



National Health Service (Amendment) Act 1986

1986 CHAPTER 66

3 Pharmaceutical services.

^{F1}(1)

(2) Regulations purporting to be made under section 42(b) of the 1977 Act and made before the passing of this Act shall be treated as being and always having been valid.

(3) The following subsections shall be substituted for subsection (2) of section 27 of the 1978 Act—

“(2) Regulations shall provide for securing that arrangements made by a Health Board under subsection (1) will enable persons in the Board’s area for whom drugs, medicines or appliances mentioned in that subsection are ordered as there mentioned to receive them from persons with whom such arrangements have been made.

(3) The regulations shall include provision—

(a) for the preparation and publication by a Health Board of one or more lists of persons, other than medical practitioners and dental practitioners, who undertake to provide pharmaceutical services from premises in the Board’s area;

(b) that an application to a Health Board for inclusion in such a list shall be made in the prescribed manner and shall state—

(i) the services which the applicant will undertake to provide and, if they consist of or include the supply of appliances, which appliances he will undertake to supply; and

(ii) the premises from which he will undertake to provide those services;

(c) that, except in prescribed cases—

(i) an application for inclusion in such a list by a person not already included; and

Changes to legislation: National Health Service (Amendment) Act 1986, Section 3 is up to date with all changes known to be in force on or before 18 September 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

- (ii) an application by a person already included in such a list for inclusion also in respect of services or premises other than those already listed in relation to him,
shall be granted only if the Health Board is satisfied, in accordance with the regulations, that it is necessary or desirable to grant it in order to secure in the neighbourhood in which the premises are located the adequate provision by persons included in the list of the services, or some of the services, specified in the application; and
 - (d) for the removal of an entry in respect of premises from a list if it has been determined in the prescribed manner that the person to whom the entry relates—
 - (i) has never provided from those premises; or
 - (ii) has ceased to provide from them,
the services, or any of the services, which he is listed as undertaking to provide from them.
- (4) The regulations may include provision—
 - (a) that an application to a Health Board may be granted in respect of some only of the services specified in it;
 - (b) that an application to a Health Board relating to services of a prescribed description shall be granted only if it appears to the Board that the applicant has satisfied such conditions with regard to the provision of those services as may be prescribed;
 - (c) that the inclusion of a person in a list in pursuance of such an application may be for a fixed period;
 - (d) that, where the premises from which an application states that the applicant will undertake to provide services are in an area of a prescribed description, the applicant shall not be included in the list unless his inclusion is approved by a prescribed body and by reference to a prescribed criterion; and
 - (e) that the prescribed body may give its approval subject to conditions.
- (5) The regulations shall include provision conferring on such persons as may be prescribed rights of appeal from decisions made by virtue of subsection (3) or (4).
- (6) The regulations shall be so framed as to preclude—
 - (a) a person included in a list published under subsection (3)(a) above; and
 - (b) an employee of such a person;
from taking part in the decision whether an application such as is mentioned in subsection (3)(c) above should be granted or an appeal against such a decision brought by virtue of subsection (5) above should be allowed.”
- (4) In section 28 of the 1978 Act, after the word “by” where it first occurs in each of subsections (1) and (2) there shall be inserted the words “ or under ”.

Textual Amendments

- F1** S. 3(1) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#) [Sch. 3 Pt. 1](#))

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Changes and effects yet to be applied to :

- s. 3(3) repealed by [2005 asp 13 sch. 3](#)