

---

STATUTORY INSTRUMENTS

---

**2013 No. 349**

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

**PART 10**

Performance related sanctions and market exit

**Voluntary and automatic removal of listings: change of ownership, relocation, temporary provision and voluntary closure**

75.—(1) If, as a consequence of a change of ownership application [<sup>F1</sup>or a consolidation application], an NHS chemist (C) is no longer to be the person listed in a pharmaceutical list in relation to particular pharmacy premises—

- (a) if there are other chemist premises listed in that pharmaceutical list in relation to C, [<sup>F2</sup>NHS England] must remove the listing of the particular premises in relation to C from that list; or
- (b) if there are no other chemist premises listed in that pharmaceutical list in relation to C, subject to regulation 76, [<sup>F2</sup>NHS England] must remove C from that pharmaceutical list.

(2) If C is relocating from existing chemist premises listed in a particular pharmaceutical list to new chemist premises [<sup>F3</sup>other than as a consequence of a consolidation application]—

- (a) if—
  - (i) there are other chemist premises listed in that pharmaceutical list in relation to C, or
  - (ii) there are no other chemist premises so listed, but the existing chemist premises and the new chemist premises are in the area of the same HWB,

[<sup>F2</sup>NHS England] must remove the listing of the existing premises in relation to C from that pharmaceutical list with effect from the date that C is required to notify to [<sup>F2</sup>NHS England] under [<sup>F4</sup>regulation 67(4)]; or

- (b) if—
  - (i) there are no other premises listed in that pharmaceutical list in relation to C, and
  - (ii) the new chemist premises are in the area of another HWB,

subject to regulation 76, [<sup>F2</sup>NHS England] must remove C from that pharmaceutical list with effect from the date that C is required to notify to [<sup>F2</sup>NHS England] under [<sup>F5</sup>regulation 67(4)].

(3) If C has been providing pharmaceutical services on behalf of a suspended NHS chemist at chemist premises listed in a particular pharmaceutical list (“the temporary provision premises”), once the fixed period referred to in regulation 27(3) expires, if—

- (a) other chemist premises are listed by [<sup>F2</sup>NHS England] in that pharmaceutical list in relation to C, [<sup>F2</sup>NHS England] must remove the listing of the temporary provision premises in relation to C; or

- (b) apart from the temporary provision premises, there are no other chemist premises listed by [F<sup>2</sup>NHS England] in that pharmaceutical list in relation to C, [F<sup>2</sup>NHS England] must remove C from that pharmaceutical list.
- (4) Paragraph (5) applies if C—
- (a) wishes, other than as provided for in paragraphs (1) to (3), to close particular listed chemist premises and so—
- (i) to withdraw from a pharmaceutical list, or
- (ii) for particular listed chemist premises no longer to be listed in relation to C; and
- (b) has complied with regulation 67(2).
- (5) In the circumstances described in paragraph (4)—
- (a) if there are other chemist premises listed in the relevant pharmaceutical list in relation to C, [F<sup>2</sup>NHS England] must remove the listing of the particular premises in relation to C from that list; or
- (b) if there are no other chemist premises listed in the relevant pharmaceutical list in relation to C, subject to regulation 76, [F<sup>2</sup>NHS England] must remove C from that list.
- (6) If [F<sup>2</sup>NHS England] decides not to remove C from a pharmaceutical list under paragraph (5), it must, when it notifies C of that decision, include in that notification—
- (a) a statement of the reasons for the decision; and
- (b) where appropriate, an explanation of how any rights of appeal that C has under regulation 77(1)(e) may be exercised.

---

**Textual Amendments**

- F1** Words in reg. 75(1) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **10(a)**
- F2** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F3** Words in reg. 75(2) inserted (5.12.2016) by [The National Health Service \(Pharmaceutical Services, Charges and Prescribing\) \(Amendment\) Regulations 2016 \(S.I. 2016/1077\)](#), regs. 1(1), **10(b)**
- F4** Words in reg. 75(2)(a) substituted (1.4.2016) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2016 \(S.I. 2016/296\)](#), regs. 1(1)(a), **2(2)(a)**
- F5** Words in reg. 75(2)(b) substituted (1.4.2016) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2016 \(S.I. 2016/296\)](#), regs. 1(1)(a), **2(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 75.