



Health Act 2006

2006 CHAPTER 28

PART 4 **E+W**

THE NATIONAL HEALTH SERVICE

CHAPTER 1 **E+W**

PHARMACEUTICAL SERVICES

^{F1}34 Power to charge **E+W**

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Textual Amendments

- F1** S. 34 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

- I1** S. 34 in force at 28.2.2007 for specified purposes by S.I. 2006/3125, **art. 3(a)**
I2 S. 34 in force at 9.5.2013 for W. by S.I. 2013/1112, **art. 2**

^{F2}35 Applications for provision of pharmaceutical services **E+W**

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Textual Amendments

- F2** S. 35 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with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 Act 2006, Part 4. (See end of Document for details)*

Commencement Information

I3 S. 35 in force at 28.2.2007 for specified purposes by [S.I. 2006/3125](#), [art. 3\(b\)](#)

PROSPECTIVE

36 Arrangements for dispensing of medicines **E+W**

(1) [^{F3}In section 43 of the 1977 Act (persons authorised to provide pharmaceutical services), for subsection (2) substitute—

“(2) Except as may be provided for by or under regulations, no arrangements for the dispensing of medicines shall be made under this Part of this Act with persons other than persons who—

- (a) are registered pharmacists or persons lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968; and
- (b) undertake that all medicines supplied by them under the arrangements will be dispensed either by or under the supervision of a registered pharmacist.”]

(2) In section 17S of the National Health Service (Scotland) Act 1978 (c. 29) (eligibility to be contractor under pharmaceutical care services contract), after subsection (1) insert—

“(1A) In such circumstances, and subject to such conditions, as may be prescribed, subsection (1) has effect with the omission of the words from “who undertakes” to the end.”

Textual Amendments

F3 S. 36(1) repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch.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 **E+W**

OPHTHALMIC SERVICES

^{F4}37 Provision of primary ophthalmic services **E+W**

Textual Amendments

F4 Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

I4 S. 37 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

*Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding
effects for the Health Act 2006, Part 4. (See end of Document for details)*

F⁴38 **General ophthalmic services contracts** **E+W**

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Textual Amendments

F4 Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I5 S. 38 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

F⁴39 **Persons performing primary ophthalmic services** **E+W**

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Textual Amendments

F4 Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I6 S. 39 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

F⁴40 **Assistance and support** **E+W**

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Textual Amendments

F4 Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I7 S. 40 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

F⁴41 **Local Optical Committees** **E+W**

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Textual Amendments

F4 Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I8 S. 41 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Health Act 2006, Part 4. (See end of Document for details)

^{F4}42 **Payments in respect of optical appliances** E+W

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Textual Amendments

- F4** Ss. 37-42 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I9** S. 42 in force at 1.8.2008 by [S.I. 2008/1972](#), [art. 2\(a\)](#)

43 **General ophthalmic services: transitional** E+W

- (1) The Secretary of State shall in regulations make transitional provision in respect of persons who, immediately before the coming into force of section 38 of this Act, are providing services in England under section 38 of the [^{F5}National Health Service Act 1977] (general ophthalmic services).
- (2) Regulations under this section may provide that, in such circumstances as the regulations may specify, a Primary Care Trust must, if any such person so wishes, enter into a general ophthalmic services contract with him; and the regulations may make provision as to the terms of any such contract.
- (3) Regulations under this section may provide that, in such circumstances as the regulations may specify, a Primary Care Trust must, if any such person so wishes, enter into a contract with him, containing such terms as the regulations may specify, for the provision of ophthalmic services.
- (4) Regulations under this section may make provision for the resolution of disputes in relation to any contract entered into, or proposed to be entered into, under subsection (2) or (3), including provision for the determination of disputes by the Secretary of State or a person appointed by him.
- (5) Regulations under this section may make provision in respect of a period beginning before the coming into force of the provision (or of section 38 of this Act), but such provision must not as a whole be detrimental to the remuneration of the persons to whom it relates.
- (6) In this section, “general ophthalmic services contract” means a contract under [^{F6}section 117 of the 2006 Act].

Textual Amendments

- F5** Words in s. 43(1) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 283\(a\)](#) (with [Sch. 3 Pt. 1](#))
- F6** Words in s. 43(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 1 para. 283\(b\)](#) (with [Sch. 3 Pt. 1](#))

Commencement Information

- I10** S. 43 in force for certain purposes at Royal Assent, see s. 83
- I11** S. 43 in force at 1.5.2008 by [S.I. 2008/1147](#), [art. 2](#)

*Status: This version of this part contains provisions that are prospective.
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effects for the Health Act 2006, Part 4. (See end of Document for details)*

CHAPTER 3 **E+W**

PROTECTION OF NHS FROM FRAUD AND OTHER UNLAWFUL ACTIVITIES

Preliminary

F7 44 Compulsory disclosure of documents for purposes of counter fraud or security management functions **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I12** S. 44 in force for certain purposes at Royal Assent, see s. 83
I13 S. 44 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I14 S. 44 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 45 Meaning of “NHS body” etc. **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I15** S. 45 in force for certain purposes at Royal Assent, see s. 83
I16 S. 45 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I17 S. 45 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

Disclosure notices

F7 46 Notice requiring production of documents **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I18** S. 46 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I19 S. 46 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

*Status: This version of this part contains provisions that are prospective.
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F7 47 Production of documents **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I20 S. 47 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)

I21 S. 47 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 48 Delegation of functions **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I22 S. 48 in force for certain purposes at Royal Assent, see s. 83

I23 S. 48 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(a\)](#)

I24 S. 48 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 49 Code of practice relating to delegated functions **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Commencement Information

I25 S. 49 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)

I26 S. 49 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 50 Disclosure of information **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) 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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Commencement Information

- I27** S. 50 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I28 S. 50 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 51 Protection of personal information disclosed for purposes of proceedings **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I29** S. 51 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I30 S. 51 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

Offences

F7 52 Offences in connection with production of documents **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I31** S. 52 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I32 S. 52 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F7 53 Offences relating to disclosure or use of information **E+W**

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Textual Amendments

- F7** Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

- I33** S. 53 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)
I34 S. 53 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

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Supplementary

F754 Manner in which disclosure notice may be served **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

I35 S. 54 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(b\)](#)

I36 S. 54 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

F755 Interpretation **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

I37 S. 55 in force for certain purposes at Royal Assent, see s. 83

I38 S. 55 in force at 1.2.2007 for W. by [S.I. 2007/204](#), [art. 3\(a\)](#)

I39 S. 55 in force at 22.4.2008 in so far as not already in force by [S.I. 2008/1147](#), [art. 3\(a\)](#)

CHAPTER 4 **E+W**

AUDIT

F756 Accounts and audit **E+W**

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Textual Amendments

F7 Ss. 44-56 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6)) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

Commencement Information

I40 S. 56 in force at 1.10.2006 except so far as relating to Welsh NHS bodies by [S.I. 2006/2603](#), [art. 5\(a\)](#) (with [art. 6](#))

I41 S. 56 in force at 1.2.2007 in so far as not already in force by [S.I. 2007/204](#), [art. 4\(a\)](#) (with [art. 5](#))

Status:

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Changes to legislation:

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