
STATUTORY INSTRUMENTS

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.—(1) An application—

- (a) for inclusion in a pharmaceutical list by a person not already included; or
- (b) by a person already included in a pharmaceutical list for inclusion also in respect of premises other than those already listed in relation to that person,

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).

Deferrals arising out of LPS designations

32.—(1) An application, other than an excepted application, which is—

- (a) for inclusion in a pharmaceutical list by a person not already included;
- (b) by a person already included in a pharmaceutical list for inclusion also in respect of premises other than those already listed in relation to that person; or

(c) to provide, from the person's listed chemist premises, services that are in addition to those already listed in relation to him, other than additional directed services, 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⁽¹⁾ (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.

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