Changes to legislation: *National Health Service Act 2006, SCHEDULE 11 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 11 E+W

Section 135

PILOT SCHEMES

How pilot schemes may be initiated

1 (1) A pilot scheme may be made—

(a) on the initiative of **[**[F1]NHS England**]**, or

(b) in response to a request made by a person wishing to participate in the scheme.

(2) The request referred to in sub-paragraph (1)(b) must—

(a) be made in writing, and

(b) comply with such requirements (if any) as may be prescribed.

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Preliminary steps to be taken

2 (1) Before making a pilot scheme, **[**[F1]NHS England**]** must prepare proposals for the scheme and submit them to the Secretary of State.

(2) But proposals may be submitted by **[**[F1]NHS England**]** only with the agreement of the other proposed participants.

(3) In preparing proposals for a pilot scheme, **[**[F1]NHS England**]** must comply with any directions given to it by the Secretary of State as to—

(a) the matters to be dealt with, and information to be included, in the proposals, and

(b) the procedure to be followed by **[**[F1]NHS England**]**.

(4) Before submitting proposals for a pilot scheme, **[**[F1]NHS England**]** must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to it by the Secretary of State about the extent to which, and manner in which, it must consult on the proposals.

(5) The Secretary of State may give directions—

(a) requiring **[**[F1]NHS England**]** to submit proposals to him,

(b) as to the matters to which **[**[F1]NHS England**]** must have regard in making any recommendation to the Secretary of State when submitting proposals for a pilot scheme,

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(c) as to the form in which any such recommendation must be made,

(d) requiring **[**[F1]NHS England**]** to provide the Secretary of State with summaries (prepared and presented in the manner specified in the directions) of all requests received by **[**[F2]it**]** during the period specified in the directions.

(6) A direction under this paragraph may be given so as to apply—

(a) generally in circumstances specified in the direction, or

(b) in relation to a particular case.

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F2 Word in Sch. 11 para. 2(5)(d) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(3)(d)(ii)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Approval

3 (1) If proposals for a pilot scheme are submitted under paragraph 2, the Secretary of State must—

(a) approve them as submitted,

(b) make such modifications as he considers appropriate and approve them as modified, or

(c) reject them.

(2) The Secretary of State may not approve proposals for a pilot scheme unless satisfied that they include satisfactory provision for any participant other than **[**[F1]NHS England**]** to withdraw from the scheme if he wishes to do so.

(3) When the Secretary of State makes a decision under this paragraph—

(a) he must notify **[**[F1]NHS England**]** of the decision, and

(b) **[**[F1]NHS England**]** must, without delay, notify the other participants in the proposed scheme.

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Preliminary approval

4 (1) This paragraph applies if **[**[F1]NHS England**]** proposes to make a pilot scheme but has not determined who the participants, or who all of the participants, will be.

(2) **[**[F1]NHS England**]** may apply to the Secretary of State for preliminary approval to be given to its proposals.

(3) If such an application is made, the Secretary of State must—

(a) give preliminary approval to the proposals as submitted,

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(b) make such modifications as he considers appropriate and give preliminary approval to them as modified, or

(c) reject them.

(4) If **[**[F1]NHS England**]** is given preliminary approval, it must take such steps, with a view to obtaining final approval for the proposed pilot scheme, as the Secretary of State may direct.

(5) The fact that the Secretary of State has given preliminary approval to proposals for a pilot scheme does not affect his right to refuse to approve the completed proposals when they are submitted under paragraph 2.

(6) Sub-paragraphs (3) to (6) of paragraph 2 apply in relation to an application for preliminary approval of proposals under this paragraph as they apply in relation to proposals under that paragraph.

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Effect of proposals on existing services

5 (1) Proposals for a pilot scheme submitted under paragraph 2, or included in an application for preliminary approval of proposals under paragraph 4, must include—

(a) an assessment by **[**[F1]NHS England**]** of the likely effect of the implementation of the proposals in **[**[F3]the area concerned**]** on the services mentioned in sub-paragraph (2),

(b) any assessment **[**[F4]prepared under sub-paragraph (3)**]**.

(2) The services are—

(a) pharmaceutical services,

(b) local pharmaceutical services provided under existing pilot schemes or LPS schemes,

(c) primary medical services.

