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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 4

Excepted applications

**Applications from persons exercising a right of return to a pharmaceutical list**

**28.**—(1) Section 129(2A) of the 2006 Act(1) (regulations as to pharmaceutical services) does not apply to 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 in that list also in respect of premises other than those already listed in relation to that person,

in the circumstances set out in paragraph (2).

(2) Those circumstances are—

- (a) it has been determined in accordance with—
  - (i) regulation 4 of the National Health Service (Local Pharmaceutical Services and Pharmaceutical Services) (No. 2) Regulations 2002(2) (right of return to pharmaceutical lists),
  - (ii) regulation 15 of the National Health Service (Local Pharmaceutical Services etc.) Regulations 2006(3) (right of return to pharmaceutical lists), or
  - (iii) regulation 108,

that the applicant is to be given a right of return to a pharmaceutical list;

- (b) the applicant is seeking to exercise that right after ceasing to provide local pharmaceutical services under the LPS scheme as a consequence of entering into which, or of the variation of which, the applicant was given the right of return; and
- (c) the granting of the right of return arose out of the provision of the local pharmaceutical services which the applicant is ceasing to provide.

(3) The NHSCB must refuse an application to which paragraph (1) applies, unless—

- (a) the change from providing local pharmaceutical services to providing pharmaceutical services will not give rise to any interruption in the receipt and dispensing of prescriptions by the applicant (except for such period as the NHSCB may for good cause allow); and
- (b) any conditions in the relevant determination of the right of return are satisfied.

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(1) Section 129(2A) was inserted by the Health Act 2009 (c. 21), section 26(3), and has been amended by the Health and Social Care Act 2012 (c. 7), section 207(4), and Schedule 4, paragraph 66(5).

(2) S.I. 2002/2016. These Regulations are revoked by Schedule 10.

(3) S.I. 2006/552. These Regulations are revoked by Schedule 10.

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**Status:** *This is the original version (as it was originally made).*

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