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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Pharmaceutical Services) Regulations 2005 in respect of the NHS terms of services for pharmacists – “pharmacists” in this context being a term which includes partnerships of pharmacists and pharmacy businesses, not just individual pharmacists. Pharmacists providing NHS pharmaceutical services are included in a pharmaceutical list of a Primary Care Trust, and their NHS terms of services are the terms on which they are included in that list.

Regulation 2 inserts two new definitions that relate to the amendments made by regulation 3. Regulation 3 amends the provisions of the NHS terms of service for pharmacists that relate to participation in an acceptable system of clinical governance. These obligations are modified so as to include new obligations to deal with patient safety communications, premises standards and protection of staff and locums who make certain allegations of a serious nature (often called “whistle blowing”). There are also modifications to existing obligations in respect of patient and public involvement, clinical audit, risk management, staffing and staff management, and use of information. The opportunity has also been taken to remove an area of duplication in the NHS terms of service with regard to complaints procedures.

Regulation 4 is a transitional provision which essentially allows pharmacists who are on pharmaceutical lists when these Regulations come into force until 31st March 2012 to adapt their systems of clinical governance to accommodate their new and modified obligations, provided they are complying, in the case of modified obligations, with the version of the obligation that existed prior to these Regulations coming into force.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Pharmaceutical Services) Amendment Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 1 coming into force by [S.I. 2011/2136 reg. 1\(1\)](#)
- reg. 2 coming into force by [S.I. 2011/2136 reg. 1\(1\)](#)
- reg. 3 coming into force by [S.I. 2011/2136 reg. 1\(1\)](#)
- reg. 4 coming into force by [S.I. 2011/2136 reg. 1\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Regulations revoked by [S.I. 2012/1909 Sch. 8 para. 9\(1\)\(e\)](#)