



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART I

THE NATIONAL HEALTH SERVICE: ENGLAND AND WALES

Local management

1 Regional and District Health Authorities.

^{F1}(1)

^{F1}(2)

(3) ^{F2}

^{F1}(4)

^{F1}(5)

Textual Amendments

F1 S. 1(1)(2)(4)(5) repealed (1.4.1996) by 1995 c. 17, ss. 2(1)(3), 5, Sch. 3 (with Sch. 2 paras. 6, 16)

F2 S. 1(3) repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F3}**2**

Changes to legislation: National Health Service and Community Care Act 1990, Cross Heading: Local management is up to date with all changes known to be in force on or before 30 August 2023. 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

Textual Amendments

F3 S. 2 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3

3 Primary and other functions of health authorities etc. and exercise of functions.

F4

Textual Amendments

F4 S. 3 omitted (the amendment coming into force immediately before the [National Health Service Act 2006 \(c. 41\)](#) which Act came into force on 1.3.2007 in accordance with s. 277(1) (subject to s. 277(2)-(5) of that Act)) by virtue of The National Health Service (Pre-consolidation Amendments) Order 2006, arts. 1(1), 2, Sch. 1 Pt. 2 {para. 2} (with art. 4)

4 NHS contracts.

F5

Textual Amendments

F5 Ss. 4-12 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 6, 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

[^{F6}4A Provision of certain services under NHS contracts.

[^{F7}(1) This section applies to any arrangement under which [^{F8}a Strategic Health Authority,][^{F9}a Primary Care Trust,] a Health Authority or such other health service body as may be prescribed arrange for the provision to them—

(a) by a person on an ophthalmic list, ^{F10} . . .

[^{F11}(aa) by a contractor under a general ophthalmic services contract, or]

(b) by a person on a pharmaceutical list,

of goods or services that they reasonably require for the purposes of functions which they are exercising under Part I of the principal Act [^{F12}other than under section 16CD of that Act].

(2) Any such arrangement is to be treated as an NHS contract for the purposes of section 4 (other than subsections (4) and (6)).

(3) In this section—

[^{F13}“general ophthalmic services contract” and “contractor” under such a contract have the meanings given by section 28WA of the principal Act;]

“health service body” means a body which is a health service body for the purposes of section 4;

“ophthalmic list” means a list published in accordance with regulations made under—

(a) section [^{F14}39(1)(a)] of the principal Act;

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- (b) section 26(2)(a) of the ^{M1}National Health Service (Scotland) Act 1978;
or
(c) Article 62(2)(a) of the ^{M2}Health and Personal Social Services (Northern Ireland) Order 1972; and
- “pharmaceutical list” means a list published in accordance with regulations made under—
- (a) section 42(2)(a) of the principal Act;
(b) section 27(2) of the National Health Service (Scotland) Act 1978; or
(c) Article 63(2A)(a) of the 1972 Order.

[^{F15}(4) In subsection (3), in paragraph (b) of the definition of “ophthalmic list” the reference to a list published in accordance with regulations made under paragraph (a) of section 26(2) of the National Health Service (Scotland) Act 1978 is a reference to the first part of the list (referred to in sub-paragraph (i) of that paragraph) which is published in accordance with regulations under that paragraph.]]

Textual Amendments

- F6** S. 4A inserted (1.9.1997) by 1997 c. 46, s. 31(1); S.I. 1997/1780,
- F7** S. 4A repealed (1.3.2007 for certain purposes, 1.8.2008 for certain purposes and otherwise prosp.) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 6, 8(2)(4)(g)(h)(l)(5)(6), Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1); S.I. 2008/1972, art. 2(b)
- F8** Words in s. 4A(1) inserted (1.10.2002) by 2002 c. 17, s. 1(3), Sch. 1 Pt. 2 para. 41; S.I. 2002/2478, art. 3(1)(c) (with art. 3(3) and transitional provision in art. 4)
- F9** Words in s. 4A(1) inserted (1.10.2002) by 2002 c. 17, s. 2(5), Sch. 2 Pt. 2 para. 54; S.I. 2002/2478, art. 3(1)(d) (with art. 3(3) and transitional provision in art. 4)
- F10** Word in s. 4A(1)(a) omitted (1.8.2008) by Health Act 2006 (c. 28), ss. 80(1), 83(7), Sch. 8 para. 29(2)(a); S.I. 2008/1972, art. 2(b)
- F11** S. 4A(1)(aa) inserted (1.8.2008) by Health Act 2006 (c. 28), ss. 80(1), 83(7), Sch. 8 {para. 29(2)(a)}; S.I. 2008/1972, art. 2(b)
- F12** Words in s. 4A(1) inserted (1.8.2008) by Health Act 2006 (c. 28), ss. 80(1), 83(7), Sch. 8 para. 29(2)(b); S.I. 2008/1972, art. 2(b)
- F13** S. 4A(3): definition of “general ophthalmic services contract” and “contractor” inserted (19.7.2006 for specified purposes, otherwise 1.8.2008) by Health Act 2006 (c. 28), ss. 80(1), 83(1)(e)(7), Sch. 8 {para. 29(3)}
- F14** Words in s. 4A(3) substituted (1.7.2002) by virtue of 2001 c. 15, s. 67, Sch. 5 Pt. 1 para. 8 (with ss. 64(9), 65(4)); S.I. 2002/1475, art. 2, Sch. Pt. 1
- F15** S. 4A(4) inserted (1.4.2006) by The Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 (S.I. 2006/1056, arts. 1(2)(c), 2, Sch. para. 5(c) (which came into force in accordance with art. 1(2) of that Order and The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006 (S.S.I. 2006/135) which were made on 10.3.2006 under substituted s. 26 of the National Health Service (Scotland) Act 1978 (c. 29) and came into force on 1.4.2006)

Marginal Citations

- M1** 1978 c. 29.
M2 S.I. 1972/1265 (N.I.14).

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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. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))