



Health and Social Care Act 2001

2001 CHAPTER 15

PART 2

PHARMACEUTICAL SERVICES

CHAPTER 1

LOCAL PHARMACEUTICAL SERVICES

NHS contracts and financial provisions

33 NHS contracts

- (1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate, that individual or body may make an application under this section to become a health service body.
- (2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this section to become a single health service body.
- (3) An application must—
 - (a) be made to the relevant authority in accordance with such provisions as may be made by regulations; and
 - (b) specify the pilot scheme in relation to which it is made.
- (4) Except in such cases as may be prescribed by regulations, the relevant authority may grant an application.
- (5) If an application is granted, the relevant authority must specify a date in relation to that application and, as from that date—
 - (a) in the case of an application under subsection (1), the applicant is, and
 - (b) in the case of an application under subsection (2), the applicants together are,

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a health service body for the purposes of section 4 of the 1990 Act (NHS contracts).

- (6) That section has effect in relation to such a health service body (“a PHS body”), acting as acquirer, as if the functions referred to in subsection (1) of that section were the provision of piloted services.
- (7) Except in such circumstances as may be prescribed by regulations, a PHS body resulting from an application under subsection (2) is to be treated, at any time, as consisting of those who are providing piloted services under the scheme.
- (8) A direction as to payment made under section 4(7) of the 1990 Act against, or in favour of, a PHS body is enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.
- (9) Regulations may provide for a PHS body to cease to be a PHS body in prescribed circumstances.
- (10) The relevant authority must—
 - (a) maintain and publish a list of PHS bodies;
 - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.
- (11) The list is to be published in such manner as the relevant authority considers appropriate.

34 Funding of preparatory work

- (1) Provision may be made by regulations for Health Authorities to make payments of financial assistance for preparatory work.
- (2) “Preparatory work” means work which it is reasonable for a person to undertake—
 - (a) in connection with preparing proposals for a pilot scheme; or
 - (b) in preparing for the provision by him of any piloted services.
- (3) The regulations may, in particular, include provision—
 - (a) prescribing the circumstances in which payments of financial assistance may be made;
 - (b) imposing a limit on the amount of any payment of financial assistance which a Health Authority may make in any prescribed period in respect of any one person or any one pilot scheme;
 - (c) imposing a limit on the aggregate amount which a Health Authority may pay by way of financial assistance in any one financial year;
 - (d) requiring a person to whom assistance is given under this section to comply with such conditions as may be imposed in accordance with prescribed requirements; and
 - (e) for repayment in the case of a failure to comply with any condition so imposed.

35 Charges, recovery of payments and penalties

- (1) Regulations may provide for the making and recovery, in such manner as may be prescribed, of charges for local pharmaceutical services.
- (2) The regulations may, in particular provide for—
 - (a) exemptions from charges;

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- (b) the liability to pay charges to be disregarded in prescribed circumstances or for prescribed purposes;
 - (c) section 122A of the 1977 Act (recovery of certain charges and payments) to apply also in relation to local pharmaceutical services (with or without modification);
 - (d) section 122B of the 1977 Act (penalties) to apply also in relation to local pharmaceutical services (with or without modification).
- (3) The regulations must secure that the amount charged for any service is the same as the amount that would be charged for that service if it were provided under Part 2 of the 1977 Act.