



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART II

#### GENERAL MEDICAL, GENERAL DENTAL, GENERAL OPHTHALMIC, AND PHARMACEUTICAL SERVICES

##### *Pharmaceutical services*

#### [<sup>F1</sup>41 Arrangements for pharmaceutical services

- (1) It is the duty [<sup>F2</sup>of every Primary Care Trust and] of every Health Authority, in accordance with regulations which shall be made for the purpose, to arrange as respects their area for the provision to persons who are in that area of—
- (a) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown;
  - (b) proper and sufficient drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of—
    - (i) his functions in the health service, the Scottish health service or the Northern Ireland health service (other than functions exercised in pursuance of the provision of services mentioned in paragraph (c)); or
    - (ii) his functions in the armed forces of the Crown;
  - (c) listed drugs and medicines which are ordered for those persons by a dental practitioner in pursuance of the provision of general dental services or equivalent services in the Scottish health service or the Northern Ireland health service;
  - (d) such drugs and medicines and such listed appliances as may be determined by the Secretary of State for the purposes of this paragraph which are ordered for those persons by a prescribed description of person in accordance with such conditions, if any, as may be prescribed, in pursuance of functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown; and

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- (e) such other services as may be prescribed.
- (2) The services provided under this section are, together with additional pharmaceutical services provided in accordance with a direction under section 41A, referred to in this Act as “pharmaceutical services”.
- (3) The descriptions of persons which may be prescribed for the purposes of subsection (1) (d) are the following, or any sub-category of such a description—
- (a) persons who are registered by any board established under the Professions Supplementary to Medicine Act 1960 (c. 66);
  - (b) persons who are registered pharmacists;
  - (c) persons whose names are entered in a roll or record established by the General Dental Council by virtue of section 45 of the Dentists Act 1984 (c. 24) (dental auxiliaries);
  - (d) persons who are ophthalmic opticians;
  - (e) persons who are registered osteopaths within the meaning of the Osteopaths Act 1993 (c. 21);
  - (f) persons who are registered chiropractors within the meaning of the Chiropractors Act 1994 (c. 17);
  - (g) persons who are registered in the register of qualified nurses, midwives and health visitors maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997 (c. 24);
  - (h) persons who are registered in any register established, continued or maintained under an Order in Council under section 60(1) of the Health Act 1999 (c. 8);
  - (i) any other description of persons which appears to the Secretary of State to be a description of persons whose profession is regulated by or under a provision of, or made under, an Act of the Scottish Parliament or Northern Ireland legislation and which the Secretary of State considers it appropriate to specify.
- (4) A determination under subsection (1)(d) may—
- (a) make different provision for different cases;
  - (b) provide for the circumstances or cases in which a drug, medicine or appliance may be ordered;
  - (c) provide that persons falling within a description specified in the determination may exercise discretion in accordance with any provision made by the determination in ordering drugs, medicines and listed appliances.
- (5) The arrangements which may be made by a [<sup>F3</sup>Primary Care Trust or] Health Authority under subsection (1) include arrangements for the provision of a service by means such that the person receiving it does so otherwise than at the premises from which it is provided.
- (6) Where a person with whom a [<sup>F4</sup>Primary Care Trust or] Health Authority makes arrangements under subsection (1) wishes to provide services to persons outside the area of the [<sup>F5</sup>Primary Care Trust or] Health Authority, he may, subject to any provision made by regulations in respect of arrangements under this section, provide such services under the arrangements.
- (7) In this section—
- “armed forces of the Crown” does not include forces of a Commonwealth country or forces raised in a colony;

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“listed” means included in a list for the time being approved by the Secretary of State for the purposes of this section; and

“the Scottish health service” and “the Northern Ireland health service” mean respectively the health service established in pursuance of the National Health Service (Scotland) Act 1947 (c. 27) or any service provided in pursuance of Article 4(1) of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)).]

#### Textual Amendments

- F1** S. 41 substituted (8.3.2002 for E. for specified purposes and 1.4.2002 for E. otherwise and 1.7.2002 for W.) by 2001 c. 15, ss. 42(1), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, [art. 2\(5\)](#); S.I. 2002/1475, [art. 2\(1\)](#), Sch. Pt. 1
- F2** Words in s. 41(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 1 para. 13\(2\)](#); S.I. 2002/2478, [art. 3\(1\)\(d\)](#)
- F3** Words in s. 41(5) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 1 para. 13\(3\)](#); S.I. 2002/2478, [art. 3\(1\)\(d\)](#)
- F4** Words in s. 41(6) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 1 para. 13\(3\)](#); S.I. 2002/2478, [art. 3\(1\)\(d\)](#)
- F5** Words in s. 41(6) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 1 para. 13\(3\)](#); S.I. 2002/2478, [art. 3\(1\)\(d\)](#)

#### [<sup>F6</sup>41A Arrangements for providing additional pharmaceutical services.

(1) The Secretary of State may—

- (a) give directions to a [<sup>F7</sup>Primary Care Trust or] Health Authority requiring them to arrange for the provision to persons [<sup>F8</sup>within or outside their area] of additional pharmaceutical services; or
- (b) by giving directions to a [<sup>F7</sup>Primary Care Trust or] Health Authority authorise them to arrange for such provision if they wish to do so.

