
STATUTORY INSTRUMENTS

2013 No. 349

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

PART 7

**Areas that are controlled localities or reserved
locations, and new pharmacies within them**

**Prejudice test in respect of routine applications for new pharmacy premises in a part of a
controlled locality that is not a reserved location**

44.—(1) This paragraph applies to all routine applications—

- (a) for inclusion in a pharmaceutical list as an NHS pharmacist; or
- (b) from an NHS pharmacist included in such a list—
 - (i) to relocate to different pharmacy premises in the area of the relevant HWB, or
 - (ii) to open, within the area of the relevant HWB, additional pharmacy premises from which to provide pharmaceutical services.

(2) As regards any application to which paragraph (1) applies, the NHSCB must have regard to whether or not the applicant is seeking the listing of pharmacy premises which are in a part of a controlled locality that is not a reserved location.

(3) If the applicant is seeking the listing of pharmacy premises which are in a part of a controlled locality that is not in a reserved location, the NHSCB must refuse the application if granting it would, in the opinion of the NHSCB, prejudice the proper provision of relevant NHS services in the area of—

- (a) the relevant HWB; or
- (b) a neighbouring HWB of the relevant HWB.

(4) For the purposes of paragraphs (2) and (3), if no particular premises are proposed for listing in the application, the applicant is to be treated as seeking the listing of pharmacy premises which are in a controlled locality if the best estimate that the NHSCB is able to make of where the proposed pharmacy premises would be is at a location which is in a controlled locality, having regard to the best estimate given by the applicant under paragraph 1(7)(a)(ii) of Schedule 2.