



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 2

#### PHARMACEUTICAL SERVICES

### CHAPTER 1

#### LOCAL PHARMACEUTICAL SERVICES

##### *Preparation and making of pilot schemes*

#### <sup>F1</sup>28 Pilot schemes

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##### Textual Amendments

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### <sup>F1</sup>29 Making pilot schemes

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##### Textual Amendments

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Status: This version of this part contains provisions that are prospective.  
 Changes to legislation: There are currently no known outstanding effects for  
 the Health and Social Care Act 2001, Part 2. (See end of Document for details)*

### **<sup>F1</sup>30 Designation of priority neighbourhoods or premises**

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#### **Textual Amendments**

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### *Reviews, variation and termination of pilot schemes*

### **<sup>F1</sup>31 Reviews of pilot schemes**

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#### **Textual Amendments**

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### **<sup>F1</sup>32 Variation and termination of pilot schemes**

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#### **Textual Amendments**

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### *NHS contracts and financial provisions*

### **<sup>F1</sup>33 NHS contracts**

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#### **Textual Amendments**

- F1** Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### **<sup>F1</sup>34 Funding of preparatory work**

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Textual Amendments

- F1 Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

<sup>F1</sup>35 Charges, recovery of payments and penalties

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Textual Amendments

- F1 Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

General

<sup>F1</sup>36 Effect of the 1977 Act

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Textual Amendments

- F1 Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

<sup>F1</sup>37 Premises from which piloted services may be provided

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Textual Amendments

- F1 Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

<sup>F1</sup>38 Control of entry regulations

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Textual Amendments

- F1 Ss. 28-38 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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### *Assessing the result of pilot schemes*

## **39 Assessing pilot schemes**

- (1) The relevant authority may not bring section 40 into force unless satisfied that pilot schemes have shown that continuing to provide for the provision of local pharmaceutical services in accordance with provisions of the kind made by pilot schemes would be in the interests of the health service or any part of the health service (within the meaning of [<sup>F2</sup>section 206 of the National Health Service Act 2006]).
- (2) In determining whether to bring section 40 into force, the relevant authority must have regard, in particular, to the results of the reviews of pilot schemes conducted under [<sup>F3</sup>section 95 of the National Health Service (Wales) Act 2006].

#### **Textual Amendments**

- F2** Words in s. 39(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 216\(a\)](#) (with Sch. 3 Pt. 1)
- F3** Words in s. 39(2) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 216\(b\)](#) (with Sch. 3 Pt. 1)

#### **Commencement Information**

- I1** S. 39 wholly in force at 1.7.2002; s. 39 not in force at Royal Assent, see s. 70(2); s. 39 in force for E. at 8.3.2002 by [S.I. 2002/1095, art. 2\(4\)](#) (with transitional provisions in [arts. 3, 4](#)) (as amended (26.3.2002) by [S.I. 2002/1170, art. 3](#)); s. 39 in force for W. at 1.7.2002 by [S.I. 2002/1475, art. 2\(1\)](#), Sch. Pt. 1

### *Provision for local pharmaceutical schemes*

## <sup>F4</sup>**40 Provision for LPS schemes**

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#### **Textual Amendments**

- F4** Ss. 40-43 repealed (coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

### *Corresponding provision, etc.*

## <sup>F4</sup>**41 Corresponding provision and application of enactments**

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Textual Amendments

- F4** Ss. 40-43 repealed (coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with **Sch. 2 Pt. 1**, **Sch. 3 Pt. 1**)

CHAPTER 2

CHANGES TO EXISTING ARRANGEMENTS

*England and Wales*

<sup>F4</sup>**42**     **Dispensing of NHS prescriptions and provision of pharmaceutical services**

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Textual Amendments

- F4** Ss. 40-43 repealed (coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with **Sch. 2 Pt. 1**, **Sch. 3 Pt. 1**)

<sup>F4</sup>**43**     **Remote provision of pharmaceutical, etc. services**

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Textual Amendments

- F4** Ss. 40-43 repealed (coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with **Sch. 2 Pt. 1**, **Sch. 3 Pt. 1**)

PROSPECTIVE

*Scotland*

**44**     **Dispensing of NHS prescriptions**

- (1) Section 27 of the National Health Service (Scotland) Act 1978 (c. 29) (arrangements for provision of pharmaceutical services) shall be amended as follows.
- (2) In subsection (1), in paragraph (cc)—
- (a) for “listed drugs and medicines and listed appliances” there shall be substituted “such drugs and medicines and such listed appliances as may be determined by the Scottish Ministers for the purposes of this paragraph”; and

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(b) for “registered nurse, midwife or health visitor” there shall be substituted “person in accordance with such conditions, if any, as may be prescribed, ”.

(3) After that subsection there shall be inserted—

“(1A) The descriptions of persons which may be prescribed for the purposes of subsection (1)(cc) are the following, or any sub-category of such a description—

- (a) persons who are registered by any board established under the Professions Supplementary to Medicine Act 1960 (c. 66);
- (b) persons who are registered pharmacists;
- (c) persons whose names are entered in a roll or record established by the General Dental Council by virtue of section 45 of the Dentists Act 1984 (c. 24) (dental auxiliaries);
- (d) persons who are ophthalmic opticians;
- (e) persons who are registered osteopaths within the meaning of the Osteopaths Act 1993 (c. 21);
- (f) persons who are registered chiropractors within the meaning of the Chiropractors Act 1994 (c. 17);
- (g) persons who are registered in the register of qualified nurses, midwives and health visitors maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997 (c. 24);
- (h) persons who are registered in any register established, continued or maintained under an Order in Council under section 60(1) of the Health Act 1999 (c. 8);
- (i) any other description of persons which appears to the Scottish Ministers to be a description of persons whose profession is regulated by or under a provision of, or made under, Northern Ireland legislation and which the Scottish Ministers consider it appropriate to specify.

(1B) A determination under subsection (1)(cc) may—

- (a) make different provision for different cases;
- (b) provide for the circumstances or cases in which a drug, medicine or appliance may be ordered;
- (c) provide that persons falling within a description specified in the determination may exercise discretion in accordance with any provision made by the determination in ordering drugs, medicines and listed appliances.”

#### Commencement Information

**I2** S. 44 not in force at Royal Assent, see s. 70(2); s. 44 in force for S. at 1.4.2002 by [S.S.I. 2002/75](#), [art. 2](#)

**Status:**

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**Changes to legislation:**

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