whether it is satisfied as mentioned in section 129(2B) of the 2006 Act<sup>(1)</sup> (regulations as to pharmaceutical services), the Primary Care Trust must have regard to the matters set out in paragraph (2).

(2) Those matters are—

- (a) whether it is satisfied that granting the application would cause significant detriment to—
  - (i) proper planning in respect of the provision of pharmaceutical services in its area, or
  - (ii) the arrangements it has in place for the provision of pharmaceutical services in its area;
- (b) whether, notwithstanding that the improvements or better access were not included in its pharmaceutical needs assessment, it is satisfied that, having regard to the desirability of—
  - (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the Primary Care Trust,
  - (ii) people who share a protected characteristic having access to services that meet specific needs for pharmaceutical services that, in the area of the Primary Care Trust, are difficult for them to access, or
  - (iii) there being innovative approaches taken with regard to the delivery of pharmaceutical services,

granting the application would confer significant benefits on persons in its area which were not foreseen when it published its pharmaceutical needs assessment;

- (c) whether it is satisfied that it would be desirable to consider, at the same time as the applicant's application, applications from other persons offering to secure the improvements or better access that the applicant is offering to secure;

---

<sup>(1)</sup> Section 129(2B) was inserted by the Health Act 2009 (c. 21), section 26(3).

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

- (d) whether it is satisfied that another application offering to secure the improvements or better access has been submitted to it, and it would be desirable to consider, at the same time as the applicant's application, that other application;
  - (e) whether it is satisfied that an appeal relating to another application offering to secure the improvements or better access is pending, and it would be desirable to await the outcome of that appeal before considering the applicant's application;
  - (f) whether the application needs to be deferred or refused by virtue of any provision of Part 5 to 7.
- (3) The Primary Care Trust need only consider whether it is satisfied in accordance with paragraphs (2)(c) to (e) if it has reached at least a preliminary view (although this may change) that it is satisfied in accordance with paragraph (2)(b).