

HEALTH AND SOCIAL CARE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Pharmaceutical Services

Chapter 1: Local Pharmaceutical Services

Preparation and making of pilot schemes

Section 28: Pilot Schemes

162. *Section 28* deals with the general nature of Local Pharmaceutical Services pilot schemes. *Subsection (2)* provides that a pilot scheme may consist of one or more agreements between a Health Authority and any other person or persons (other than another Health Authority) under which Local Pharmaceutical Services are to be provided. The Health Authority may not itself provide Local Pharmaceutical Services.
163. Unlike Personal Medical and Dental Services pilots, provision of Local Pharmaceutical Services is not to be restricted to particular classes of person (although nothing in these provisions will alter restrictions in the Medicines Act 1968 and other legislation on who may supply medicines). The parties to pilot schemes may therefore include, amongst others, individual pharmacists, retail pharmacy businesses and dispensing appliance contractors. They may also include NHS trusts and Primary Care Trusts, and *subsection (7)* provides that NHS trusts and Primary Care Trusts have the necessary powers to provide services under a pilot scheme.
164. *Subsection (8)* defines Local Pharmaceutical Services as such services prescribed in regulations which are of a kind that may be provided under section 41 or 41A of the NHS Act 1977 (that is, Part 2 pharmaceutical services). However, *subsection (9)* means that Local Pharmaceutical Services may not include the dispensing of drugs, medicines and appliances by doctors or dentists to their own patients.
165. Under section 41 of the NHS Act 1977, Health Authorities have a duty to arrange Part 2 pharmaceutical services for their area. Since Local Pharmaceutical Services pilot schemes will be providing similar services, *subsection (6)* permits Health Authorities to take into account such schemes in determining how to meet their duty under section 41.
166. *Subsection (3)* provides that a pilot scheme may also include health services which are not Local Pharmaceutical Services, but which may be provided under Part 1 of the NHS Act 1977. This could include, for example, diagnostic testing, therapeutic monitoring and health education. It need not be restricted to services normally associated with pharmacies. So it could, for example, include the provision of chiropody or similar services. Pilot schemes may also include the provision of training and education. However, *subsection (4)* provides that schemes may not combine arrangements for Local Pharmaceutical Services with those for Personal Medical or Dental Services.

*These notes refer to the Health and Social Care Act 2001
(c.15) which received Royal Assent on 11 May 2001*

167. *Subsection (5)* defines piloted services as services provided under a pilot scheme, which therefore include not only Local Pharmaceutical Services but any other services included within a scheme.