(3) If it appears to **[**[F1]NHS England**]** that the proposals would, if implemented, affect any of the services mentioned in sub-paragraph (2) provided in **[**[F5]another area**]**, it must **[**[F6]prepare an assessment of the likely effect on those services of the implementation of**]** the proposals before submitting them under paragraph 2 or including them in an application for preliminary approval under paragraph 4.

[F7](4) . . . . . .

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F3 Words in Sch. 11 para. 5(1)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(6)(a)(ii)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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F4 Words in Sch. 11 para. 5(1)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(6)(b)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F5 Words in Sch. 11 para. 5(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(6)(c)(ii)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F6 Words in Sch. 11 para. 5(3) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(6)(c)(iii)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

F7 Sch. 11 para. 5(4) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(6)(d)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Guidance

6 The Secretary of State may issue guidance about the criteria by reference to which, as a general rule, powers under paragraph 3 or 4 are likely to be exercised.

Making a scheme

7 (1) If the Secretary of State approves proposals for a pilot scheme under paragraph 3 and notifies **[**[F1]NHS England**]** in accordance with that paragraph, **[**[F8]**[**[F1]NHS England**]** must**]** implement the proposals in accordance with directions given by the Secretary of State.

(2) A proposed participant in a pilot scheme (other than **[**[F1]NHS England**]**) may withdraw at any time before the proposals relating to him are implemented.

(3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the Secretary of State only if he agrees to the variation or—

(a) directions given by him (either under sub-paragraph (1) or generally) authorise variations that satisfy specified requirements, and

(b) the variation satisfies those requirements.

(4) As soon as is reasonably practicable after implementing proposals for a pilot scheme, **[**[F1]NHS England**]** must (in accordance with any directions given to it by the Secretary of State) publish details of the scheme.

Textual Amendments

F1 Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)**(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F8 Words in Sch. 11 para. 7(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 92(7)(b)** (with Sch. 4 para. 92(8)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by 2022 c. 31 Sch. 3 para. 2(b)
- s. 3B(1)(za) inserted by 2022 c. 31 Sch. 3 para. 2(a)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by 2014 c. 23 s. 120(18)(a)
- s. 35(3A)(3B) inserted by 2012 c. 7 s. 159(4)
- s. 35(3A) words substituted by 2022 c. 31 Sch. 5 para. 12(4) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by 2012 c. 7 Sch. 14 para. 5
- s. 42(1A) inserted by 2012 c. 7 Sch. 14 para. 6
- s. 65F(2A)-(2F) inserted by 2012 c. 7 Sch. 14 para. 15(4) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by 2012 c. 7 Sch. 14 para. 17(4)
- s. 65H(10A) omitted by 2022 c. 31 Sch. 8 para. 7(7) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by 2022 c. 31 Sch. 3 para. 3
- s. 84(4)-(4B) substituted for s. 84(4) by 2022 c. 31 Sch. 3 para. 4(4)
- s. 92(5A) inserted by 2022 c. 31 Sch. 3 para. 9(4)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by 2022 c. 31 Sch. 3 para. 11(3)
- s. 98A98B substituted for s. 98A by 2022 c. 31 Sch. 3 para. 14
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by 2022 c. 31 Sch. 3 para. 15
- s. 100(3A)(3B) inserted by 2022 c. 31 Sch. 3 para. 16(4)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by 2022 c. 31 Sch. 3 para. 23(3)
- s. 112(1)(za) inserted by 2022 c. 31 Sch. 3 para. 24(2)(b)
- s. 114A114B substituted for s. 114A by 2022 c. 31 Sch. 3 para. 26
- s. 114C and cross-heading inserted by 2022 c. 31 Sch. 3 para. 27
- s. 116A116B and cross-heading inserted by 2022 c. 31 Sch. 3 para. 30
- s. 117(4)(4A) substituted for s. 117(4) by 2022 c. 31 Sch. 3 para. 31(4)
- s. 125A125B substituted for s. 125A by 2022 c. 31 Sch. 3 para. 39
- s. 223C(1)(c)(d) inserted by 2022 c. 31 s. 28
- s. 223LA inserted by 2022 c. 31 s. 30(3)
- Sch. 15 para. 4(1)(b) and word omitted by 2012 c. 7 Sch. 14 para. 39(3)