

SCHEDULE 4

Terms of service of NHS pharmacists

PART 3

Hours of opening

Pharmacy opening hours: general

23.—(1) [^{F1}Subject to paragraph 23A,] an NHS pharmacist (P) must ensure that pharmaceutical services are provided at P's pharmacy premises—

- (a) for 40 hours each week;
- (b) for not less than 100 hours each week, in the case of premises in respect of which a 100 hours condition applies;
- (c) if the NHSCB or a Primary Care Trust, or on appeal the Secretary of State, has directed that pharmaceutical services are to be provided at the premises for fewer than 40 hours per week, provided that the person listed in relation to them provides those services at set times and on set days, at the times and on the days so set;
- (d) if a Primary Care Trust, or on appeal the Secretary of State, has (under previous Regulations) directed that pharmaceutical services are to be provided at the premises for more than 40 hours per week, and at set times and on set days, at the times and on the days so set [^{F2}, subject to any variation in respect of a rest break in accordance with sub-paragraph (7)(bd)]; or
- (e) if the NHSCB or a Primary Care Trust, or on appeal the Secretary of State, has directed that pharmaceutical services are to be provided at the premises for more than 40 hours each week, but only on set times and on set days as regards the additional opening hours [^{F3}, or the core opening hours where paragraph 26(4A) applied to the issuing of the direction]—
 - (i) for the total number of hours each week required by virtue of that direction, and
 - (ii) as regards the additional opening hours for which the person listed in relation to the premises is required to provide pharmaceutical services by virtue of that direction, at the days on which and times at which that person is required to provide pharmaceutical services during those additional opening hours, as set out in that direction [^{F4}, subject to any variation in respect of a rest break in accordance with sub-paragraph (7)(bd)],

but the NHSCB may, in appropriate circumstances, agree a temporary suspension of services for a set period, where it has received 3 months notice of the proposed suspension.

(2) The hours during which pharmacy premises must be open by virtue of sub-paragraph (1) are referred to in these Regulations as “core opening hours”.

(3) P must notify the NHSCB of other hours during which P's pharmacy premises are to be open, which are hours in addition to P's core opening hours (and which are referred to in these Regulations as “supplementary opening hours”).

(4) Unless P is a distance selling chemist, at P's pharmacy premises P must exhibit—

- (a) a notice specifying the days on which and times at which the premises are open for the provision of drugs and appliances (including times at which P is providing pharmaceutical services during supplementary opening hours); and

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- (b) at times when the premises are not open, a notice based on information provided by the NHSCB, where practicable legible from outside the premises, specifying—
 - (i) the addresses of other NHS pharmacists and the days on which and times at which drugs and appliances may be obtained from those addresses, and
 - (ii) the addresses of LPS chemists in the area, the type of local pharmaceutical services which those LPS chemists provide, and the days on which and times at which their premises are open.
- (5) P must, on request, submit a return to the NHSCB setting out—
 - (a) the days on which and times at which pharmaceutical services are provided at P's pharmacy premises (including times at which P is providing pharmaceutical services during supplementary opening hours); and
 - (b) the pharmaceutical services which P ordinarily provides at those premises.
- (6) Where P changes—
 - (a) the supplementary opening hours of P's pharmacy premises; or
 - (b) the pharmaceutical services which P ordinarily provides at those premises,

P must supply the NHSCB with a return informing it of the change [^{F5}before the change takes place].

(7) Where P has notified to the NHSCB (or, before the appointed day, a Primary Care Trust) the days on which and times at which pharmaceutical services are to be provided at P's pharmacy premises (for example, in a return under sub-paragraph (5) or (6) or in an application for inclusion in a pharmaceutical list)—

- (a) P must ensure that pharmaceutical services are provided at the premises to which the notification relates on the days and at the times set out in the notification (unless the notification has been superseded by a return, or a further return, under sub-paragraph (6));
^{F6} ...
- [^{F7}(ba) P must not change the days on which or the times at which pharmaceutical services are to be provided at those premises during core opening hours, except for making a change that—
 - (i) amounts to the inclusion of a rest break which is no longer than one hour, or a change to such a rest break—
 - (aa) on a Monday to Saturday, which starts at least 3 hours after the start of the pharmacy's opening hours and ends at least 3 hours before the end of the pharmacy's opening hours, or
 - (bb) on a Sunday, and
 - (ii) does not change the total number of P's core opening hours on a particular day, otherwise than as provided for, and in accordance with the procedures set out in, paragraphs 25 and 26;
- (bb) P must not change P's supplementary opening hours in a way that reduces the time for which P's pharmacy is open before or after a rest break on a Monday to Saturday to less than 3 hours (if P wants to change the supplementary opening hours affected by this requirement, P must also change the time of the rest break);
- (bc) P must not change—
 - (i) the total number of P's supplementary opening hours in a way that either reduces or leaves the same the total number of P's supplementary opening hours, or
 - (ii) unless the change relates to an increase of the total number of supplementary opening hours, the days on which or the times at which pharmaceutical services are to be provided at P's premises during supplementary opening hours,

