

SCHEDULE 1

Regulation 3

Modification and amendment of the National Health Service Act 1977 and modification of the Health Service Commissioners Act 1993

Duty of Primary Care Trust in relation to local pharmaceutical services

1. In section 15 of the Act(1) (which relates to the duties of Primary Care Trusts and Local Health Boards in relation to family health services)—

- (a) subsection (1) shall apply as if after “the provision of” there were inserted “local pharmaceutical services,”; and
- (b) omit subsections (1ZC) and (1ZD).

Supply of goods and services by the Secretary of State

2. In section 26 of the Act(2) (supply of goods and services by the Secretary of State)—

- (a) subsection (2) shall apply as if for paragraph (c) there were substituted the following paragraph—

“(c) providing services under LPS arrangements or an LPS scheme,”; and
- (b) subsection (4) shall apply as if for paragraph (ab) there were substituted the following paragraph—

“(ab) persons performing services under LPS arrangements or an LPS scheme, and”.

Use of accommodation

3. In section 28I of the Act(3) (use of accommodation), paragraph (b) shall apply as if “in accordance with LPS arrangements” were omitted.

Persons performing primary medical and dental services

4. Section 28X of the Act(4) (persons performing primary medical and dental services) shall apply as if—

- (a) after subsection (1) there were inserted the following subsection—

“(1A) Regulations may provide that a health care professional of a prescribed description may not perform any local pharmaceutical services for which a Primary Care Trust is responsible unless he is included in a list maintained by the Primary Care Trust.”; and
- (b) in subsection (3), after paragraph (b) there were inserted the following paragraph—

“(c) a Primary Care Trust is responsible for a local pharmaceutical service if it secures its provision, by or under any enactment.”.

(1) Section 15 was amended by: the Health and Social Security Act 1984 (c. 48), sections 5(2) and 24; the 1990 Act, section 12(1) (b); the 1995 Act, Schedule 1, paragraph 6; the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 4; the 1999 Act, section 65 and Schedule 4, paragraphs 4 and 8; the 2002 Act, Schedule 2, paragraph 2 and Schedule 3, paragraph 11; and by S.I. 2002/2861.

(2) Relevant amendments to section 26 were made by: the 1980 Act, section 3(1); the 1995 Act, section 2 and Schedule 1, paragraph 14; the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 5; the 1999 Act, section 65 and Schedule 4, paragraphs 4 and 11; the 2002 Act, Schedule 1, paragraph 12; S.I. 2002/2861; and the 2003 Act sections 184 and 196, and Schedule 11, paragraphs 7, 13(1), (2)(a) and Schedule 14, Part 4.

(3) Section 28I was inserted by the 1997 Act, section 41(10), Schedule 2, paragraphs 3 and 7 and amended by: S.I. 2002/2861; and the 2003 Act, section 184, Schedule 11, paragraphs 7 and 17.

(4) Section 28X was inserted by the 2003 Act, section 179.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Assistance and Support

5. In Section 28Y of the Act⁽⁵⁾ (assistance and support), subsection (1) shall apply as if, after paragraph (b), there were inserted the following paragraph—

- “(c) any person providing local pharmaceutical services under LPS arrangements or an LPS scheme.”.

Recognition of Local Pharmaceutical Committees

6. Section 44 of the Act⁽⁶⁾ (which relates to the recognition of local representative committees) shall apply as if—

- (a) in subsection (B2)(b), the “or” were omitted at the end of sub-paragraph (i) and after sub-paragraph (ii) there were inserted the following sub-paragraphs—

“(iii) the persons mentioned in sub-paragraph (i) above and the persons providing local pharmaceutical services under LPS arrangements in the Primary Care Trust’s area,
or

(iv) the persons mentioned in sub-paragraph (i) above and the persons providing local pharmaceutical services under LPS schemes in the Primary Care Trust’s area.”;

- (b) after subsection (3), there were inserted the following subsection—

“(3A) Additionally, for the purposes of this section and section 45 below, a person who meets the condition in subsection (4) below is a person providing local pharmaceutical services in a Primary Care Trust’s area if he provides those services under an LPS scheme.”; and

- (c) in subsection (4), after “subsection (3)” there were inserted “and subsection (3A)”.

