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

Process of determining controlled localities: formulation of the NHSCB's decision

39.—(1) When it is determining whether or not an area is or is part of a controlled locality, the NHSCB must have regard to whether the provision of—

(a) primary medical services by a provider of primary medical services;

(b) pharmaceutical services by a person on a pharmaceutical list; or

(c) local pharmaceutical services by a provider of such services,

is likely to be adversely affected by the consequences of the determination.

(2) Once it has determined whether or not an area is or is part of a controlled locality, the NHSCB must—

(a) if it determines that the area is to become or become part of a controlled locality, or is to cease to be part of a controlled locality—

(i) delineate precisely the boundary of the resulting controlled locality on a map,

(ii) publish that map, and

(iii) make that map available as soon as is practicable to any HWB that has all or part of that controlled locality in its area;

(b) give notice of the determination to the persons mentioned in paragraph (3) informing them of—

(i) its determination and the reasons for it,

(ii) their right of appeal, if the person has a right of appeal under regulation 45(1)(a)(i), and

(iii) their right of appeal under regulation 45(1)(a)(ii), in the case of a person notified who is a Local Pharmaceutical Committee, a Local Medical Committee, a provider of primary medical services, an LPS chemist or a person on a pharmaceutical or dispensing doctors list.

(3) The persons mentioned in this paragraph are—

(a) if the determination resulted from an application from a Local Pharmaceutical Committee or Local Medical Committee pursuant to regulation 37(1), that Committee;

(b) if a routine application was deferred pursuant to regulation 38(4) until the proceedings relating to the determination reached their final outcome, the person making that application; and

(c) the persons notified in accordance with regulation 38(1) and (2) in relation to the proposal to make the determination.

(4) A HWB to which a map is made available under paragraph (2)(a)(iii) must—

(a) publish that map alongside its pharmaceutical needs assessment map (once it has one); or

(b) include the boundary of the controlled locality (in so far as it is in, or part of the boundary of, the HWB's area) in its pharmaceutical needs assessment map (once it has one).