



# National Health Service (Primary Care) Act 1997

## 1997 CHAPTER 46

### PART II

#### PRIMARY CARE

##### *NHS contracts*

### **31 Provision of certain services under NHS contracts**

- (1) In the National Health Service and Community Care Act 1990, after section 4 (NHS contracts), insert—

#### **“4A Provision of certain services under NHS contracts**

- (1) This section applies to any arrangement under which a Health Authority or such other health service body as may be prescribed arrange for the provision to them—
- (a) by a person on an ophthalmic list, or
  - (b) by a person on a pharmaceutical list,
- of goods or services that they reasonably require for the purposes of functions which they are exercising under Part I of the principal Act.
- (2) Any such arrangement is to be treated as an NHS contract for the purposes of section 4 (other than subsections (4) and (6)).
- (3) In this section—
- “health service body” means a body which is a health service body for the purposes of section 4;
  - “ophthalmic list” means a list published in accordance with regulations made under—

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*Status: This is the original version (as it was originally enacted).*

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- (a) section 39(a) of the principal Act;
- (b) section 26(2)(a) of the National Health Service (Scotland) Act 1978; or
- (c) Article 62(2)(a) of the Health and Personal Social Services (Northern Ireland) Order 1972; and

“pharmaceutical list” means a list published in accordance with regulations made under—

- (a) section 42(2)(a) of the principal Act;
- (b) section 27(2) of the National Health Service (Scotland) Act 1978; or
- (c) Article 63(2A)(a) of the 1972 Order.”

(2) In the 1978 Act, after section 17, insert—

*“NHS contracts*

**17AA Provision of certain services under NHS contracts**

(1) This section applies to any arrangement under which a Health Board or such other health service body as may be prescribed arrange for the provision to them—

- (a) by a person on an ophthalmic list, or
- (b) by a person on a pharmaceutical list,

of goods or services that they reasonably require for the purposes of functions which they are exercising under Part I of this Act.

(2) Any such arrangement is to be treated as an NHS contract for the purposes of section 17A (other than subsections (5) and (7)).

(3) In this section—

“health service body” means a person or body which is a health service body for the purposes of section 17A;

“ophthalmic list” means a list published in accordance with regulations made under—

- (a) section 26(2)(a) of this Act;
- (b) section 39(a) of the National Health Service Act 1977; or
- (c) Article 62(2)(a) of the Health and Personal Social Services (Northern Ireland) Order 1972; and

“pharmaceutical list” means a list published in accordance with regulations made under—

- (a) section 27(2) of this Act;
- (b) section 42(2)(a) of the National Health Service Act 1977; or
- (c) Article 63(2A)(a) of the 1972 Order.”