

The NHS (pharmaceutical services) regulations 2012 – transitional provisions guidance: addendum – 31 July 2012

Gateway reference 17982

Schedule 7 to the NHS (Pharmaceutical Services) Regulations 2012 (the “2012 Regulations”) sets out certain provisions governing what happens if the notification period for an application has not ended by the “appointed day”. For the purposes of the 2012 Regulations, the “appointed day” is 1st September 2012 when the 2012 Regulations come into force.

If the application made under the 2005 Regulations does not have an equivalent provision in the 2012 Regulations and if the application had been notified and the date for receiving comments would not end until 1st September 2012 or later, the application is void. Any fees paid should be refunded. The only exception to this is where the PCT has decided to defer consideration of the application (but not because the application was incomplete).

In the Executive Summary to the Information to PCTs -Transitional Provisions, the fifth bullet point should read:

“Applications which do not have an equivalent provision in the 2012 Regulations but have been notified, and where the period for receiving comments ends on 31st August 2012 or earlier, should continue to be determined under the 2005 Regulations”

Department of Health
31 July 2012