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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 2

#### Pharmaceutical needs assessments

##### Subsequent assessments [<sup>F1</sup>and later first assessments]

6.—<sup>F2</sup>(A1) [<sup>F3</sup>Subject to paragraph (A3),] any HWB that has not published a pharmaceutical needs assessment before 1st July 2020 must publish its first pharmaceutical needs assessment by [<sup>F4</sup>1st October] 2022.

(A2) Any HWB that has published a pharmaceutical needs assessment before 1st July 2020 must publish a revised assessment by [<sup>F5</sup>1st October] 2022 (but it is not required to publish a revised assessment before that date).]

<sup>F6</sup>(A3) Any HWB established on or after 1st January 2022 must publish its first pharmaceutical needs assessment no later than twelve months after it is established.]

(1) [<sup>F7</sup>Subject to paragraph (2), after it has published its first assessment as required by paragraph (A1) or (A3), or a revised assessment as required by paragraph (A2) or (2),] each HWB must publish a statement of its revised assessment within 3 years of its previous publication of a pharmaceutical needs assessment.

(2) [<sup>F8</sup>Each HWB that has published a pharmaceutical needs assessment] must make a revised assessment as soon as is reasonably practicable after identifying changes since the previous assessment, which are of a significant extent, to the need for pharmaceutical services in its area, having regard in particular to changes to—

- (a) the number of people in its area who require pharmaceutical services;
- (b) the demography of its area; and
- (c) the risks to the health or well-being of people in its area,

unless it is satisfied that making a revised assessment would be a disproportionate response to those changes.

(3) Pending the publication of a statement of a revised assessment, a HWB may publish a supplementary statement explaining changes to the availability of pharmaceutical services since the publication of its or a Primary Care Trust's pharmaceutical needs assessment (and any such supplementary statement becomes part of that assessment), where—

- (a) the changes are relevant to the granting of applications referred to in section 129(2)(c)(i) or (ii) of the 2006 Act; and
- (b) the HWB—
  - (i) is satisfied that making its first or a revised assessment would be a disproportionate response to those changes, or

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- (ii) is in the course of making its first or a revised assessment and is satisfied that immediate modification of its pharmaceutical needs assessment is essential in order to prevent significant detriment to the provision of pharmaceutical services in its area.

[<sup>F9</sup>(3A) Pending the publication of a first pharmaceutical needs assessment under paragraph (A1) or (A3), a HWB (“HWB1”) may publish a supplementary statement explaining changes to the availability of pharmaceutical services since the publication of a pharmaceutical needs assessment by another HWB (“HWB2”) prior to the establishment of HWB1, where—

- (a) the changes are relevant to the granting of applications referred to in section 129(2)(c)(i) or (ii) of the 2006 Act in respect of premises in a locality in the area of HWB1 that was, prior to HWB1’s establishment, in the area of HWB2; and
- (b) HWB1 is in the course of making its first pharmaceutical needs assessment and is satisfied that immediate modification of HWB2’s assessment is essential in order to prevent significant detriment to the provision of pharmaceutical services in that locality in the area of HWB1.]

[<sup>F10</sup>(4) Where chemist premises are removed from a pharmaceutical list as a consequence of the grant of a consolidation application, if in the opinion of the relevant HWB the removal does not create a gap in pharmaceutical services provision that could be met by a routine application—

- (a) to meet a current or future need for pharmaceutical services; or
- (b) to secure improvements, or better access, to pharmaceutical services,

the relevant HWB must publish a supplementary statement explaining that, in its view, the removal does not create such a gap, and any such statement becomes part of its pharmaceutical needs assessment.]

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| <b>F1</b> | Words in <a href="#">reg. 6 heading</a> inserted (14.9.2020) by <a href="#">The National Health Service (Coronavirus) (Charges and Further Amendments Relating to the Provision of Primary Care Services During a Pandemic etc.) Regulations 2020 (S.I. 2020/885)</a> , regs. 1(2), <b>4(2)</b>         |
| <b>F2</b> | <a href="#">Reg. 6(A1)(A2)</a> inserted (14.9.2020) by <a href="#">The National Health Service (Coronavirus) (Charges and Further Amendments Relating to the Provision of Primary Care Services During a Pandemic etc.) Regulations 2020 (S.I. 2020/885)</a> , regs. 1(2), <b>4(2)(a)</b>               |
| <b>F3</b> | Words in <a href="#">reg. 6(A1)</a> inserted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(2)(a)</b>    |
| <b>F4</b> | Words in <a href="#">reg. 6(A1)</a> substituted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(2)(b)</b> |
| <b>F5</b> | Words in <a href="#">reg. 6(A2)</a> substituted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(3)</b>    |
| <b>F6</b> | <a href="#">Reg. 6(A3)</a> inserted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(4)</b>                |
| <b>F7</b> | Words in <a href="#">reg. 6(1)</a> substituted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(5)</b>     |
| <b>F8</b> | Words in <a href="#">reg. 6(2)</a> substituted (1.1.2022) by <a href="#">The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346)</a> , regs. 1(2)(b), <b>3(6)</b>     |

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- F9** Reg. 6(3A) inserted (1.1.2022) by The National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021 (S.I. 2021/1346), regs. 1(2)(b), **3(7)**
- F10** Reg. 6(4) inserted (5.12.2016) by The National Health Service (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 (S.I. 2016/1077), regs. 1(1), **3**

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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](#)