

SCHEDULES

SCHEDULE 3

Section 40

LPS SCHEMES

The following is the Schedule inserted in the 1977 Act.

“SCHEDULE 8A

LOCAL PHARMACEUTICAL SERVICES SCHEMES

Provision of local pharmaceutical services

- 1 (1) Health Authorities may establish LPS schemes.
- (2) In this Schedule “LPS scheme” means one or more agreements—
 - (a) made by a Health Authority (“A”) in accordance with the provisions of, or made under, this Schedule;
 - (b) under which local pharmaceutical services are to be provided (otherwise than by A); and
 - (c) the parties to which do not include any other Health Authority.
- (3) For the purposes of this Schedule—

“local pharmaceutical services” means such services of a kind which may be provided under section 41 of this Act, or by virtue of section 41A of this Act (other than practitioner dispensing services) as may be prescribed; and

“practitioner dispensing services” means the provision of drugs, medicines or listed appliances (within the meaning of section 41) by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1).
- (4) An LPS scheme may include arrangements—
 - (a) for the provision of services which are not local pharmaceutical services, but which may be provided under this Part of this Act (whether or not of the kind usually provided by pharmacies);
 - (b) for the provision of training and education (including training and education for persons who are, or may become, involved in the provision of local pharmaceutical services).
- (5) An LPS scheme may not combine arrangements for the provision of local pharmaceutical services with arrangements for the provision of personal medical services or personal dental services under any provision of, or made under, this Act or the National Health Service (Primary Care) Act 1997 (c. 46).
- (6) In this Schedule “LP services” means services provided under an LPS scheme (including any services to which the scheme applies as a result of subparagraph (4)).

- (7) In determining the arrangements they need to make in order to comply with section 41 of this Act, a Health Authority may take into account arrangements under an LPS scheme made by them.
- (8) The functions of an NHS trust or a Primary Care Trust include power to provide any services to which an LPS scheme applies.
- (9) The functions of a Health Authority in relation to LP services are primary functions of the Authority for the purposes of the National Health Service and Community Care Act 1990 (c. 19).

Designation of priority neighbourhoods or premises

- 2 (1) The Secretary of State may make regulations allowing a Health Authority to—
 - (a) designate neighbourhoods,
 - (b) designate premises, or
 - (c) designate descriptions of premises,for the purposes of this paragraph.
- (2) The regulations may, in particular, make provision—
 - (a) as to the circumstances in which, and the neighbourhoods or premises in relation to which, designations may be made or maintained;
 - (b) allowing a Health Authority to defer consideration of Part 2 applications relating to neighbourhoods, premises or descriptions of premises that have been designated;
 - (c) allowing a designation to be cancelled in prescribed circumstances;
 - (d) requiring a designation to be cancelled—
 - (i) if the Secretary of State gives a direction to that effect; or
 - (ii) in prescribed circumstances.
- (3) “Part 2 applications” means applications for inclusion in a list maintained under section 42 of this Act.

Regulations

- 3 (1) The Secretary of State may make regulations with respect to LP services.
- (2) The regulations must include provision for participants other than Health Authorities to withdraw from an LPS scheme if they wish to do so.
- (3) The regulations may, in particular—
 - (a) provide that an LPS scheme may be made only—
 - (i) in prescribed circumstances;
 - (ii) in relation to an area, a community or a category of persons determined in accordance with the regulations; or
 - (iii) in relation to premises determined in accordance with the regulations;
 - (b) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with an LPS scheme;
 - (c) make provision as to the services, or categories of service, for which an LPS scheme must provide;

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

- (d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons providing LP services;
 - (e) require details of each LPS scheme to be published;
 - (f) make provision with respect to the variation and termination of an LPS scheme;
 - (g) prevent (except in such circumstances and to such extent as may be prescribed) the provision of both LP services and pharmaceutical services from the same premises;
 - (h) 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;
 - (i) provide for parties to an LPS scheme to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 4 of the National Health Service and Community Care Act 1990;
 - (j) provide for directions, as to payments, made under section 4(7) of the Act of 1990 (as it has effect as a result of regulations made by virtue of paragraph (i)) to be enforceable in a county court (if the court so orders) as if they were judgments or orders of that court;
 - (k) authorise Health Authorities to make payments of financial assistance for prescribed categories of preparatory work undertaken—
 - (i) in connection with preparing proposals for an LPS scheme; or
 - (ii) in preparation for the provision of services under a proposed LPS scheme.
- 4 (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;
 - (b) the liability to pay charges to be disregarded in prescribed circumstances or for prescribed purposes;
 - (c) section 122A of this Act (recovery of certain charges and payments) to apply also in relation to local pharmaceutical services (with or without modification);
 - (d) section 122B of this 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 this Act.”