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STATUTORY INSTRUMENTS

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**2013 No. 349**

The National Health Service (Pharmaceutical and  
Local Pharmaceutical Services) Regulations 2013

PART 4

Excepted applications

**Distance selling premises applications**

**25.**—(1) Section 129(2A) of the 2006 Act<sup>(1)</sup> (regulations as to pharmaceutical services) does not apply to an application—

- (a) for inclusion in a pharmaceutical list by a person not already included; or
- (b) by a person already included in a pharmaceutical list for inclusion in that list also in respect of premises other than those already listed in relation to that person,

in respect of pharmacy premises that are distance selling premises.

(2) The NHSCB must refuse an application to which paragraph (1) applies—

- (a) if the premises in respect of which the application is made are on the same site or in the same building as the premises of a provider of primary medical services with a patient list; and
- (b) unless the NHSCB is satisfied that the pharmacy procedures for the pharmacy premises are likely to secure—
  - (i) the uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services, and
  - (ii) the safe and effective provision of essential services without face to face contact between any person receiving the services, whether on their own or on someone else's behalf, and the applicant or the applicant's staff.

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<sup>(1)</sup> Section 129(2A) was inserted by the Health Act 2009 (c. 21), section 26(3), and has been amended by the Health and Social Care Act 2012 (c. 7), section 207(4), and Schedule 4, paragraph 66(5).