

Appeals case reference 26289

Medis Pharma Ltd v National Health Service Litigation Authority

Background

By application dated 4 December 2023, Medis Pharma Ltd (“the Applicant”) applied to Kent and Medway ICB (“the Commissioner”) for inclusion in the pharmaceutical list at Office 5, The Nucleus, Brunel Way, Dartford, DA1 5GA under Regulation 25 the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”).

The Commissioner considered granted the application as per its decision letter dated 1 August 2024.

In a letter dated 29 August 2024, Pharmacy Sales & Consultancy on behalf of Optimal Wellness Services Ltd appealed against the Commissioner’s decision.

On 25 November 2024, the Pharmacy Appeals Committee (“Committee”), appointed by NHS Resolution, quashed the decision of the Commissioner and determined that the application should be refused.

Medis Pharma Ltd was granted permission to apply for Judicial Review on two of three grounds.

Judicial Review - Case No: AC-2025-LON-000553 handed down on 21 October 2025

All grounds were dismissed and the judgment found that the Committee were acting appropriately and rationally on all aspects.

In respect of ground 1 (para 31-46 of the judgment) the Court considered whether the Committee's decision was unreasonable/irrational. The judgment considers the Claimant's seven pleaded particulars, all of which were rejected. A key theme of the deliberations is whether the Claimant provided enough evidence to demonstrate that it could provide the relevant medicines "safely and effectively." It considered the Claimant had failed to back up some of its assertions either through a witness statement or supporting documents and that this was ultimately insurmountable (para 45). The judgment concluded that although it would not have been unreasonable for the Committee to request further information from the Claimant, the approach taken by the Committee was not unlawful.

In respect of ground 3 (para 47-49), whether the Committee provided proper reasons, the judgment is brief and clearly considers that the reasons provided by the Committee were sufficient, noting there was extensive and close reasoning on the critical issue regarding temperature monitoring. It also notes that this ground was not pressed by the Claimant's representative at the substantive hearing.

The full judgment can be read here:

[Medis Pharma Ltd v NHS Resolution - Find Case Law - The National Archives](#)

17 November 2025