[ Directions under this section may require or authorise a [<sup>F7</sup>Primary Care Trust or] <sup>F9</sup>(1A) Health Authority to arrange for the provision of a service by means such that the person receiving it does so otherwise than at the premises from which it is provided (whether those premises are inside or outside the area of the [<sup>F7</sup>Primary Care Trust or] Health Authority).]

(2) Directions under this section may make different provision in relation to different services specified in the directions.

(3) The Secretary of State must publish any directions under this section in the Drug Tariff or in such other manner as he thinks appropriate.

(4) In this section—

“additional pharmaceutical services”, in relation to directions, means such services (of a kind that do not fall within section 41) as may be specified in the directions; and

“Drug Tariff” means the Drug Tariff published under regulation 18 of the <sup>M1</sup>National Health Service (Pharmaceutical Services) Regulations 1992 or under any corresponding provision replacing, or otherwise derived from, that regulation.]

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#### Textual Amendments

- F6** S. 41A inserted (15.8.1997) by 1997 c. 46, s. 27(1); S.I. 1997/1780, art. 2, Sch.
- F7** Words in s. 41A inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2.(5), 42(3), {Sch. 2 Pt. 1 para 14}; S.I. 2002/2478, art. 3(1)(d)
- F8** Words in s. 41A(1)(a) substituted (1.4.2002 for for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(1)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, s. {art. 2(6)}; S.I. 2002/1475, art. 2(1), Sch. Pt. 1
- F9** S. 41A(1A) inserted (1.4.2002 for E. and 1.7.2002 for W. ) by 2001 c. 15, ss. 43(1)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(6); S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Marginal Citations

- M1** S.I. 1992/662.

### [<sup>F10</sup> 41B Terms and conditions etc.

- (1) Directions under section 41A may require the [<sup>F11</sup>Primary Care Trust or] Health Authority to whom they apply, when making arrangements—
  - (a) to include, in the terms on which the arrangements are made, such terms as may be specified in the directions;
  - (b) to impose, on any person providing a service in accordance with the arrangements, such conditions as may be so specified.
- (2) The arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.
- (3) Different arrangements may be made with respect to—
  - (a) the provision of the same service by the same person but in different circumstances; or
  - (b) the provision of the same service by different persons.
- (4) A [<sup>F12</sup>Primary Care Trust or] Health Authority must provide details of proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.
- (5) After making any arrangements, a [<sup>F13</sup>Primary Care Trust or] Health Authority must publish, in such manner as the Secretary of State may direct, such details of the arrangements as he may direct.
- (6) In this section, “pharmaceutical list” means, subject to any provision of the directions in question, a list—
  - (a) published by the [<sup>F14</sup>Primary Care Trust or] Health Authority concerned, or by any other [<sup>F15</sup>Primary Care Trust or] Health Authority, in accordance with regulations made under section 42(2)(a) of this Act; or
  - (b) published by any body in accordance with regulations made under section 27(2)(a) of the <sup>M2</sup>National Health Service (Scotland) Act 1978 or Article 63(2A)(a) of the <sup>M3</sup>Health and Personal Social Services (Northern Ireland) Order 1972.]

#### Textual Amendments

- F10** S. 41B inserted (15.8.1997) by 1997 c. 46, s. 28(1); S.I. 1997/1780, art. 2, Sch.

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- F11** Words in s. 41B inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(d)**
- F12** Words in s. 41B inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(d)**
- F13** Words in s. 41B inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(d)**
- F14** Words in s. 41B inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(d)**
- F15** Words in s. 41B inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 15**; S.I. 2002/2478, **art. 3(1)(d)**

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#### Marginal Citations

- M2** 1978 c. 29.
- M3** S.I. 1972/1265 (N.I.14).

### [<sup>F16</sup>42 Regulations as to pharmaceutical services.

- (1) Regulations shall provide for securing that arrangements made by a [<sup>F17</sup>[<sup>F18</sup>Primary Care Trust or] Health Authority] under section 41 above will—
- [<sup>F19</sup>(a) enable persons for whom drugs, medicines or appliances mentioned in that section are ordered as there mentioned to receive them from persons with whom such arrangements have been made; and
- (b) ensure the provision of services prescribed under subsection (1)(e) of that section by persons with whom such arrangements have been made.]
- (2) The regulations shall include provision—
- (a) for the preparation and publication by [<sup>F20</sup>a [<sup>F21</sup>Primary Care Trust or] Health Authority] of one or more lists of persons, other than medical practitioners and dental practitioners, who undertake to provide pharmaceutical services from premises in the [<sup>F22</sup>area of the Primary Care Trust or Health Authority];
- (b) that an application to [<sup>F20</sup>a [<sup>F21</sup>Primary Care Trust or] Health Authority] for inclusion in such a list shall be made in the prescribed manner and shall state—
- (i) the services which the applicant will undertake to provide and, if they consist of or include the supply of appliances, which appliances he will undertake to supply; and
- (ii) the premises from which he will undertake to provide those services;
- (c) that, except in prescribed cases [<sup>F23</sup>(which may, in particular, include cases of applications for the provision only of services falling within subsection (3A) below)]—
- (i) an application for inclusion in such a list by a person not already included; and
- (ii) an application by a person already included in such a list for inclusion also in respect of services or premises other than those already listed in relation to him,

shall be granted only if the [<sup>F20</sup>[<sup>F21</sup>Primary Care Trust or] Health Authority are] satisfied, in accordance with the regulations, that it is necessary or desirable to grant it in order to secure in the neighbourhood in which the premises are located the adequate provision by persons included in the list of the services, or some of the services, specified in the application; and

