
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 7

**Areas that are controlled localities or reserved
locations, and new pharmacies within them**

Process for determining controlled localities: local notification and deferment of routine applications

38.—(1) If [F¹NHS England] is considering making a determination that an area (A1) is or is not to be, or is or is not to be part of, a controlled locality (whether or not of its own motion), before making the proposed determination, it must give notice of the proposed determination to—

- (a) any Local Pharmaceutical Committee whose area includes all or part of A1;
- (b) any Local Medical Committee whose area includes all or part of A1;
- (c) any person on a pharmaceutical list or dispensing doctors list who, in the opinion of [F¹NHS England], may be affected by the determination;
- (d) any LPS chemist who, in the opinion of [F¹NHS England], may be affected by the determination;
- (e) any provider of primary medical services who, in the opinion of [F¹NHS England], may be affected by the determination;
- (f) where it is considering making a determination as a consequence of a routine application, the person making that application; and
- (g) any HWB whose area includes all or part of A1.

(2) [F¹NHS England] may also give notice of the proposed determination to such other persons as it considers appropriate to do so.

(3) A notice under paragraph (1) or (2) must inform the person notified—

- (a) that they may make representations (or in the case of a Committee being notified that applied for the determination, any further representations) in writing within 30 days beginning on the day on which the notification was sent to them;
- (b) of the date by which [F¹NHS England] expects to make its determination, which must be no later than 6 months after the day on which [F¹NHS England] first gives notice to any person in respect of the proposed determination under paragraph (1) or (2).

(4) Once [F¹NHS England] has issued notice under paragraph (1), it must defer consideration of any routine application where the applicant is seeking the listing of pharmacy premises and the outcome of the application could (if the application is deferred) be affected as a result of the proposed determination, until—

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 38. (See end of Document for details)

- (a) it has determined whether the area in question is or is not to be, or is or is not to be part of, a controlled locality; and
- (b) the proceedings relating to that determination have reached their final outcome.

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 38.