
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 3

General matters relating to pharmaceutical lists and applications in respect of them

Applications to which regulation 17 or 18 applies: consequences of additional matters

19.—(1) If the NHSCB is satisfied as mentioned in regulation 17(2)(a), it may—

- (a) defer determination of the application;
- (b) invite applications from other persons to offer to secure the improvements or better access mentioned in regulation 17(1) that the applicant is offering to secure; and
- (c) consider, at the same time as the applicant's application, any application it receives—
 - (i) as a consequence of the invitation issued in accordance with sub-paragraph (b), or
 - (ii) that, even if it was not received in response to that invitation, is in any event from another person offering to secure the improvements or better access mentioned in regulation 17(1) that the applicant is offering to secure,

but it must not, pursuant to this paragraph, defer consideration of the application for longer than 6 months.

(2) If the NHSCB is satisfied as mentioned in regulation 18(2)(c), it may—

- (a) defer determination of the application;
- (b) invite applications from other persons to offer to secure the improvements or better access that the applicant is offering to secure; and
- (c) consider, at the same time as the applicant's application, any application it receives—
 - (i) as a consequence of the invitation issued in accordance with sub-paragraph (b), or
 - (ii) that, even if it was not received in response to that invitation, is in any event from another person offering to secure the improvements or better access that the applicant is offering to secure,

but it must not, pursuant to this paragraph, defer consideration of the application for longer than 6 months.

(3) If the NHSCB is satisfied as mentioned in regulation 17(2)(b) or 18(2)(d), it may defer consideration of the application until it can be considered at the same time as the other application.

(4) If the NHSCB is satisfied as mentioned in regulation 17(2)(c) or 18(2)(e), it may defer consideration of the application until after the appeal has reached its final outcome.

(5) If the NHSCB is satisfied as mentioned in regulation 17(2)(d) to (g) or 18(2)(a) [^{F1}or (g)], it must refuse the application.

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](#)*

(6) If the NHSCB is satisfied as mentioned in regulation 18(2)(b), it may grant the application notwithstanding that the improvements or better access were or was not included in the relevant pharmaceutical needs assessment.

F1 Words in [reg. 19\(5\)](#) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **6**

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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](#)