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- (d) for the removal of an entry in respect of premises from a list if it has been determined in the prescribed manner that the person to whom the entry relates—
  - (i) has never provided from those premises; or
  - (ii) has ceased to provide from them, the services, or any of the services, which he is listed as undertaken to provide from them.

(3) The regulations may include provision—

- (a) that an application to a [<sup>F24</sup>[<sup>F25</sup>Primary Care Trust or] Health Authority] may be granted in respect of some only of the services specified in it;
- (b) that an application to a [<sup>F24</sup>[<sup>F26</sup>Primary Care Trust or] Health Authority] relating to services of a prescribed description shall be granted only if it appears to the [<sup>F24</sup>[<sup>F27</sup>Primary Care Trust or] Health Authority] that the applicant has satisfied such conditions with regard to the provision of those services as may be prescribed;
- <sup>F28</sup>(ba) [ that an application to a [<sup>F24</sup>[<sup>F29</sup>Primary Care Trust or] Health Authority] by a person who qualified to have his name registered under the Pharmacy Act 1954 by virtue of section 4A of that Act (qualification by European diploma) shall not be granted unless the applicant satisfies the [<sup>F24</sup>[<sup>F30</sup>Primary Care Trust or] Health Authority] that he has the knowledge of English which, in the interests of himself and persons making use of the services to which the application relates, is necessary for the provision of pharmaceutical services in the [<sup>F24</sup>[<sup>F31</sup>area of the Primary Care Trust or Health Authority] ;]
- (c) that the inclusion of a person in a list in pursuance of such an application may be for a fixed period;
- (d) that, where the premises from which an application states that the applicant will undertake to provide services are in an area of a prescribed description, the applicant shall not be included in the list unless his inclusion is approved by [<sup>F32</sup>reference to prescribed criteria by the [<sup>F24</sup>[<sup>F33</sup>Primary Care Trust or] Health Authority in whose area] those premises are situated; [<sup>F34</sup>and]]
- (e) that [<sup>F24</sup>that [<sup>F33</sup>Primary Care Trust or] Health Authority may give their] approval subject to conditions.
- <sup>F35</sup>(f) [ as to other grounds on which a [<sup>F36</sup>Primary Care Trust or] Health Authority may, or must, refuse to grant an application (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H below);
- (g) as to information which must be supplied to a [<sup>F33</sup>Primary Care Trust or] Health Authority by a person included, or seeking inclusion, in such a list (or by arrangement with him);
- (h) for the supply to a [<sup>F37</sup>Primary Care Trust or] Health Authority by an individual—
  - (i) who is included, or seeking inclusion, in such a list, or
  - (ii) who is a member of the body of persons controlling a body corporate included, or seeking inclusion, in such a list,
 of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act;
- (i) for grounds on which a [<sup>F33</sup>Primary Care Trust or] Health Authority may defer a decision whether or not to grant an application;

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- (j) for the disclosure by a [<sup>F33</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in such a list, and refusals by the [<sup>F33</sup>Primary Care Trust or] Health Authority to grant such applications;
- (k) as to criteria to be applied in making decisions under the regulations (other than decisions required by virtue of paragraph (d))
- [ as to the making of declarations about—
- <sup>F38</sup>(l) (i) financial interests;
- (ii) gifts above a prescribed value; and
- (iii) other benefits received.]
- [ A service falls within this subsection if the means of providing it is such that the person
- <sup>F39</sup>(3A) receiving it does so otherwise than at the premises from which it is provided.
- (3B) The regulations may, in respect of services falling within subsection (3A) above, include provision—
- (a) requiring persons to be approved for the purposes of providing such services, by the Secretary of State or such other person as may be specified in the regulations, in accordance with criteria to be specified in or determined under the regulations (whether by the Secretary of State or by another person so specified);
- (b) requiring the [<sup>F40</sup>Primary Care Trust or] Health Authority to make the grant of an application subject to prescribed conditions.]
- [ Before making regulations by virtue of subsection (3)(l), the Secretary of State must
- <sup>F41</sup>(3C) consult such organisations as he thinks fit appearing to him to represent persons providing pharmaceutical services.]
- (4) The regulations shall include provision conferring on such persons as may be prescribed rights of appeal from decisions made by virtue of this section.
- [ If regulations made by virtue of subsection (3)(f) provide that a Health Authority
- <sup>F42</sup>(4A) may refuse to grant an application, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority's decision .]
- (5) The regulations shall be so framed as to preclude—
- (a) a person included in a list published under subsection (2)(a) above ;and (b) an employee of such a person; from taking part in the decision whether an application such as is mentioned in subsection (2)(c) above should be granted or an appeal against such a decision brought by virtue of subsection (4) above should be allowed.]

