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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 8

#### Dispensing doctors

##### **Discontinuation of arrangements for the provision of pharmaceutical services by doctors**

**50.**—(1) In circumstances where the NHSCB has arrangements (whether they were made under these Regulations or were made under or continued by virtue of the 2012 Regulations) with a dispensing doctor (D) to provide pharmaceutical services to a person (P), if—

- (a) pharmaceutical services have been provided to P because of the circumstances described in Condition 1 in regulation 48(2), but the NHSCB determines that Condition 1 no longer applies in relation to P;
- (b) the area in which P is resident was but ceases to be a controlled locality, and the provision of pharmaceutical services to P arose out of P's residence in a controlled locality;
- (c) P was resident in but has moved out of a controlled locality, and the provision of pharmaceutical services to P arose out of P's residence in that controlled locality;
- (d) P is resident in a controlled locality but is not (any longer) resident at a distance of more than 1.6 kilometres from any pharmacy premises, other than distance selling premises, at or from which pharmaceutical services are being provided, and—
  - (i) the NHSCB determines that Condition 3 in regulation 48(4) does not apply in respect of P, or
  - (ii) the NHSCB determines that Condition 3 in regulation 48(4) does apply in respect of P, but P informs the NHSCB that P wishes to be provided with pharmaceutical services by a person on a pharmaceutical list rather than by D (other than as permitted by paragraph 7 of Schedule 6);
- (e) P is resident in a reserved location, and—
  - (i) had previously informed the NHSCB (or a Primary Care Trust) that P wished to be provided with pharmaceutical services by D, but
  - (ii) P has since informed the NHSCB that P wishes instead to be provided with pharmaceutical services by a person on a pharmaceutical list rather than by D (other than as permitted by paragraph 7 of Schedule 6); or
- (f) P is resident in a location that ceases to be or be part of a reserved location as a consequence of a determination referred to in regulation 42 as D2,

D must terminate the provision of pharmaceutical services to P, subject to any postponement of the discontinuation by the NHSCB in accordance with paragraphs (2) to (6).

- (2) The NHSCB may postpone the discontinuation—

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*Status: Point in time view as at 01/03/2021. This version of this provision has been superseded.*  
*Changes to legislation: The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 50 is up to date with all changes known to be in force on or before 06 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) until any proceedings relating to the discontinuation, including proceedings arising out of the grant of a routine or excepted application that has led to the discontinuation, have reached their final outcome; or
  - (b) where paragraph (3) or (4) applies.
- (3) This paragraph applies where—
- (a) the NHSCB grants a routine or excepted application, the result of which is the inclusion in a pharmaceutical list of pharmacy premises that are not already listed in relation to an NHS pharmacist;
  - (b) the pharmacy premises to which that application relates are not distance selling premises but—
    - (i) are in a controlled locality, or
    - (ii) are within 1.6 kilometres of a part of a controlled locality in which patients of a dispensing doctor reside and those patients are being provided with pharmaceutical services by that dispensing doctor; and
  - (c) granting the routine or excepted application, in the opinion of the NHSCB, results in a significant change to the arrangements that are in place for the provision of pharmaceutical services (including by a person on a dispensing doctor list) or local pharmaceutical services in any part of a controlled locality.
- (4) This paragraph applies where the NHSCB is required to terminate the provision of pharmaceutical services pursuant to paragraph (1)(f) but the NHSCB is satisfied that the determination that led to the decision to terminate has adversely affected D.
- (5) Where paragraph (3) or (4) applies, the NHSCB may postpone the discontinuation for such period as it thinks fit.
- (6) The NHSCB must postpone the discontinuation—
- (a) while it is forming the opinion mentioned in paragraph (3)(c); or
  - (b) for such period as the NHSCB considers necessary in order to give the doctor reasonable notice (in any case to which paragraph (1) applies) of the discontinuation.
- (7) The NHSCB must notify any decision under this regulation to terminate arrangements to provide pharmaceutical services, subject to any postponement of the discontinuation, to—
- (a) D;
  - (b) if there is any postponement of the discontinuation, the NHS pharmacist listed in relation to any pharmacy premises, the presence of which, or the choice of a patient to obtain services from which, led to the determination of the NHSCB;
  - (c) any Local Pharmaceutical Committee whose area includes the listed dispensing premises at or from which D has been providing pharmaceutical services to P; and
  - (d) any Local Medical Committee whose area includes the listed dispensing premises at or from which D has been providing pharmaceutical services to P.
- (8) Each notification under paragraph (7) must include—
- (a) a statement of the reasons for the decision; and
  - (b) if the person notified is a person with rights of appeal under regulation 63(1)(b), an explanation of how those rights may be exercised.

**Status:**

Point in time view as at 01/03/2021. This version of this provision has been superseded.

**Changes to legislation:**

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