



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART I

THE NATIONAL HEALTH SERVICE: ENGLAND AND WALES

Local management

[^{F1}4A Provision of certain services under NHS contracts.

[^{F2}(1) This section applies to any arrangement under which [^{F3}a Strategic Health Authority,][^{F4}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, ^{F5} . . .

[^{F6}(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 [^{F7}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—

[^{F8}“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 [^{F9}39(1)(a)] of the principal Act;

Changes to legislation: National Health Service and Community Care Act 1990, Section 4A is up to date with all changes known to be in force on or before 19 October 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

(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.

[^{F10}(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

- F1** S. 4A inserted (1.9.1997) by 1997 c. 46, s. 31(1); S.I. 1997/1780,
- F2** S. 4A repealed (1.3.2007 for certain purposes, 1.8.2008 for certain purposes and otherwise prop.) 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** 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)}
- F9** 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
- F10** 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(e) (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.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).

Changes to legislation:

National Health Service and Community Care Act 1990, Section 4A is up to date with all changes known to be in force on or before 19 October 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 4A(1)(a) word omitted by [S.I. 2006/1056 Sch. para. 5\(a\)\(i\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 4A(3) words omitted by [S.I. 2006/1056 Sch. para. 5\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))

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))