#### Textual Amendments

**F16** S. 42 substituted by [National Health Service \(Amendment\) Act 1986 \(c. 66, SIF 113:2\), s. 3](#)

**F17** Words in s. 42(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), [Sch. 1 Pt. 1 para. 30\(a\)](#) (with [Sch. 2 paras. 6, 16](#))

**F18** Words in s. 42(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\), ss. 2\(5\), 42\(3\), Sch. 2 Pt. 1 para. 16\(2\)](#); S.I. 2002/2478, [art. 3\(1\)\(d\)](#)

**F19** S. 42(1)(a)(b) substituted for words in s. 42(1) (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(2), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, [art. 2\(6\)](#); S.I. 2002/1475, [art. 2\(1\)](#), [Sch. Pt. 1](#)

**F20** Words in s. 42(2) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), [Sch. 1 Pt. 1 para. 30\(b\)](#) (with [Sch. 2 paras. 6, 16](#))

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- F21** Words in s. 42(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(3)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F22** Words in s. 42(2)(a) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(3)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F23** Words in s. 42(2)(c) inserted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(3), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(6)**; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F24** Words in s. 42(3) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. 1 para. 30(c)** (with Sch. 2 paras. 6, 16)
- F25** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F26** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F27** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F28** S. 42(3)(ba) inserted by S.I. 1987/2202, **art. 4**
- F29** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F30** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F31** Words in s. 42(3)(ba) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F32** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(3)(a)**
- F33** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F34** Word in s. 42(3)(d) repealed (1.7.2002 for W., otherwise prosp. ) by 2001 c. 15, ss. 20(6)(a), 67(2), 70(2), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F35** S. 42(3)(f)-(k) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 20(6)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F36** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F37** Words in s. 42(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 16(4)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F38** S. 42(3)(l) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 23(5)(a), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F39** S. 42(3A)(3B) inserted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(4), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(6)**; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F40** Words in s. 42(3B)(b) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), {Sch. 2 Pt. para. 16(5)}; S.I. 2002/2478, **art. 3(1)(d)**
- F41** S. 42(3C) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 23(5)(b), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F42** S. 42(4A) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 20(6)(c), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1

**Modifications etc. (not altering text)**

- C1** S. 42 extended by Health and Medicines Act 1988 (c. 49, SIF 113:2), **s. 17(1)**

**43 Persons authorised to provide pharmaceutical services.**

- (1) No arrangements shall be made by [<sup>F43</sup>a [<sup>F44</sup>Primary Care Trust or] Health Authority] (except as may be provided by [<sup>F45</sup>or under] regulations) with a medical practitioner or dental practitioner under which he is required or agrees to provide pharmaceutical



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services to any person to whom he is rendering general medical services or general dental services.

- (2) No arrangements for the dispensing of medicines shall be made (except as may be provided by [<sup>F45</sup>or under] regulations) with persons other than persons who are registered pharmacists, or are persons lawfully conducting a retail pharmacy business in accordance with section 69 of the <sup>M4</sup>Medicines Act 1968 and who undertake that all medicines supplied by them under the arrangements made under this Part of this Act shall be dispensed either by or under the direct supervision of a registered pharmacist.

[<sup>F46</sup>[<sup>F47</sup>(2A) Regulations shall provide for the preparation and publication by each Primary Care Trust and by each Health Authority of one or more lists of medical practitioners who undertake to provide drugs, medicines or listed appliances under arrangements with the Primary Care Trust or with the Health Authority.]

(2B) In subsection (2A) “listed” has the same meaning as in section 41.

[ The regulations may, in particular, include provision—

- <sup>F48</sup>(2BA) (a) as to grounds on which a Health Authority may, or must, refuse to grant an application for inclusion in a list of medical practitioners referred to in subsection (2A) (including grounds corresponding to the conditions referred to in section 49F(2), (3) and (4) as read with section 49H(2) below);
- (b) as to information which must be supplied to a Health Authority by a medical practitioner included, or seeking inclusion, in such a list (or by arrangement with him);
- (c) for the supply to a Health Authority by a medical practitioner who is included, or seeking inclusion, in such a list of a criminal conviction certificate under section 112 of the Police Act 1997 (c. 50), a criminal record certificate under section 113 of that Act or an enhanced criminal record certificate under section 115 of that Act;
- (d) for grounds on which a Health Authority may defer a decision whether or not to grant an application for inclusion in such a list;
- (e) for the disclosure by a Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about applicants for inclusion in such a list, and refusals by the Health Authority to grant such applications;
- (f) as to criteria to be applied in making decisions under the regulations

(2BB) If regulations made by virtue of subsection (2BA)(a) provide that a Health Authority may refuse to grant an application for inclusion in such a list, they must also provide for an appeal (by way of redetermination) to the FHSAA against the Health Authority’s decision.]

