
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 8

Dispensing doctors

Temporary arrangements during emergencies or circumstances beyond the control of a dispensing doctor

61.—(1) During an emergency requiring the flexible provision of pharmaceutical services, [F1NHS England] may require a dispensing doctor to provide pharmaceutical services (“temporary services”) to patients to whom the dispensing doctor is not otherwise entitled to provide pharmaceutical services—

- (a) where, as a result of the temporary closure of pharmacy premises in the area of the relevant HWB, [F1NHS England] considers that, in order to secure continuing adequate provision of pharmaceutical services in that area during the emergency, it is necessary for it to require provision of those temporary services; and
- (b) 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.

(2) [F1NHS England] must terminate arrangements to provide temporary services if the doctor notifies it that the doctor is unwilling to provide those services (and so wishes to revert to the doctor's overridden arrangements for the provision of pharmaceutical services).

(3) [F1NHS England] may grant temporary premises approval—

- (a) in relation to additional premises that are not listed dispensing premises; or
- (b) to premises to which a doctor wishes to relocate temporarily from listed dispensing premises,

because there is an emergency requiring the flexible provision of pharmaceutical services.

(4) In the circumstances described in paragraph (3)—

- (a) the temporary premises approval must be 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 dispensing doctor may revert to the overridden premises approval before the end of the period specified by [F1NHS England], on giving [F1NHS England] at least 24 hours notice.

(5) [F1NHS England] may grant temporary premises approval if there is a temporary suspension in the provision of dispensing services at listed dispensing premises (P1) for a reason (for example, fire or flooding) that is beyond the control of the dispensing doctor (D) listed in relation to P1.

(6) In the circumstances described in paragraph (5), [F1NHS England] may make a temporary amendment to the entry of D in the relevant dispensing list in order to allow D to provide the services that D 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].

(7) A period specified under paragraph (6) 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 D starts to provide the services in question from P2); or
- (b) curtail the period specified,

in appropriate circumstances.

(8) For the period specified under paragraph (6), but subject to paragraph (9) and regulation 118, P2 instead of P1 are to be treated as listed in relation to D for the purposes of these Regulations (albeit that the premises actually listed in relation to D are P1).

(9) D may revert to the overridden premises approval before the end of the period specified under paragraph (6), on giving [F1NHS England] at least 24 hours notice.

(10) Planned refurbishment is not a “reason beyond the control” of D for the purposes of paragraph (5).

(11) There is no right of appeal under these Regulations in respect of a decision of [F1NHS England] under this regulation.

(12) If [F1NHS England] grants an application for temporary premises approval under this regulation, it must notify that decision to the persons who would have been notified about the application had the application been an application to which regulation 55 applies.

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 61.