

PUBLIC HEALTH (WALES) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7

Pharmaceutical Services

Section 111 - Pharmaceutical needs assessments

219. This section inserts section 82A into the 2006 Act which makes provision for a new duty for LHBs in Wales to prepare and publish an assessment of need for pharmaceutical services.
220. Section 82A(2) places a duty upon each LHB to keep its most recently published assessment under review and revise it as and when it is appropriate to do so.
221. Section 82A(3) requires the Welsh Ministers to make regulations providing for:
- the date by which a LHB must publish its first assessment of pharmaceutical needs. This is to ensure that all LHBs have an assessment prepared and published by a set date and there is a smooth transition from the previous arrangements to these arrangements for determining applications;
 - the circumstances in which a LHB is to revise its assessment. Regulations could, for example, require a LHB to review, and if appropriate revise, its assessment if there are significant changes to the demographics of an area which could have an impact upon the need for pharmaceutical services. Regulations could also stipulate that a LHB is required to revise its assessment every, for example, three years in order to ensure that the information remains up to date; and
 - the way in which an assessment is to be published. This could, for example, include a requirement to place a copy of the assessment on the LHB's website as well as making hard copies available in NHS pharmacies and GP surgeries, so that the assessment is accessible to people living in the LHB's area.
222. Regulations may also make provision about the preparation, publication, review and revision of an assessment under subsection (1) including, but not limited to:
- the information to be contained in an assessment. For example, regulations could specify that an assessment must contain information on the demography of the people in its area, any seasonal trends, age profiles and information about the provision of General Medical Services in the area;
 - the extent to which an assessment is to take account of likely future needs and of other matters. For example, regulations could specify that an assessment must consider the impact of planned housing or commercial developments;
 - the consultation to be carried out in connection with an assessment. For example, regulations may require LHBs to consult specified persons about specified matters

*These notes refer to the Public Health (Wales) Act
2017 (c.2) which received Royal Assent on 3 July 2017*

when preparing their assessment. LHBs may, for example, be required to consult with local authorities, patient and community groups and local professional representative committees; and

- procedural requirements.

223. [Section 111\(2\)](#) provides that the first time the Welsh Ministers make regulations about pharmaceutical needs assessments under section 82A of the 2006 Act, these will be subject to the affirmative procedure, meaning they must be laid before, and approved by, the National Assembly for Wales. Subsequent regulations will be subject to the negative procedure.