
STATUTORY INSTRUMENTS

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 [F1NHS England] 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 [F1NHS England] 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) [F1NHS England] determines that Condition 3 in regulation 48(4) does not apply in respect of P, or
 - (ii) [F1NHS England] determines that Condition 3 in regulation 48(4) does apply in respect of P, but P informs [F1NHS England] 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 [F1NHS England] (or a Primary Care Trust) that P wished to be provided with pharmaceutical services by D, but
 - (ii) P has since informed [F1NHS England] 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 [F1NHS England] in accordance with paragraphs (2) to (6).

- (2) [F1NHS England] may postpone the discontinuation—

- (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) [F¹NHS England] 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 [F¹NHS England], 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 [F¹NHS England] is required to terminate the provision of pharmaceutical services pursuant to paragraph (1)(f) but [F¹NHS England] is satisfied that the determination that led to the decision to terminate has adversely affected D.
- (5) Where paragraph (3) or (4) applies, [F¹NHS England] may postpone the discontinuation for such period as it thinks fit.
- (6) [F¹NHS England] must postpone the discontinuation—
- (a) while it is forming the opinion mentioned in paragraph (3)(c); or
 - (b) for such period as [F¹NHS England] considers necessary in order to give the doctor reasonable notice (in any case to which paragraph (1) applies) of the discontinuation.
- (7) [F¹NHS England] 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 [F¹NHS England];
 - (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.

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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 50.