(2C) The regulations shall include provision for the removal of an entry from a list in prescribed circumstances.]

[<sup>F49</sup>(3) No arrangements for the provision of pharmaceutical services falling within [<sup>F50</sup>section 41(1)(e)] [<sup>F51</sup>, or additional pharmaceutical services provided in accordance with a direction under section 41A,] above shall be made with persons other than those who are registered pharmacists or are of a prescribed description.]

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### Textual Amendments

- F43** Words in s. 43(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. 1 para. 31** (with Sch. 2 paras. 6, 16)
- F44** Words in s. 43(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 17(2)**; S.I. 2002/2478, **art. 3(1)(d)**
- F45** Words inserted by Health Services Act 1980 (c. 53, SIF 113:2), **s. 21(2)**
- F46** S. 43(2A)-(2C) inserted (1.4.1998) by 1997 c. 46, **s. 29(1)**; S.I. 1998/631, art. 2(a), **Sch.**
- F47** S. 43(2A) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 17(3)**; S.I. 2002/2478, **art. 3(1)(d)**
- F48** S. 43(2BA)(2BB) inserted (1.7.2002 for W., otherwise prosp.) by 2001 c. 15, ss. 20(7), 70(2) (with ss. 64(9), 65(4); S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F49** S. 43(3) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 18(2)**
- F50** Words in s. 43(3) substituted (8.3.2002 for E. for specified purposes and otherwise 1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 42(2), 70(2) (with ss. 64(9), 65(4); S.I. 2002/1095, **art. 2(5)**}{(6)}; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F51** Words in s. 43(3) inserted (15.8.1997) by 1997 c. 46, s. 41(10), **Sch. 2 Pt. 1 para. 14**; S.I. 1997/1780, art. 2, **Sch.**

### Marginal Citations

- M4** 1968 c. 67(84).

## [<sup>F52</sup>43ZAConditional inclusion in medical, dental, ophthalmic and pharmaceutical lists

- (1) The Secretary of State may by regulations provide—
  - (a) that if a person is to be included in a list referred to in subsection (3), he is to be subject, while he remains included in the list, to conditions determined by the [<sup>F53</sup>Primary Care Trust or Health Authority in whose list he is included] ,
  - (b) for the [<sup>F54</sup>Primary Care Trust or] Health Authority to vary that person’s terms of service for the purpose of or in connection with the imposition of any such conditions,
  - (c) for the [<sup>F55</sup>Primary Care Trust or] Health Authority to vary the conditions or impose different ones,
  - (d) for the consequences of failing to comply with a condition (including removal from the list), and
  - (e) for the review by the [<sup>F56</sup>Primary Care Trust or] Health Authority of any decision made by virtue of the regulations.
- (2) The imposition of conditions must be with a view to—
  - (a) preventing any prejudice to the efficiency of the services in question, or
  - (b) preventing any acts or omissions within section 49F(3)(a) below.
- (3) The lists in question are—
  - (a) a list of persons undertaking to provide general medical services,
  - (b) a list of persons undertaking to provide general dental services,
  - (c) a list of persons undertaking to provide general ophthalmic services,
  - (d) a list of persons undertaking to provide pharmaceutical services.
- (4) If regulations provide for a practitioner’s removal from the list for breach of condition—

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- (a) the regulations may provide that he may not withdraw from the list while the [<sup>F57</sup>Primary Care Trust or] Health Authority are investigating whether there are grounds for exercising their power to remove him, or after the [<sup>F58</sup>Primary Care Trust or] Health Authority have decided to remove him but before they have given effect to that decision; and
  - (b) the regulations must include provision—
    - (i) requiring the practitioner to be given notice of any allegation against him,
    - (ii) giving him the opportunity of putting his case at a hearing before the [<sup>F59</sup>Primary Care Trust or] Health Authority make any decision as to his removal from the list, and
    - (iii) requiring him to be given notice of the [<sup>F60</sup>decision of the Primary Care Trust or of the Health Authority] and the reasons for it and of his right of appeal under subsection (5).
- (5) If regulations provide as mentioned in subsection (1), they must also provide for an appeal by the person in question to the FHSAA against the [<sup>F61</sup>decision of the Primary Care Trust or of the Health Authority]—
- (a) to impose conditions, or any particular condition,
  - (b) to vary a condition,
  - (c) to vary his terms of service,
  - (d) on any review of an earlier such decision of theirs,
  - (e) to remove him from the list for breach of condition,
- and the appeal shall be by way of redetermination of the [<sup>F62</sup>decision of the Primary Care Trust or of the Health Authority] .
- (6) The regulations may provide for any such decision not to have effect until the determination by the FHSAA of any appeal against it, and must so provide in relation to a decision referred to in subsection (5)(e).
- (7) Regulations under this section may provide for the disclosure by a [<sup>F63</sup>Primary Care Trust or] Health Authority, to prescribed persons or persons of prescribed descriptions, of information of a prescribed description about persons whose inclusion in the lists referred to in subsection (3) is subject to conditions imposed under this section, and about the removal of such persons from such lists for breach of condition.]

