
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 8

Dispensing doctors

Arrangements for the provision of pharmaceutical services by doctors: applications by patients

48.—(1) A patient (P) may at any time request in writing that a dispensing doctor (D) provides P with pharmaceutical services if—

- (a) one or more of the Conditions specified in paragraphs (2) to (4) is satisfied in relation to P; and
- (b) P is on either D's patient list or the patient list of a provider of primary medical services (E) by whom D is employed or engaged.

(2) Condition 1 is that P satisfies [^FNHS England] that P would have serious difficulty in obtaining any necessary drugs or appliances from pharmacy premises by reason of distance or inadequacy of means of communication.

(3) Condition 2 is that P is resident in a controlled locality at a distance of more than 1.6 kilometres from any pharmacy premises, other than distance selling premises, and—

- (a) there is in effect—
 - (i) an outline consent that has been granted to D for the area in which P resides, and
 - (ii) a related premises approval for the premises from which D (or another general practitioner within the practice) would dispense to P; or
- (b) the following—

- (i) immediately before these Regulations came into force, there was a right (other than outline consent) in effect under the 2012 Regulations for D, E or another general practitioner employed or engaged by E to provide drugs or appliances to patients on D or E's patient list (a right which continues in effect under these Regulations, subject to regulation 60),

- (ii) P either—

- (aa) has not previously been included in a patient list whilst residing in the area of the relevant HWB,
- (bb) has been so included but now resides at a different address in the area of the relevant HWB, or
- (cc) has been so included and has not changed address, but immediately before P's acceptance by D or E onto their patient list, P was being provided with pharmaceutical services by another general practitioner or provider

of primary medical services in the area of the relevant HWB under arrangements with [F1NHS England], and

(iii) there is in effect premises approval in relation to the premises from which D would dispense to P.

(4) Condition 3 is that P is resident in a controlled locality and within a distance of 1.6 kilometres from pharmacy premises that are not distance selling premises, but—

- (a) P is resident in a reserved location; and
- (b) either paragraph (3)(a) or (b) is satisfied in relation to P.

(5) If D—

(a) in response to the request, applies in writing to [F1NHS England], enclosing P's request, [F1NHS England] must make arrangements with D for the provision of pharmaceutical services to P—

- (i) in a case to which Condition 1 applies, from D's medical practice premises, or
- (ii) in a case to which Condition 2 or 3 applies, from D's listed dispensing premises; or

(b) does not respond to the request as mentioned in sub-paragraph (a) within 30 days, [F1NHS England] may, subject to paragraph (7), require D to undertake to provide pharmaceutical services to P—

- (i) in a case to which Condition 1 applies, from D's medical practice premises, or
 - (ii) in a case to which Condition 2 or 3 applies, from D's listed dispensing premises,
- by a notification to that effect which gives D reasonable notice of when the requirement is to take effect.

(6) [F1NHS England] must not, under paragraph (5)(b), require D to undertake to provide services to P, if D satisfies [F1NHS England] that—

- (a) D does not normally provide pharmaceutical services; or
- (b) P would not have serious difficulty in obtaining any necessary drugs or appliances from pharmacy premises by reason of distance or inadequacy of means of communication.

(7) Where arrangements have been made between D and [F1NHS England] for the provision of pharmaceutical services, those arrangements take effect—

- (a) in a case to which paragraph (5)(a) applies, from the date of the patient's request in writing; or
- (b) in a case to which paragraph (5)(b) applies, from the date which [F1NHS England] specifies in the notice under that paragraph as the date on which the arrangements are to take effect, or if D appeals the decision under paragraph (5)(b), the date on which that appeal reaches its final outcome.

(8) Under those arrangements, at or from the relevant medical practice premises or listed dispensing premises for those arrangements, the following may provide pharmaceutical services to the patient, for as long as the arrangements remain in effect—

- (a) if the arrangements are with a provider of primary medical services (including an individual who is such a provider), any general practitioner performing primary medical services on behalf of that provider; or
- (b) if the arrangements are with an individual general practitioner who performs primary medical services on behalf of a provider of primary medical services, the general practitioner or any other general practitioner who performs primary medical services on behalf of that provider.

(9) To be valid, a notification under paragraph (5)(b) by [^{F1}NHS England] must include an explanation of—

- (a) the reasons for the imposition of the requirement; and
- (b) D's right of appeal under regulation 63(1)(a).

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 48.