
STATUTORY INSTRUMENTS

2012 No. 1909

**The National Health Service
(Pharmaceutical Services) Regulations 2012**

PART 9

**Conditional inclusion in pharmaceutical lists: certain specific
conditions that do not relate to fitness or performance**

Distance selling premises: specific conditions

64.—(1) If an application in respect of distance selling premises—

- (a) to which regulation 25(1) applies is granted; or
- (b) to which regulation 13(1)(d) of the 2005 Regulations (exemption from the necessary or expedient test) applied was granted,

paragraph (2) applies.

(2) The inclusion in the pharmaceutical list of the person (X) listed in relation to—

- (a) those distance selling premises; or
- (b) if there has been a relocation of the retail pharmacy business or appliance contractor business at those distance selling premises to other premises, those other premises,

is subject to the conditions set out in paragraph (3).

(3) Those conditions are—

- (a) X must not offer to provide pharmaceutical services, other than directed services, to persons who are present at (which includes in the vicinity of) the listed chemist premises;
- (b) the means by which X provides pharmaceutical services, other than directed services, must be such that any person receiving those services does so otherwise than at the listed chemist premises;
- (c) the listed chemist premises must not be on the same site or in the same building as the premises of a provider of primary medical services with a patient list;
- (d) in the case of pharmacy premises, the pharmacy procedures for the premises must be such as to secure—
 - (i) the uninterrupted provision of essential services, during the opening hours of the premises, to persons anywhere in England who request those services, and
 - (ii) the safe and effective provision of essential services without face to face contact between any person receiving the services, whether on their own or on someone else's behalf, and X or X's staff; and
- (e) nothing in X's practice leaflet, in X's publicity material in respect of the listed chemist premises, in material published on behalf of X publicising services provided at or from the listed chemist premises or in any communication (written or oral) from X or X's staff

to any person seeking the provision of essential services from X must represent, either expressly or impliedly, that—

- (i) the essential services provided at or from the premises are only available to persons in particular areas of England, or
 - (ii) X is likely to refuse, for reasons other than those provided for in X's terms of service, to provide drugs or appliances ordered on prescription forms or repeatable prescription forms which are presented by particular categories of patients (for example, because the availability of essential services from X is limited to other categories of patients).
- (4) A Primary Care Trust may not vary or remove the conditions set out in paragraph (3).