

SCHEDULE 4

[^{F1}NHS England's]Terms of service of NHS pharmacists

Textual Amendments

- F1** 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**

PART 4

Other terms of service

Inspections and access to information

35.—(1) An NHS pharmacist (P) must allow persons authorised in writing by [^{F1}NHS England] to enter and inspect P's pharmacy premises at any reasonable time, for the purposes of—

- (a) ascertaining whether or not P is complying with the requirements of this Schedule;
- (b) auditing, monitoring and analysing—
 - (i) the provision made by P, in the course of providing pharmaceutical services, for patient care and treatment, including any arrangement made with a person in respect of provision of appliances, and
 - (ii) the management by P of the pharmaceutical services P provides,

where the conditions in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) reasonable notice of the intended entry has been given;
- (b) the Local Pharmaceutical Committee for the area where the pharmacy premises are situated have been invited to be present at the inspection, where this is requested by P;
- (c) the person authorised in writing (X) carries written evidence of X's authorisation, which X produces on request; and
- (d) X does not enter any part of the premises used solely as residential accommodation without the consent of the resident.

(3) P must, at the request of [^{F1}NHS England] or of X, allow it or X access to any information which it or X reasonably requires—

- (a) for the purposes mentioned in sub-paragraph (1); or
- (b) in the case of [^{F1}NHS England], in connection with its functions that relate to pharmaceutical services.

[^{F2}(4) P must, at the request of [^{F1}NHS England], send to [^{F1}NHS England] by means of an electronic communication of the type specified in the request any information to which a person authorised in writing by [^{F1}NHS England] would have access during an inspection of P's pharmacy premises pursuant to sub-paragraph (1), if—

- (a) P has that information in a form which means it may be sent by that form of electronic communication; or

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 35. (See end of Document for details)

- (b) it is reasonable for [F1NHS England] to request that P convert that information into a form which means that it may be sent by that form of electronic communication (and [F1NHS England] does so request).
- (5) P must, at the request of [F1NHS England] or a person authorised in writing by [F1NHS England] to make the request, send to [F1NHS England] or that person by means of an electronic communication, a duly completed questionnaire, which is—
- (a) in a format approved by [F1NHS England]; and
 - (b) for the purpose of enabling [F1NHS England], or a person authorised in writing by [F1NHS England], to determine whether or when it is necessary or expedient for a person authorised in writing by [F1NHS England] to undertake an inspection of P’s premises pursuant to sub-paragraph (1).
- (6) Before information is requested pursuant to sub-paragraph (5), [F1NHS England] must consult the person who is, for the time being, the person consulted under section 165(1)(a) of the 2006 Act, in respect of pharmaceutical remuneration of NHS pharmacists on the terms of the request.]

Textual Amendments

F2 Sch. 4 para. 35(4)-(6) inserted (9.11.2020) by [The National Health Service \(Charges and Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2020 \(S.I. 2020/1126\)](#), regs. 1(2), **19**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Paragraph 35.