

## SCHEDULE 2

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

### PART 3

#### Notification of certain applications

##### Applications requiring notifications

**18.** An application is a “notifiable application” for the purposes of this Schedule if—

- (a) it is a routine application; or
- (b) it is an excepted application pursuant to regulation 24, 25 or 26(2),

and the Primary Care Trust to whom the application was made has not decided to dispense with the notification pursuant to paragraphs 15 to 17.

##### Notification procedure for notifiable applications

**19.—**(1) As soon as is practicable (having regard to its functions under Part 2), the Primary Care Trust (PCT1) must give notice of a notifiable application to—

- (a) any Local Pharmaceutical Committee for its area (including one for its area and that of one or more other Primary Care Trusts);
- (b) any Local Medical Committee for its area (including one for its area and that of one or more other Primary Care Trusts);
- (c) any person—
  - (i) included in its pharmaceutical list, or
  - (ii) who is entitled to be included in its pharmaceutical list because of the grant of a routine or excepted application but who is not (yet) included,

whose interests might, in the opinion of PCT1, be significantly affected if the application were granted;

- (d) any LPS chemist—
  - (i) with whom PCT1 has made arrangements for the provision of any local pharmaceutical services, and
  - (ii) whose interests might, in the opinion of PCT1, be significantly affected if the application were granted;
- (e) any relevant local involvement network, and any other patient, consumer or community group in its area which, in the opinion of PCT1, has a significant interest in the outcome of the application;
- (f) if the applicant is seeking to locate premises in, or within 1.6 kilometres of, a controlled locality in its area—
  - (i) any provider of primary medical services, or
  - (ii) any other person on its dispensing doctors list if it has one (being a performer but not a provider of primary medical services); andwho, in the opinion of PCT1, has a significant interest in the outcome of the application;
- (g) any other Primary Care Trust or Local Health Board any part of whose area is within 2 kilometres of the proposed listed chemist premises to which the application relates.

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(2) PCT1 may also give notice of the notifiable application to any other person who, in the opinion of PCT1, has a significant interest in the outcome of the application.

(3) A Primary Care Trust notified under sub-paragraph (1)(g) (PCT2) must, within 14 days of receiving the notification—

(a) give notice of the application to—

(i) any Local Pharmaceutical Committee for its area (including one for its area and that of one or more other Primary Care Trusts) not already given notice of the application,

(ii) any Local Medical Committee for its area (including one for its area and that of one or more other Primary Care Trusts) not already given notice of the application,

(iii) any person—

(aa) included in its pharmaceutical list, or

(bb) who is entitled to be included in its pharmaceutical list because of the grant of a routine or excepted application but who is not (yet) included,

whose interests might, in the opinion of PCT2, be significantly affected if the application were granted,

(iv) any LPS chemist—

(aa) with whom PCT2 has made arrangements for the provision of any local pharmaceutical services, and

(bb) whose interests might, in the opinion of PCT2, be significantly affected if the application were granted,

(v) any relevant local involvement network, and any other patient, consumer or community group in its area which, in the opinion of PCT2, has a significant interest in the outcome of the application, and

(vi) if the applicant is seeking to locate premises within 1.6 kilometres of a controlled locality in its area—

(aa) any provider of primary medical services, or

(bb) any other person on its dispensing doctors list if it has one (being a performer but not a provider of primary medical services),

who, in the opinion of PCT2, has a significant interest in the outcome of the application; and

(b) notify PCT1 of the action that it has taken under sub-paragraph (a).

(4) Those notified under sub-paragraphs (1) to (3)(a) may make representations in writing about the application that is the subject of the notification to PCT1, provided they do so—

(a) within 45 days of the date on which notice of the application was given to them; or

(b) in the case of notifications under sub-paragraph (2) or (3), within such longer period as PCT1 may specify.

### **Parallel notifications**

**20.**—(1) If the Primary Care Trust is considering, as a consequence of a notifiable application, making (including revising) a determination as to whether or not an area is or is not to be part of a controlled locality, it must give notice under this Part at the same time that it gives notice under regulation 38(1).

(2) If, as a consequence of a notifiable application, a Primary Care Trust is required, by virtue of regulation 41 to determine whether or not an area is a reserved location, the Primary Care Trust must consider giving notice under this Part at the same time that it gives notice under regulation 41(4).

## Content of notifications

- 21.—(1) A person notified under paragraph 19 (P)—
- (a) must be informed—
    - (i) of P’s right to make representations under paragraph 19(4);
    - (ii) of the circumstances in which notified persons would be permitted, pursuant to paragraph 25, to make oral representations at any oral hearing relating to the application, and
    - (iii) if the Primary Care Trust intends to consider the application together and in relation to any other application, of that intention;
  - (b) need not be given the same information as other persons notified under paragraph 19 but, subject to sub-paragraphs (2) to (4), P must be provided with sufficient information, from the information supplied by the applicant, to enable P to make informed representations with regard to whether or not the application should be granted, having regard to P’s interest in the matter.
- (2) P need not be provided with any information that is published as part of the Primary Care Trust’s pharmaceutical needs assessment.
- (3) P must not be provided with—
- (a) information supplied by the applicant (A), or where applicable A’s home Primary Care Trust, under paragraphs 2 to 5 or 13; and
  - (b) any private addresses, private telephone numbers or dates of birth supplied by A.
- (4) If A advises the Primary Care Trust that—
- (a) information supplied by A is considered by A to be confidential to A; and
  - (b) A does not consent to the information being disclosed as part of the notification,
- the Primary Care Trust must withhold that information from P if it considers that the full disclosure principle does not require it to provide that information to P.
- (5) The “full disclosure principle” is that information that is relevant to the determination of an application should be available to any individual who has a significant interest in the outcome of the application, unless it is fair and proper for that information to be withheld from that individual.
- (6) If information is being withheld from P under paragraph (4), P must be informed of the nature of the information that is being withheld from P.