

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Northern Ireland

Part 5 – Miscellaneous

Amendments relating to National Health Service

Section 140 and Schedule 12: Pharmaceutical services

476. In England the funding arrangement for pharmaceutical services is governed by sections 228 to 231 of, and Schedule 14 to, the NHS Act 2006 and in Wales by sections 174 to 177 of, and Schedule 8 to, the NHS (Wales) Act 2006. Section 140 provides for changes to these provisions in order to move the Global Sum to baseline allocations.
477. [Section 140](#) introduces Schedule 12, which in turn makes amendments to sections 228 to 230 of, and Schedule 14 to, the NHS Act 2006 to change the classification of pharmaceutical services expenditure and bring it within PCT baseline allocations. Schedule 12 also makes the changes that are needed to the NHS (Wales) Act 2006 to change the classification of pharmaceutical services, which will transfer the Global Sum to the baseline allocations of Local Health Boards in Wales.
478. [Paragraph 2](#) of Schedule 12 revises the definition of a PCT’s “expenditure” within section 228 of the NHS Act 2006 to include expenditure on pharmaceutical services. [Paragraphs 3](#) and [4](#) make consequential changes.
479. [Paragraph 5\(1\)](#) and [\(2\)](#) make further consequential amendments. [Paragraph 5\(3\)](#) inserts a new provision to make it possible to charge the dispensing fees, and other fees payable for the provision of pharmaceutical services, back to the PCT where a prescription was issued. This corresponds to similar provisions for the cost of medicines which are already charged to the PCT in which the prescription was issued.
480. [Paragraph 5\(4\)](#) makes consequential changes.
481. [Paragraph 5\(5\)](#) ensures that remuneration paid by PCTs for pharmaceutical services which is met by an NHS Trust or NHS Foundation Trust under section 234(4) of the NHS Act 2006 can be charged back to the PCT in which the prescription was issued.
482. [Part 2, paragraphs 6 to 10](#), of Schedule 12 makes corresponding provision for Wales.