

SCHEDULE 2

Applications in respect of pharmaceutical lists and the procedures to be followed

PART 5

Notification, taking effect of decisions and rights of appeal to the Secretary of State

Conditional grant of applications where the address of the premises is unknown

31.—(1) As regards any routine application, sub-paragraph (2) applies where—

- (a) the applicant (A) is seeking the listing of premises not already listed in relation to A (whether or not A is already included in the pharmaceutical list); and
- (b) prior to the determination of the application, A was only able to provide a best estimate of where the proposed listed chemist premises would be (not the address of those premises).

(2) Where this sub-paragraph applies, it is a condition of the grant of that application that A notifies to [F1NHS England] the address of the premises to be listed within 6 months of—

- (a) the date on which A was sent the notice of decision under paragraph 28 (having regard also to paragraph 10(2) of Schedule 3);
- (b) if the grant of the application is appealed to the Secretary of State by a person with third party appeal rights, the date on which the appeal is determined by the Secretary of State; or
- (c) in a case of an application which is subject to a condition imposed by virtue of paragraph 33(2), the date on which that condition becomes spent,

whichever is the latest.

(3) A notification under sub-paragraph (2) is only valid if [F1NHS England] is satisfied that the premises are at a location that is within the range of possible locations covered by the estimate referred to in sub-paragraph (1)(b).

[F2(3A) For the purposes of paragraph (3), premises are not within the range of possible locations covered by the estimate referred to in sub-paragraph (1)(b) if the granted application would have been refused pursuant to regulation 31 if the address of those premises had been included in that application instead of the estimate.]

(4) If [F1NHS England] receives a purported notification under sub-paragraph (2), it must, within 14 days of receiving that purported notification—

- (a) notify A of whether or not it is satisfied that it is a valid notification;
- (b) if it is satisfied that it is a valid notification, notify the address to the persons notified of the decision to grant the application; and
- (c) if [F1NHS England] is not satisfied that it is a valid notification, it must include with that notification—
 - (i) the reasons for its decision, and
 - (ii) an explanation of how A's rights of appeal under paragraph 36(1)(b) may be exercised.

(5) [F1NHS England] may not vary or remove a condition imposed by virtue of this paragraph.

(6) If A breaches a condition imposed by virtue of this paragraph, the grant of the application lapses.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 31. (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. 2 para. 31(3A) inserted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **17(c)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 31.