



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 2

#### PHARMACEUTICAL SERVICES

#### CHAPTER 1

##### LOCAL PHARMACEUTICAL SERVICES

##### *General*

#### **36 Effect of the 1977 Act**

- (1) The provisions of the 1977 Act, apart from section 16D (power to direct Health Authority to exercise functions of relevant authority), apply in relation to functions of the relevant authority in relation to pilot schemes as if they were functions under Part 1 of the 1977 Act.
- (2) The 1977 Act (and in particular section 17) has effect in relation to piloted services—
  - (a) subject to any provision of, or made under, this Chapter; but
  - (b) otherwise as if those services were provided as a result of directions given under section 16D of the 1977 Act in relation to functions of the relevant authority under Part 1 of that Act.
- (3) The functions of a Health Authority in relation to piloted services are primary functions of the Authority for the purposes of the 1990 Act.

#### **37 Premises from which piloted services may be provided**

The relevant authority may by regulations—

- (a) prevent (except in such circumstances and to such extent as may be prescribed) the provision of both piloted services and pharmaceutical services from the same premises;

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*Status: This is the original version (as it was originally enacted).*

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- (b) make provision with respect to the inclusion, removal, re-inclusion or modification of an entry in respect of premises in a list under section 42 of the 1977 Act.

### **38 Control of entry regulations**

The power to make regulations under section 42 of the 1977 Act (regulations as to pharmaceutical services) includes power to prescribe the extent to which the provision of piloted services is to be taken into account in determining whether to grant an application for inclusion in a list referred to in subsection (2) of that section.