#### Textual Amendments

- F52** S. 43ZA inserted (22.11.2001 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 21, 70(2) (with ss. 64(9), 65(4)); S.I. 2001/3738, art. 2(1), Sch. 1 Pt. I; S.I. 2002/1475, art. 2(1), Sch. Pt. 1
- F53** Words in s. 43ZA(1)(a) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(2)(a); S.I. 2002/2478, art. 3(1)(d)
- F54** Words in s. 43ZA(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(2)(b); S.I. 2002/2478, art. 3(1)(d)
- F55** Words in s. 43ZA(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(2)(b); S.I. 2002/2478, art. 3(1)(d)
- F56** Words in s. 43ZA(1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(2)(b); S.I. 2002/2478, art. 3(1)(d)
- F57** Words in s. 43ZA(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(3)(a); S.I. 2002/2478, art. 3(1)(d)
- F58** Words in s. 43ZA(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 1 para. 18(3)(a); S.I. 2002/2478, art. 3(1)(d)

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- F59** Words in s. 43ZA(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 18(3)(a)**; S.I. 2002/2478, **art. 3(1)(d)**
- F60** Words in s. 43ZA(4)(b)(iii) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 18(3)(b)**; S.I. 2002/2478, **art. 3(1)(d)**
- F61** Words in s. 43ZA(5) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 18(4)**; S.I. 2002/2478, **art. 3(1)(d)**
- F62** Words in s. 43ZA(5) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 18(4)**; S.I. 2002/2478, **art. 3(1)(d)**
- F63** Words in s. 43ZA(7) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), **Sch. 2 Pt. 1 para. 18(5)**; S.I. 2002/2478, **art. 3(1)(d)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2003 c. 43 Sch. 7 para. 3\(7\)](#)
- Act repealed by [2006 c. 43 Sch. 4](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 3(4) inserted by [2003 c. 43 Sch. 11 para. 8](#)
- s. 3(4)(a) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(a\)](#)
- s. 3(4)(b) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 3(4)(b) words substituted by [2006 c. 28 Sch. 8 para. 7\(4\)\(b\)](#)
- s. 8(9)(10) added by [2006 c. 28 s. 74\(1\)](#)
- s. 11(4A)(4B) inserted by [2006 c. 28 s. 74\(2\)\(a\)](#)
- s. 16B(4) inserted by [2003 c. 43 s. 182\(1\)](#)
- s. 16BC(4) inserted by [2003 c. 43 s. 182\(2\)](#)
- s. 16CA and heading inserted by [2003 c. 43 s. 170](#)
- s. 16CB inserted by [2003 c. 43 s. 171\(1\)](#)
- s. 16CC inserted by [2003 c. 43 s. 174](#)
- s. 16CD16CE inserted by [2006 c. 28 s. 37](#)
- s. 19A(2)(aa) inserted by [2003 c. 43 Sch. 9 para. 9](#)
- s. 20A inserted by [2003 c. 4 s. 1\(1\)](#)
- s. 21(4) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 9](#)
- s. 22(1A)(e) inserted by [2003 c. 43 Sch. 4 para. 25](#)
- s. 28D(1)(b)-(bc) substituted for s. 28D(1)(b)(c) by [2003 c. 43 s. 177\(2\)](#)
- s. 28D(1)(bc)(i) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 28D(1)(bc)(iii) words substituted by [S.I. 2004/957 Sch. para. 3](#)
- s. 28D(1A) inserted by [2003 c. 43 s. 177\(3\)](#)
- s. 28E(3)(ca) inserted by [2003 c. 43 s. 177\(7\)](#)
- s. 28E(3A)(3B) inserted by [2003 c. 43 s. 177\(8\)](#)
- s. 28E(3C) inserted by [2003 c. 43 s. 177\(9\)](#)
- s. 28E(3D) inserted by [2003 c. 43 s. 177\(10\)](#)
- s. 28E(3E)(3F) inserted by [2003 c. 43 s. 177\(11\)](#)
- s. 28K-28P and heading inserted by [2003 c. 43 s. 172\(1\)](#)
- s. 28M(4) words substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 16](#)
- s. 28Q-28W and heading(s) inserted by [2003 c. 43 s. 175\(1\)](#)
- s. 28W(5) applied by [S.I. 2004/478 reg. 100\(3\)](#)
- s. 28W(5) applied by [S.I. 2004/478 Sch. 6 para. 100\(3\)](#)
- s. 28X applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 4](#)
- s. 28X inserted by [2003 c. 43 s. 179\(1\)](#)
- s. 28X heading words substituted by [2006 c. 28 s. 39\(5\)](#)
- s. 28X(1A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(a\)](#)
- s. 28X(2A) inserted by [2006 c. 28 s. 39\(2\)](#)
- s. 28X(3)(b) words substituted by [2006 c. 28 s. 39\(3\)](#)
- s. 28X(3)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 17\(b\)](#)
- s. 28X(6A) inserted by [2006 c. 28 s. 39\(4\)](#)
- s. 28Y inserted by [2003 c. 43 s. 180](#)
- s. 28Y(1) applied (with modifications) by [S.I. 2006/552 Sch. 1 para. 5](#)
- s. 28Y(1)(a) substituted by [2006 c. 28 s. 40\(2\)](#)
- s. 28Y(1)(b) words substituted by [2006 c. 28 s. 40\(3\)](#)
- s. 28Y(1)(c) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 18](#)
- s. 28WA-28WF and cross-heading inserted by [2006 c. 28 s. 38](#)
- s. 29-34A repealed by [2003 c. 43 s. 175\(2\)Sch. 14 Pt. 4](#)