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for a period of at least 5 weeks after the day on which that notification was received by NHS England, unless NHS England agrees otherwise; and

(bd) P must not change the days on which or the times at which pharmaceutical services are to be provided at those premises during core opening hours, in the case of making a change that—

(i) amounts to the inclusion of a rest break which is no longer than one hour, or a change to such a rest break—

(aa) on a Monday to Saturday, which starts at least 3 hours after the start of the pharmacy’s opening hours and ends at least 3 hours before the end of the pharmacy’s opening hours, or

(bb) on a Sunday, and

(ii) does not change the total number of P’s core opening hours on a particular day,

for a period of at least 5 weeks after the day on which that notification was received by NHS England, unless NHS England agrees otherwise.]

[^{F8}(7A) Paragraphs (ba) and (bd) of sub-paragraph (7) do not apply to changes to core opening hours of premises in respect of which a 100 hours condition applies or has ever applied, or in respect of which a direction that replaced (at any distance in succession) a 100 hours condition applies, and accordingly the core opening hours of such premises may only be changed in accordance with paragraph 25 or 26.]

^{F9}(8)

^{F10}(9)

(10) Where there is a temporary suspension in the provision of pharmaceutical services by P [^{F11}because of illness or another reason] beyond the control of P, P is not in breach of sub-paragraphs (1) and (7), [^{F12}or of paragraph 23A(5)(a),] provided that—

(a) P notifies the NHSCB of that suspension as soon [^{F13}as practicable, in the manner required by paragraph 29D(2)(a) and wherever possible before the start of the suspension;]

[^{F14}(aa) P uses all reasonable endeavours to implement the business continuity plan that P is required to have by virtue of paragraph 29D; and]

(b) P uses all reasonable endeavours to resume provision of pharmaceutical services as soon as is practicable.

(11) Planned refurbishment of pharmacy premises is [^{F15}not] a “reason beyond the control of P” for the purposes of sub-paragraph (10).

(12) For the purposes of calculating the number of hours that pharmacy premises are open during a week that includes Christmas Day, Good Friday, Easter Sunday or a bank holiday, it is to be deemed that the pharmacy premises were open on that day at the times at which they would ordinarily have been open on that day of the week.

(13) For the purposes of this Part, “additional opening hours”, where they are required, are hours during which P is required to provide pharmaceutical services pursuant to sub-paragraph (1) (e) which are in addition to the hours during which P would be required to provide pharmaceutical services, if P were subject instead to the condition set out in sub-paragraph (1)(a).

Textual Amendments

F1 Words in Sch. 4 para. 23(1) inserted (25.5.2023) by [The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2023 \(S.I. 2023/479\)](#), regs. 1(2), **9(2)(a)**

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- F2** Words in Sch. 4 para. 23(1)(d) inserted (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(2)(b)**
- F3** Words in Sch. 4 para. 23(1)(e) inserted (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(2)(c)(i)**
- F4** Words in Sch. 4 para. 23(1)(e)(ii) inserted (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(2)(c)(ii)**
- F5** Words in Sch. 4 para. 23(6) inserted (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(3)**
- F6** Word in Sch. 4 para. 23(7)(a) omitted (25.5.2023) by virtue of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(4)**
- F7** Sch. 4 para. 23(7)(ba)-(bd) substituted for Sch. 4 para. 23(7)(b) (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(4)**
- F8** Sch. 4 para. 23(7A) inserted (25.5.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(2), **9(5)**
- F9** Sch. 4 para. 23(8) omitted (31.7.2023) by virtue of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(6)**
- F10** Sch. 4 para. 23(9) omitted (31.7.2023) by virtue of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(6)**
- F11** Words in Sch. 4 para. 23(10) substituted (31.7.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(7)(a)**
- F12** Words in Sch. 4 para. 23(10) inserted (31.7.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(7)(b)**
- F13** Words in Sch. 4 para. 23(10)(a) substituted (31.7.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(7)(c)**
- F14** Sch. 4 para. 23(10)(aa) inserted (31.7.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(7)(d)**
- F15** Word in Sch. 4 para. 23(11) substituted (31.7.2023) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) (Amendment) Regulations 2023 (S.I. 2023/479), regs. 1(3), **9(8)**

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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](#)