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STATUTORY INSTRUMENTS

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**2023 No. 479**

**The National Health Service (Pharmaceutical and Local  
Pharmaceutical Services) (Amendment) Regulations 2023**

**Amendment of paragraph 24 of Schedule 4**

**11.**—(1) In Schedule 4 (terms of service of NHS pharmacists), in Part 3 (hours of opening), paragraph 24 (matters to be considered when issuing directions in respect of pharmacy premises core opening hours) is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) Subject to paragraph 26(2A), where NHS England issues a direction for setting any days or times for opening hours under this Part, or determines them without issuing a direction, it must in doing so seek to ensure that the days and times at which pharmacy premises are open for the provision of pharmaceutical services in the area in which the premises that are the subject of the direction are located are such as—

- (a) to maintain as necessary the existing level of service provision for the people in that area or other likely users of the pharmacy premises; or
- (b) to maintain a sustainable level of adequate service provision for the people in that area or other likely users of the pharmacy premises, in circumstances where maintaining the existing level of service provision is either unnecessary or not a realistically achievable outcome.”.

(3) After sub-paragraph (4) insert—

“(5) Sub-paragraph (4) does not apply in circumstances where the direction is in respect of any 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.”.