

HEALTH AND SOCIAL CARE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Pharmaceutical Services

Chapter 2: Changes to existing arrangements

England and Wales

Section 43: Remote provision of pharmaceutical, etc. services

209. Section 41A of the 1977 Act concerns the provision of “additional pharmaceutical services” which are in addition to those required by section 41. *Section 43* amends this section to give the Secretary of State powers to give directions to Health Authorities authorising or requiring them to arrange for the provision of services to any person, whether or not in their area. *Subsection (1)(b)* (of *section 43*) adds a new subsection (1A) to section 41A of the 1977 Act to allow the Secretary of State to authorise or require Health Authorities to arrange for the provision of these services by remote means so that the service is received otherwise than at the premises from which it is provided.
210. Section 42 of the 1977 Act provides powers to make regulations governing the arrangements made by a Health Authority for the provision of pharmaceutical services. In accordance with section 42(2), regulations require all Health Authorities to prepare and publish lists of persons (other than for medical and dental practitioners) who undertake to provide pharmaceutical services from premises in their area. Applications for inclusion in a pharmaceutical list are only to be granted if the Health Authority is satisfied that it is necessary or desirable to do so to secure the adequate provision of services in the neighbourhood in which the premises are located. *Subsection (3)* provides that regulations may be made exempting people from the ‘necessary or desirable’ test where they are to provide services solely by remote means.
211. *Subsection (4)* of *section 43* adds new subsections (3A) and (3B) to section 42 of the 1977 Act.
212. New subsection (3B) allows regulations to be made requiring people providing remote services to be approved for that purpose. It also provides a power to prescribe conditions to be imposed on the grant of an application for inclusion in a pharmaceutical list, where the applicant is to provide services by remote means.
213. *Subsection (5)* (of *section 43*) amends section 43(2A) of the 1977 Act, under which regulations are required to provide for the preparation by Health Authorities of lists of medical practitioners who supply drugs, medicines and appliances. The effect is to ensure that such dispensing doctors are included in the list of each Health Authority with whom they have arranged to dispense, even if they dispense from premises in another Health Authority’s area.
214. Section 44 of the 1977 Act permits a Health Authority to recognise a Local Pharmaceutical Committee (LPC) which it is satisfied is representative of persons providing pharmaceutical services in its area. *Subsection (6)* (of *section 43*) amends

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

section 44 to clarify that notwithstanding that people in the Health Authority's area may receive pharmaceutical services from people whose premises are outside that area, the LPC need only be representative of persons who are included in a Health Authority's own pharmaceutical list, in order to be recognised by it.