



# Health Act 2009

## 2009 CHAPTER 21

### PART 3

#### MISCELLANEOUS

##### *Pharmaceutical services in Wales*

#### **30 Pharmaceutical lists: minor amendment**

In section 83(6) of the [National Health Service \(Wales\) Act 2006 \(c. 42\)](#) (regulations as to pharmaceutical services), in paragraph (d), for “such an application” substitute “an application to a Local Health Board”.

#### **31 Breach of terms of arrangements: notices and penalties**

(1) In Part 8 of the National Health Service (Wales) Act 2006, before Chapter 2 (disqualification) insert—

#### “CHAPTER 1A

#### NOTICES AND PENALTIES

##### **106A Notices and penalties**

(1) The Welsh Ministers may by regulations provide that where a practitioner who provides pharmaceutical services or general ophthalmic services under arrangements with a Local Health Board breaches a term of those arrangements, the Local Health Board may—

- (a) by a notice require the practitioner to do, or not do, specified things or things of a specified description within a specified period, or
- (b) in prescribed circumstances or for a prescribed period, withhold all or part of a payment due to the practitioner under the arrangements.

---

*Status: This is the original version (as it was originally enacted).*

---

(2) Regulations under this section must include provision conferring on such persons as may be prescribed rights of appeal from decisions of Local Health Boards made by virtue of this section.

(3) In this section—

“practitioner” means a person included in an ophthalmic list or a pharmaceutical list, and

“specified” means specified in a notice under paragraph (a) of subsection (1).”

(2) In section 107(9) of that Act, after “included in” insert “an ophthalmic list or”.

### **32 LPS schemes: powers of Local Health Boards**

(1) Schedule 7 to the [National Health Service \(Wales\) Act 2006 \(c. 42\)](#) (LPS schemes) is amended as follows.

(2) In paragraph 1, in sub-paragraph (2)—

(a) in paragraph (a), after “Local Health Board” insert “(the “commissioning body”)”;

(b) in paragraph (b), for “Local Health Board),” substitute “commissioning body).”;

(c) omit paragraph (c) and the word “and” immediately before it.

(3) After sub-paragraph (2) insert—

“(2A) A Local Health Board may provide local pharmaceutical services under an LPS scheme (where it is not the commissioning body), but only in prescribed circumstances.”

(4) In sub-paragraph (6), for “and an NHS foundation trust” substitute “, an NHS foundation trust and a Local Health Board”.

(5) In paragraph 3(2), for “Local Health Boards” substitute “the commissioning body”.