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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

**Change of ownership applications**

**26.**—(1) Section 129(2A) of the 2006 Act <sup>M1</sup> (regulations as to pharmaceutical services) does not apply to an application from a person who is not included in a pharmaceutical list for inclusion in the list, or from a person included in a pharmaceutical list for inclusion in that list also in respect of other premises than those already listed in relation to that person, if—

- (a) the applicant (X) is undertaking to provide pharmaceutical services at premises—
  - (i) that are already listed chemist premises, and
  - (ii) at which another person (Y) is providing pharmaceutical services;
- (b) X is proposing to carry on at the listed chemist premises, in place of Y, the business in the course of which Y is providing pharmaceutical services at those premises;
- (c) X is undertaking to provide the same pharmaceutical services as those that Y is providing; and
- (d) the provision of pharmaceutical services at the premises will not be interrupted (except for such period as the NHSCB may for good cause allow).

(2) Section 129(2A) of the 2006 Act does not apply to an application from a person who is not included in a pharmaceutical list for the area of a HWB (HWB1) for inclusion in that list, or from a person included in a pharmaceutical list for inclusion in that list also in respect of other premises than those already listed in relation to that person, if—

- (a) the applicant (X) is undertaking to provide the pharmaceutical services that another person (Y)—
  - (i) is providing at listed chemist premises (“Y’s premises”), whether in the area of HWB1 or a neighbouring HWB, or
  - (ii) has provided at Y’s premises but Y is no longer able to provide pharmaceutical services at those premises for reasons that the NHSCB accepts are good cause;
- (b) X is proposing to carry on, in place of Y, the business in the course of which Y is providing, or has provided, pharmaceutical services at Y’s premises;
- (c) X is undertaking to provide the same pharmaceutical services as Y is providing or has provided at Y’s premises, but at different premises (“X’s premises”);
- (d) [<sup>F1</sup>had Y] applied to move to X’s premises, that application would have been granted under regulation 24; and
- (e) [<sup>F2</sup>in a case where] pharmaceutical services—

*Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 26. (See end of Document for details)*

- (i) are being provided at Y's premises, the provision of pharmaceutical services will not be interrupted (except for such period as the NHSCB may for good cause allow) by the move of the business from Y's premises to X's premises, or
- (ii) are not being provided at Y's premises, the provision of pharmaceutical services will commence at X's premises within the period that the NHSCB considers is an acceptable period for the interruption of the provision of pharmaceutical services by the business that X is taking over.

[<sup>F3</sup>(3) An application pursuant to paragraph (1) must be refused if it relates to distance selling premises, unless the application, if made pursuant to regulation 25(1), would not be refused pursuant to regulation 25(2).

(4) An application pursuant to paragraph (2) must be refused if the existing pharmacy premises from which the applicant is seeking to relocate are distance selling premises, unless the premises to which the applicant is seeking to relocate are also distance selling premises (and this is in addition to the requirement that arises by virtue of paragraph (2)(d) that the application, if made pursuant to regulation 25(1), would not be refused pursuant to regulation 25(2)).]

#### Textual Amendments

- F1** Words in reg. 26(2)(d) substituted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **9(a)(i)**
- F2** Words in reg. 26(2)(e) substituted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **9(a)(ii)**
- F3** Reg. 26(3)(4) inserted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **9(b)**

#### Marginal Citations

- M1** 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).

**Status:**

Point in time view as at 01/04/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 26.