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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 5

Specific grounds for refusal or deferral of applications  
under Parts 3 and 4 which are not linked to fitness grounds

#### **Refusal: language requirement for some NHS pharmacists**

**30.** An application for inclusion in a pharmaceutical list by a person not already included must be refused if the applicant is an individual (X) who qualified as a pharmacist in Switzerland or an EEA state other than the United Kingdom, unless X satisfies the NHSCB that X has the level of knowledge of English which, in the interests of X and the persons making use of the services to which the application relates, is necessary for the provision of those services in the area of the relevant HWB.

#### **Refusal: same or adjacent premises**

**31.**—<sup>F1</sup>(1) A routine or excepted application<sup>F2</sup>, other than a consolidation application,] must be refused where paragraph (2) applies.]

(2) This paragraph applies where—

- (a) a person on the pharmaceutical list (which may or may not be the applicant) is providing or has undertaken to provide pharmaceutical services (“the existing services”) from—
  - (i) the premises to which the application relates, or
  - (ii) adjacent premises; and
- (b) the NHSCB is satisfied that it is reasonable to treat the services that the applicant proposes to provide as part of the same service as the existing services (and so the premises to which the application relates and the existing listed chemist premises should be treated as the same site).

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#### **Textual Amendments**

- F1** Reg. 31(1) substituted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **10**
- F2** Words in reg. 31(1) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **8**

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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### Deferrals arising out of LPS designations

**32.**—<sup>F3</sup>(1) A routine application [<sup>F4</sup>may be deferred] where paragraph (2) applies to the relevant premises.]

(2) This paragraph applies where the relevant premises are premises or part of premises, or are located within an area, designated under—

- (a) regulation 99; or
- (b) regulation 4 of the 2006 Regulations <sup>M1</sup> (designation of priority neighbourhoods or premises),

and that designation has neither been varied so that it no longer applies to the relevant premises nor been cancelled.

(3) For the purposes of this regulation, “the relevant premises” are—

- (a) the listed chemist premises or proposed listed chemist premises in the application; or
- (b) as regards an application for inclusion in a pharmaceutical list by a person not already included, if no particular premises are proposed for listing in the application, premises located at the best estimate that the NHSCB is able to make as to where the proposed listed chemist premises would be, having regard to the best estimate given by the applicant under paragraph 1(7)(a)(ii) of Schedule 2.

#### Textual Amendments

- F3** Reg. 32(1) substituted (1.4.2014) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2014 \(S.I. 2014/417\)](#), regs. 1, **11**
- F4** Words in reg. 32(1) substituted (1.3.2015) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment and Transitional Provision\) Regulations 2015 \(S.I. 2015/58\)](#), regs. 1(1), **3** (with reg. 10)

#### Marginal Citations

- M1** Prior to its revocation, regulation 4 was amended by [S.I. 2009/599](#) and 2010/914.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)