- s. 34A inserted by [1997 c. 46 s. 25\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 25(1) repealed (1.4.2004) without ever being in force by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1) (4), Sch. 14 Pt. 4 Note; S.I. 2004/288, art. 6(2)(p) (with art. 8) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(p) (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345))
- s. 35(3)-(3B) substituted for s. 35(3) by [S.I. 2005/2011 Sch. 6 para. 1\(2\)\(a\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- s. 42(2A) inserted by [2001 c. 15 s. 40\(3\)](#)
- s. 42(2B)(2C) inserted by [2006 c. 28 s. 35](#)
- s. 42A42B inserted by [2006 c. 28 s. 34\(1\)](#)
- s. 43(4)(5) added by [1997 c. 19 Sch. para. 6](#) (This amendment not applied to [legislation.gov.uk](#). 1997 c. 19 repealed (30.3.2007) by S.I. 2007/289, art. 1(2)(3), Sch. 1 para. 6; commencing date as notified in The Gazette, published 23.3.2007)
- s. 43A inserted by [1984 c. 48 s. 7\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(1) repealed (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43A43B substituted by [1999 c. 8 s. 10\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 10 repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1))
- s. 43A43B substituted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 19](#)
- s. 43A(3) repealed by [1997 c. 46 Sch. 2 para. 77](#)[Sch. 3 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 77 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without ever being in force by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 43B added by [1984 c. 48 s. 7\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 7(3) repealed to the extent that it inserts section 43B of the National Health Service Act 1977 (1.3.2007 immediately before the National Health Service Act 2006 comes into force) without that amendment ever being in force by National Health Service (Pre - consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), Sch. 2 (with art. 4))
- s. 44(3A) inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 20\(c\)](#)
- s. 45A45B inserted by [2003 c. 43 Sch. 11 para. 23](#)
- s. 45A(3) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(3)(a) word repealed by [2006 c. 28 Sch. 8 para. 17\(2\)](#)[Sch. 9](#)
- s. 45A(3)(aa) inserted by [2006 c. 28 Sch. 8 para. 17\(2\)](#)
- s. 45A(4) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45A(4)(a) substituted by [2006 c. 28 Sch. 8 para. 17\(3\)](#)
- s. 45A(11) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 45C inserted by [2006 c. 28 s. 41](#)
- s. 46-46C substituted for s. 46 by [1999 c. 8 s. 40\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed by 2001 c. 15, ss. 67, 70(2), Sch. 6 Pt. 1 (with ss. 64(a), 65(4)), the repeal coming into force immediately before the coming into force of the National Health Service Act 2006 (c. 41) (as to which see s. 227 of that 2006 Act) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), arts. 1(1), 2, Sch. 1 Pt. 2 para. 8(c))
- s. 54(1)(c) and word(s) inserted by [2003 c. 43 Sch. 11 para. 26\(2\)\(c\)](#)
- s. 54(1)(c) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) and word(s) inserted by [2003 c. 43 Sch. 11 para. 27\(2\)](#)
- s. 72(5)(d) modified by [S.I. 2004/865 art. 109\(2\)\(a\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(i\)](#)
- s. 72(5)(d) words substituted by [2006 c. 28 Sch. 8 para. 21\(b\)\(ii\)](#)

