



Health and Social Care Act 2012

2012 CHAPTER 7

PART 6

PRIMARY CARE SERVICES

207 Control of entry on pharmaceutical lists

- (1) Section 129 of the National Health Service Act 2006 (regulations as to pharmaceutical lists) is amended as follows.
- (2) In subsection (2), in paragraph (c)—
 - (a) for “must be granted if” substitute “may be granted only if”, and
 - (b) omit the words from “and may otherwise” to the end.
- (3) After that subsection insert—

“(2ZA) The Board may not include the Secretary of State, or such other persons as the regulations may prescribe, in a list prepared for the purposes of provision under subsection (2)(a).”
- (4) In subsection (2A)—
 - (a) for “its needs statement” substitute “the needs statement for the relevant area”, and
 - (b) for the words from “it is necessary” to the end substitute “to grant the application would—
 - (a) meet a need in that area for the services or some of the services specified in the application, or
 - (b) secure improvements, or better access, to pharmaceutical services in that area.”
- (5) For subsection (2B) substitute—

“(2B) In subsection (2A), “relevant area”, in relation to a needs statement, is the area of the Health and Wellbeing Board which includes the premises from which the application states that the applicant will undertake to provide services.”

Changes to legislation: Health and Social Care Act 2012, Section 207 is up to date with all changes known to be in force on or before 28 February 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

- (6) In subsection (2C), for “(2B)” substitute “(2A)”.
- (7) In subsection (4)(c), omit “or (2B)”.
- (8) In subsection (6)(g)—
 - (a) after “grounds on which” insert “or circumstances in which”,
 - (b) before “may, or must,” insert “—
 - (i),
 - and
 - (c) at the end insert “,
 - (ii) may, or must, remove a person or an entry in respect of premises from a pharmaceutical list”.
- (9) In subsection (10B), for “Primary Care Trust” substitute “Health and Wellbeing Board”.
- (10) In section 130(2) of that Act (regulations about appeals from decisions on applications for inclusion in pharmaceutical list)—
 - (a) after “an application” insert “on grounds corresponding to the conditions referred to in section 151(2), (3) or (4) as read with section 153”, and
 - (b) omit “(by way of redetermination)”.
- (11) In section 136 of that Act (designation of priority neighbourhoods or premises)—
 - (a) in subsections (1)(a) and (2)(a) and (b), for “neighbourhoods” substitute “relevant areas”, and
 - (b) after subsection (3) insert—

“(4) Relevant area” has the same meaning as in section 129(2A).”
- (12) In Schedule 12 to that Act (provision of local pharmaceutical services under LPS schemes), in paragraph 2—
 - (a) in sub-paragraphs (1)(a) and (2)(a) and (b), for “neighbourhoods” substitute “relevant areas”, and
 - (b) after sub-paragraph (3) insert—

“(4) Relevant area” has the same meaning as in section 129(2A).”

Commencement Information

- I1** S. 207 partly in force; s. 207 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 207 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- I3** S. 207(1)-(7)(9)(11)(12) in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))
- I4** S. 207(8)(10) in force at 1.7.2012 in so far as not already in force by [S.I. 2012/1319](#), **art. 2(3)**

Changes to legislation:

Health and Social Care Act 2012, Section 207 is up to date with all changes known to be in force on or before 28 February 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)