
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 4

Excepted applications

Temporary arrangements during emergencies or because of circumstances beyond the control of NHS chemists

29.—(1) Section 129(2A) of the 2006 Act (regulations as to pharmaceutical services) does not apply to an application for a temporary amendment to a pharmaceutical list in the following circumstances—

- (a) there is an emergency requiring the flexible provision of pharmaceutical services; or
- (b) there is a temporary suspension in the provision of pharmaceutical services at listed chemist premises (P1) for a reason (for example, fire or flooding) that is beyond the control of the NHS chemist (C) listed in relation to P1.

(2) In the circumstances described in paragraph (1)(a), [F1NHS England] may make a temporary amendment to an entry in a pharmaceutical list, but—

- (a) only for a specified period (which must not be longer than the specified period of the emergency given by the Secretary of State) which [F1NHS England] may extend or curtail in appropriate circumstances; and
- (b) the applicant may revert to the applicant's overridden entry in the pharmaceutical list before the end of the period specified by [F1NHS England], on giving [F1NHS England] at least 24 hours notice.

(3) In the circumstances described in paragraph (1)(b), [F1NHS England] may make a temporary amendment to the entry of C in the relevant pharmaceutical list in order to allow C to provide the services that C ordinarily provided at P1 at other premises nearby (P2), at the days on which and times at which those services were ordinarily provided at P1, for a period specified by [F1NHS England].

(4) A period specified under paragraph (3) must not be longer (initially) than 6 months, and [F1NHS England] may under that paragraph—

- (a) if it has good cause to do so, extend the period specified under that paragraph (but not beyond 12 months from the date on which C starts to provide the services in question from P2); or
- (b) curtail the period specified,

in appropriate circumstances.

(5) For the period specified under paragraph (3), but subject to paragraph (6) and regulation 118, P2 instead of P1 are to be treated as listed in relation to C for the purposes of these Regulations (albeit that the premises actually listed in relation to C are P1).

(6) The applicant may revert to the applicant's overridden entry in the pharmaceutical list before the end of the period specified by under paragraph (3), on giving [^{F1}NHS England] at least 24 hours notice.

(7) Planned refurbishment is not a “reason beyond the control” of C for the purposes of paragraph (1)(b).

(8) There is no right of appeal under these Regulations in respect of a decision of [^{F1}NHS England] under this regulation.

Textual Amendments

F1 Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 29.