- s. 77(4) inserted by [2003 c. 43 Sch. 11 para. 28](#)
- s. 78A inserted by [1997 c. 46 s. 26\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26(1) repealed (1.3.2007) without ever being in force by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1))
- s. 79(5)(b) modified by [2003 c. 43 s. 183\(4\)](#)
- s. 96(4) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 27](#)
- s. 96A(12) inserted by [2003 c. 43 Sch. 4 para. 37](#)
- s. 98(1A)-(1C) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(2\)](#)
- s. 98(1A) substituted by [S.I. 2004/1714 Sch. 2 para. 1\(2\)](#)
- s. 98(1A)(e) inserted by [S.I. 2006/960 Sch. 2 para. 1\(2\)](#)
- s. 98(1C) words inserted by [S.I. 2004/1714 Sch. 2 para. 1\(4\)](#)
- s. 98(1C) words substituted by [S.I. 2006/960 Sch. 2 para. 1\(4\)](#)
- s. 98(1D) inserted by [2004 c. 23 Sch. 2 para. 2](#)
- s. 98(1BA)(1BB) inserted by [S.I. 2004/1714 Sch. 2 para. 1\(3\)](#)
- s. 98(1BC) inserted by [S.I. 2006/960 Sch. 2 para. 1\(3\)](#)
- s. 98(4A) inserted by [S.I. 2003/1324 Sch. 2 para. 1\(4\)](#)
- s. 98(7)-(10) inserted by [S.I. 2005/1074 art. 2\(2\)](#)
- s. 103(4)(5) inserted by [2001 c. 15 Sch. 5 para. 5\(12\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(12)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 124A(3)(aa) inserted by [2002 c. 38 Sch. 3 para. 20](#)
- s. 126(1A) inserted by [2003 c. 43 s. 183\(3\)\(b\)](#)
- s. 126(4A) inserted by [2001 c. 15 Sch. 5 para. 5\(13\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 5(13)(c) repealed (1.3.2007) without ever being in force by 2006 c. 43, s. 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1))
- s. 126(4A) inserted by [2003 c. 4 s. 1\(2\)](#)
- Sch. 5 para. 12B inserted by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 39\(c\)](#)
- Sch. 5 para. 10(2A)-(2C) substituted for Sch. 5 para. 10(2A) by [S.I. 2005/2011 Sch. 6 para. 1\(4\)](#) (This amendment comes into force on a day to be specified in the London, Edinburgh and Belfast Gazettes (see, for example, the London Gazette, issue nos. 57734, 57975, 58050 and 58769, dated respectively 19.8.2005, 5.6.2006, 21.7.2006 and 18.7.2008))
- Sch. 5A para. 20(1A) inserted by [2006 c. 28 s. 74\(3\)](#)
- Sch. 5B para. 19(1A) inserted by [2006 c. 28 s. 74\(4\)](#)
- Sch. 7A inserted by [2003 c. 4 s. 1\(3\)Sch. 1](#)
- Sch. 7A para. 3(1)(fa) inserted by [2003 c. 43 Sch. 11 para. 40\(2\)\(a\)](#)
- Sch. 7A para. 3(1)(g) words repealed by [2003 c. 43 Sch. 11 para. 40\(2\)\(b\)Sch. 14 Pt. 4](#)
- Sch. 7A para. 3(2) words substituted by [2003 c. 43 Sch. 11 para. 40\(3\)](#)
- Sch. 9A para. 10(a)(aa) substituted for s. Sch. 9A para. 10(a) by [2003 c. 43 Sch. 11 para. 42\(4\)\(b\)](#)
- Sch. 9A para. 6(d)(i)(ii) substituted for words in para. 6(d) by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 40\(b\)](#)
- Sch. 11 para. 5A inserted by [S.I. 2004/3363 art. 7](#)
- Sch. 12 para. 2A(6) added by [S.I. 2006/1407 Sch. 1 Pt. 1 para. 42\(g\)](#)
- Sch. 12 para. 2B amendment to earlier affecting provision 2006 c. 28, s. 41(3) by [S.I. 2006/1407 Sch. 1 Pt. 2 para. 15](#) (The earlier affecting provision cited is incorrect. The correct provision should be s. 42(3).)
- Sch. 12 para. 2B inserted by [2006 c. 28 s. 42\(3\)](#)
- Sch. 12 para. 2A(1)(b)(ba) substituted for Sch. 12 para. 2A(1)(b) by [2006 c. 28 s. 42\(2\)\(a\)](#)
- Sch. 12A para. 7(4) inserted by [2001 c. 15 Sch. 5 para. 5\(17\)\(c\)](#)
- Sch. 12B inserted by [2006 c. 28 s. 56\(2\)Sch. 3](#)
- Sch. 12ZA inserted by [2003 c. 43 s. 183\(2\)](#)

**Commencement Orders yet to be applied to the National Health Service Act 1977**

## Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/833 art. 23 commences (2002 c. 17)
- S.I. 2003/2245 art. 2 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2003/2660 art. 2-4 commences (2003 c. 4)
- S.I. 2003/3064 art. 2 commences (2003 c. 4)
- S.I. 2003/3083 art. 2 commences (2002 c. 17)
- S.I. 2003/3346 art. 2-5 commences (2003 c. 43)
- S.I. 2004/103 art. 2-4 commences (2001 c. 15)
- S.I. 2004/287 art. 23 commences (1997 c. 46)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/289 art. 2 commences (1998 c. 8)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/874 art. 2 commences (2003 c. 42)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/1859 art. 2-6 commences (1999 c. 8)
- S.I. 2004/2626 art. 2 commences (2003 c. 43)
- S.I. 2005/457 art. 2 commences (2003 c. 43)
- S.I. 2005/558 art. 2Sch. 1 commences (2004 c. 23)
- S.I. 2005/1432 art. 2 commences (2005 c. 12)
- S.I. 2005/2213 art. 23 commences (2002 c. 38)
- S.I. 2005/2800 art. 3-5 commences (2005 c. 10)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2005/2926 art. 23 commences (1997 c. 46)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/481 art. 23 commences (2001 c. 15)
- S.I. 2006/1014 art. 2Sch. 12 commences (2005 c. 4)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 3681213 commences (1997 c. 46)
- S.I. 2006/2603 art. 2-5 commences (2006 c. 28)
- S.I. 2006/3125 art. 2-4 commences (2006 c. 28)
- S.I. 2007/204 art. 2-4 commences (2006 c. 28)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)