

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

Appeals to the Secretary of State by the applicant

36.—(1) As regards any routine or excepted application, other than an application pursuant to regulation 29, the applicant (A) may appeal to the Secretary of State against a decision by [^{F1}NHS England]—

- (a) to refuse the application on grounds set out in Parts 3 to 5 or 7 of these Regulations;
- (b) that a notification pursuant to a condition imposed by virtue of paragraph 31 is invalid;
- (c) to refuse to accept that a notification under paragraph 32(2) is a valid notification;
- (d) to impose or vary a condition imposed pursuant to paragraph 33;
- (e) to refuse to allow A an extension period under paragraph 34(4)(c)(i) [^{F2}or 34A(4)(b)(i)]; or
- (f) to give notice under paragraph 35,

provided A notifies the Secretary of State with a valid notice of appeal within 30 days of the date on which A was notified of the decision that is being appealed.

(2) A notice of appeal under [^{F3}sub-paragraph] (1) is only valid if it includes a concise and reasoned statement of the grounds of appeal.

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** Words in Sch. 2 para. 36(1)(e) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **19(a)**
- F3** Words in Sch. 2 para. 36(2) substituted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **19(b)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 36.