



National Health Service Act 1977

1977 CHAPTER 49

PART II

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

Pharmaceutical services

[^{F1}42 Regulations as to pharmaceutical services.

- (1) Regulations shall provide for securing that arrangements made by a [^{F2}[^{F3}Primary Care Trust or] Health Authority] under section 41 above will—
 - ^{F4}(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 [^{F5}a [^{F6}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 [^{F7}area of the Primary Care Trust or Health Authority];
 - (b) that an application to [^{F5}a [^{F6}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 [^{F8}(which may, in particular, include cases of applications for the provision only of services falling within subsection (3A) below)]—

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- (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 [^{F5}[^{F6}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

- (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 [^{F9}[^{F10}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 [^{F9}[^{F11}Primary Care Trust or] Health Authority] relating to services of a prescribed description shall be granted only if it appears to the [^{F9}[^{F12}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;
- ^{F13}(ba) [that an application to a [^{F9}[^{F14}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 [^{F9}[^{F15}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 [^{F9}[^{F16}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 [^{F17}reference to prescribed criteria by the [^{F9}[^{F18}Primary Care Trust or] Health Authority in whose area] those premises are situated; [^{F19}and]]
- (e) that [^{F9}that [^{F18}Primary Care Trust or] Health Authority may give their] approval subject to conditions.
- ^{F20}(f) [as to other grounds on which a [^{F21}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 [^{F18}Primary Care Trust or] Health Authority by a person included, or seeking inclusion, in such a list (or by arrangement with him);

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- (h) for the supply to a [^{F22}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 [^{F18}Primary Care Trust or] Health Authority may defer a decision whether or not to grant an application;
 - (j) for the disclosure by a [^{F18}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 [^{F18}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—
- ^{F23}(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

^{F24}(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 [^{F25}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

^{F26}(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

^{F27}(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.]

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Textual Amendments

- F1** S. 42 substituted by [National Health Service \(Amendment\) Act 1986 \(c. 66, SIF 113:2\)](#), [s. 3](#)
- F2** 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)
- F3** 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\(1\)\(d\)](#)
- F4** 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
- F5** 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)
- F6** 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\(1\)\(d\)](#)
- F7** 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\(1\)\(d\)](#)
- F8** 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
- F9** 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)
- F10** 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\(1\)\(d\)](#)
- F11** 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\(1\)\(d\)](#)
- F12** 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\(1\)\(d\)](#)
- F13** S. 42(3)(ba) inserted by S.I. 1987/2202, [art. 4](#)
- F14** 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\(1\)\(d\)](#)
- F15** 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\(1\)\(d\)](#)
- F16** 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\(1\)\(d\)](#)
- F17** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 12\(3\)\(a\)](#)
- F18** 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\(1\)\(d\)](#)
- F19** 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
- F20** 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
- F21** 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\(1\)\(d\)](#)
- F22** 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\(1\)\(d\)](#)
- F23** 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
- F24** 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
- F25** 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\(1\)\(d\)](#)
- F26** 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

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F27 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)**

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Changes and effects yet to be applied to :

- s. 42(4A) words inserted by [2002 c. 17 Sch. 2 para. 16\(6\)\(a\)](#)
- s. 42(4A) words substituted by [2002 c. 17 Sch. 2 para. 16\(6\)\(a\)](#)

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. 77Sch. 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. 2](#)Sch. 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. 2](#)Sch. 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)