Functions of Local Pharmaceutical Committees

7. In section 45 of the Act⁽⁷⁾ (which relates to the functions of local representative committees)—

- (a) subsection (1ZA) shall apply as if—

(i) “or” were added at the end of paragraph (aa) and omitted at the end of paragraph (a),

(ii) in paragraph (aa), for “section 44(B2)(b)(ii)” there were substituted “section 44(B2)(b)”, and

- (iii) after paragraph (aa) there were inserted the following paragraph—

“(ab) Primary Care Trusts, in the exercise of any of their functions which relate to LPS schemes, to consult committees recognised by them under section 44(B2)(b) above.”; and

- (b) subsection (1C) shall apply as if, for “(B2)(b)(ii)” there were substituted “(B2)(b)(ii), (iii) or (iv)”.

⁽⁵⁾ Section 28Y was inserted by the 2003 Act, section 180.

⁽⁶⁾ In section 44: subsection (B2) was inserted by the 2002 Act, section 5(4); subsection (B2)(b) was inserted by [S.I. 2002/2861](#); and subsection (3) was inserted by the 1999 Act, section 11(1) and (4), and amended by the 2001 Act, Schedule 5, paragraph 5(7), the 2002 Act, section 5(6) and [S.I. 2002/2861](#).

⁽⁷⁾ In section 45: subsection (1ZA) was inserted by the 2002 Act, section 5(9); subsection (1ZA)(aa) and (e) were amended by [SI 2002/ 2861](#); subsection (1C) was inserted by the 1999 Act, section 11(6), and amended by the 2002 Act, section 5(11); and subsection (4) was inserted by the 1999 Act, section 11(8).

Special arrangement as to payment of remuneration

8. Section 103 of the Act(**8**) (special arrangement as to payment of remuneration), shall apply as if, in subsection (1)(a), after “or LPS” there were inserted “schemes or”.

Insertion of definitions of “local pharmaceutical services” and “LPS arrangements”

- 9.** Subsection (1) of section 128 of the Act(**9**) (interpretation and construction) shall apply as if—
- (a) in the definition of “local pharmaceutical services”, after “Care Act 2001” there were inserted “or under paragraph 1(3) of Schedule 8A”; and
 - (b) after the definition of “LPS arrangements” there were inserted the following definition—
““LPS scheme” has the meaning given in paragraph 1(2) of Schedule 8A;”.

Charges for the supply of drugs to treat venereal disease

10. In Schedule 12 to the Act(**10**) (additional provisions as to regulations for the making and recovery of charges), paragraph 1(1)(b) shall apply as if after “with LPS” there were inserted “schemes or”.

Health Service Commissioner for England

11. In the Health Service Commissioners Act 1993(**11**), section 2A(**12**) (health services providers subject to investigation) shall apply as if in subsection (1)(d), after the words “Care Act 2001” there were inserted “or an LPS scheme made in accordance with the provisions of, and regulations under, Schedule 8A to the National Health Service Act 1977”.

(**8**) Section 103(1) was amended by the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 25, and by [S.I. 2002/2861](#).

(**9**) Relevant amendments were made to section 128 by [S.I. 2002/2861](#).

(**10**) In Schedule 12, paragraph 1(1)(b) was amended by the 1997 Act, section 41(10) and Schedule 2, paragraphs 3 and 31.

(**11**) [1993 c. 46](#).

(**12**) Section 2A was inserted by the Health Service Commissioners (Amendment) Act [1996 \(c. 5\)](#), section 1; and amended by the 1997 Act, section 41(10) and Schedule 2, paragraph 68, the Health Service Commissioners (Amendment) Act [2000 \(c. 28\)](#), section 1 and [S.I. 2002/2861](#).