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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1073**

**The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020**

**PART 8**

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

**Core opening hours conditions**

**46.—(1)** Where, in the course of making an application to which regulation 15, 19, 20 or 22 applies—

(a) for inclusion in a pharmaceutical list as mentioned in regulation 10(1)(a), or from a person already included in such a list to relocate to different pharmacy premises or to open, within the area of the relevant Local Health Board, additional pharmacy premises—

(i) an NHS pharmacist undertook to provide pharmaceutical services at the proposed pharmacy premises for a specified number of core opening hours each week which is more than 40,

(ii) the NHS pharmacist and the Local Health Board agreed that pharmaceutical services are to be provided at the proposed pharmacy premises during the additional opening hours specified (that is, the hours which are the difference between the total number of hours specified and 40) at set times and on set days, and

(iii) the application was granted having regard to that undertaking and that agreement,

when it includes the premises in a pharmaceutical list, the Local Health Board must direct that the person listed in relation to the premises is to provide pharmaceutical services at those premises for the specified number of core opening hours so undertaken, and during the additional opening hours at the set times and on the set days so agreed;

(b) for inclusion in a pharmaceutical list as mentioned in regulation 10(1)(b), or from a person already included in such a list to relocate to different appliance contractor premises or to open, within the area of the relevant Local Health Board, additional appliance contractor premises—

(i) an NHS appliance contractor undertook to provide pharmaceutical services at proposed appliance contractor premises for a specified number of core opening hours each week which is more than 30,

(ii) the NHS appliance contractor and the Local Health Board agreed that pharmaceutical services are to be provided at the appliance contractor premises during the additional opening hours specified (that is, the hours which are the difference between the total number of hours specified and 30) at set times and on set days, and

(iii) the application was granted having regard to that undertaking and that agreement,

*Status: Point in time view as at 01/10/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, PART 8. (See end of Document for details)*

when it includes the premises in a pharmaceutical list, the Local Health Board must direct that the person listed in relation to the premises is to provide pharmaceutical services at those premises for the specified number of core opening hours so undertaken, and during the additional opening hours at the set times and on the set days so agreed.

- (2) Where the Local Health Board has—
- (a) invited an NHS pharmacist or NHS appliance contractor to increase the total number of core opening hours during which the NHS pharmacist or NHS appliance contractor is to provide pharmaceutical services at listed premises, and
  - (b) thereafter agreed with the NHS pharmacist or NHS appliance contractor—
    - (i) an increased number of core opening hours, and
    - (ii) in the case of an NHS pharmacist, that pharmaceutical services are to be provided at the pharmacy premises during any additional opening hours (that is, the hours which are the difference between the total number of hours specified and 40) at set times and on set days, or
    - (iii) in the case of an NHS appliance contractor, that pharmaceutical services are to be provided at the appliance contractor premises during any additional opening hours (that is, the difference between the total number of hours specified and 30) at set times and on set days,

the Local Health Board must direct that the person listed in relation to the premises is to provide pharmaceutical services at those premises for the specified number of core opening hours so undertaken, and during any additional opening hours at the set times and on the set days so agreed.

(3) Except as so provided for under paragraph (2) and subject to paragraph (4), the Local Health Board may only vary a direction given under paragraph (1) or (2) in accordance with paragraph 25 or 26 of Schedule 5 or paragraph 15 or 16 of Schedule 6.

(4) A direction given under paragraph (1) or (2) must not be varied within 3 years of the direction having been given.

#### **Commencement Information**

**II** [Reg. 46](#) in force at 1.10.2021, see [reg. 1\(3\)](#)

#### **Conditions relating to providing directed services**

**47.**—(1) Where in the course of making an application under these Regulations or the 2013 Regulations, an NHS pharmacist or an NHS appliance contractor undertook—

- (a) to provide the directed services mentioned in the application, if a Local Health Board commissioned the services within 3 years of the date of either the grant of the application or, if later, the listing in relation to the applicant of the premises to which the application relates,
- (b) if the directed services were commissioned, to provide the services in accordance with an agreed service specification, and
- (c) not to withhold agreement to a service specification unreasonably,

the inclusion in the pharmaceutical list of the person listed in relation to the premises that were listed as a consequence of that application is subject to the condition set out in paragraph (2).

- (2) The condition is that the person listed in relation to the premises must—
- (a) provide the directed services mentioned in the application (whether or not the person listed was the applicant), and

(b) not withhold agreement to a service specification for those directed services unreasonably, if the Local Health Board commissions the services from the person listed in relation to the premises within 3 years of the date of either the grant of the application or, if later, the listing in relation to the applicant of the premises to which the application relates, unless thereafter the Local Health Board ceases to commission the services (if it has commissioned them).

(3) Where a Local Health Board specifies that a requirement to provide directed services arising out of a condition imposed by virtue of this regulation is to take effect by a specified date, the requirement takes effect—

(a) on that date, or

(b) on the date on which provision of the directed service is commenced.

(4) The Local Health Board may not vary or remove the condition imposed by virtue of paragraph (2).

**Commencement Information**

**I2** [Reg. 47](#) in force at 1.10.2021, see [reg. 1\(3\)](#)

**Conditions relating to local resolution of disputes over terms of service**

**48.**—(1) It is a condition of the inclusion of each NHS pharmacist or NHS appliance contractor in a pharmaceutical list by the Local Health Board that the NHS pharmacist or NHS appliance contractor will make every reasonable effort to communicate with the Local Health Board with a view to resolving any dispute between either the NHS pharmacist or NHS appliance contractor and the Local Health Board relating to compliance with the terms of service under which pharmaceutical services are provided.

(2) The Local Health Board may not vary or remove the condition imposed by virtue of paragraph (1).

**Commencement Information**

**I3** [Reg. 48](#) in force at 1.10.2021, see [reg. 1\(3\)](#)

**Status:**

Point in time view as at 01/10/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The National Health Service (Pharmaceutical Services) (Wales) Regulations 2020, PART 8.