



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 7

#### PHARMACEUTICAL SERVICES AND LOCAL PHARMACEUTICAL SERVICES

### CHAPTER 2

#### LOCAL PHARMACEUTICAL SERVICES: PILOT SCHEMES

#### 134 Pilot schemes

- (1) [<sup>F1</sup>NHS England] may establish pilot schemes.
- (2) In this [<sup>F2</sup>Part], a “pilot scheme” means one or more agreements—
  - (a) made by [<sup>F1</sup>NHS England] in accordance with this Chapter, [<sup>F3</sup>and]
  - (b) under which local pharmaceutical services will be provided <sup>F4</sup>..., <sup>F5</sup>...
  - (c) <sup>F5</sup>...
- (3) A pilot scheme may include arrangements—
  - (a) for the provision of services which are not local pharmaceutical services, but which may be provided under this Act, other than under Chapter 1 of this Part, and whether or not of the kind usually provided by pharmacies,
  - (b) for the provision of training and education (including training and education for persons who are, or may become, involved in the provision of local pharmaceutical services).
- (4) A pilot scheme may not combine arrangements for the provision of local pharmaceutical services with arrangements for the provision of primary medical services or primary dental services.
- (5) In determining the arrangements it needs to make in order to comply with section 126, [<sup>F1</sup>NHS England] may take into account arrangements under a pilot scheme made by it.

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- (6) The functions of an NHS trust and an NHS foundation trust include power to provide any services to which a pilot scheme applies.
- (7) In this Chapter—
- “local pharmaceutical services” means such services of a kind which may be provided under section 126, or by virtue of section 127 (other than practitioner dispensing services) as may be prescribed for the purposes of this Chapter, and
- “piloted services” means services provided under a pilot scheme (including any services to which the scheme applies as a result of subsection (3)).
- (8) “Practitioner dispensing services” means the provision of drugs, medicines or listed appliances (within the meaning given by section 126) by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 132(1).

#### 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 s. 134(2) substituted (19.1.2010) by [Health Act 2009 \(c. 21\)](#), s. 40(1), [Sch. 1 para. 8](#); [S.I. 2010/30, art. 2\(b\)](#)
- F3** Word in s. 134(2) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 71\(3\)\(b\)](#) (with [Sch. 4 para. 92\(8\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F4** Words in s. 134(2)(b) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 71\(3\)\(c\)](#) (with [Sch. 4 para. 92\(8\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)
- F5** S. 134(2)(c) and word omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 71\(3\)\(d\)](#) (with [Sch. 4 para. 92\(8\)](#)); [S.I. 2013/160, art. 2\(2\)](#) (with arts. 7-9)

### 135 Making pilot schemes

Schedule 11 makes provision with respect to making pilot schemes, including provision with respect to the procedure to be followed.

### 136 Designation of priority neighbourhoods or premises

- (1) The Secretary of State may make regulations allowing [<sup>F1</sup>NHS England] to designate—
- (a) [<sup>F6</sup>relevant areas],
  - (b) premises, or
  - (c) descriptions of premises,
- for the purposes of this section.
- (2) The regulations may, in particular, make provision—
- (a) as to the circumstances in which, and the [<sup>F7</sup>relevant areas] or premises in relation to which, designations may be made or maintained,
  - (b) allowing [<sup>F1</sup>NHS England] to defer consideration of pharmaceutical list applications relating to [<sup>F7</sup>relevant areas], premises or descriptions of premises that have been designated,
  - (c) allowing a designation to be cancelled in prescribed circumstances,

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- (d) requiring a designation to be cancelled—
- (i) if the Secretary of State gives a direction to that effect, or
  - (ii) in prescribed circumstances.
- (3) “Pharmaceutical list applications” means applications for inclusion in a pharmaceutical list.
- [<sup>F8</sup>(4) “Relevant area” has the same meaning as in section 129(2A).]

#### 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)
- F6** Words in s. 136(1)(a) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 207(11)(a), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 136(2)(a)(b) substituted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 207(11)(a), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** S. 136(4) inserted (27.3.2012 for specified purposes, 1.4.2013 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. 207(11)(b), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

### 137 Reviews of pilot schemes

- (1) At least one review of the operation of each pilot scheme must be conducted by the Secretary of State.
- (2) Each pilot scheme must be reviewed under this section before the end of the period of three years beginning with the date on which piloted services are first provided under the scheme.
- (3) When conducting a review of a pilot scheme, the Secretary of State must give—
  - (a) [<sup>F1</sup>NHS England], and
  - (b) any person providing services under the scheme,an opportunity to comment on any matter relevant to the review.
- (4) Otherwise, the procedure on any review must be determined by the Secretary of State.

#### 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)

### 138 Variation and termination of pilot schemes

- (1) The Secretary of State may give directions authorising [<sup>F1</sup>NHS England] to vary pilot schemes (otherwise than in response to directions given under subsection (2)) in such circumstances, and subject to such conditions, as may be specified in the directions.
- (2) The Secretary of State may by directions require a pilot scheme to be varied by [<sup>F1</sup>NHS England] in accordance with the directions.

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- (3) If satisfied that a pilot scheme is (for any reason) unsatisfactory, the Secretary of State may give directions to [F1NHS England] requiring it to bring the scheme to an end in accordance with the terms of the directions.

#### **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)

### **139 NHS contracts and the provision of piloted services**

- (1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate (other than an NHS foundation trust), that individual or body may make an application under this section to become a health service body.
- (2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this section to become a single health service body.
- (3) An application must—
- (a) be made to the Secretary of State in accordance with such provisions as may be made by regulations, and
  - (b) specify the pilot scheme in relation to which it is made.
- (4) Except in such cases as may be prescribed, the Secretary of State may grant an application.
- (5) If an application is granted, the Secretary of State must specify a date in relation to that application and, as from that date—
- (a) in the case of an application under subsection (1), the applicant is, and
  - (b) in the case of an application under subsection (2), the applicants together are, a health service body for the purposes of section 9.
- (6) That section has effect in relation to such a health service body (“a PHS body”), acting as commissioner, as if the functions referred to in section 9(1) were the provision of piloted services.
- (7) Except in such circumstances as may be prescribed, a PHS body resulting from an application under subsection (2) must be treated, at any time, as consisting of those who are providing piloted services under the scheme.
- (8) A direction as to payment made under section 9(11) against, or in favour of, a PHS body is enforceable in [F9the county court] (if the court so orders) as if it were a judgment or order of that court.
- (9) Regulations may provide for a PHS body to cease to be a PHS body in prescribed circumstances.
- (10) The Secretary of State must—
- (a) maintain and publish a list of PHS bodies,
  - (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

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- (11) The list must be published in such manner as the Secretary of State considers appropriate.

#### Textual Amendments

- F9** Words in s. 139(8) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

### 140 Funding of preparatory work

- (1) Provision may be made by regulations for [<sup>F1</sup>NHS England] to make payments of financial assistance for preparatory work.
- (2) “Preparatory work” means work which it is reasonable for a person to undertake—
- in connection with preparing proposals for a pilot scheme, or
  - in preparing for the provision by him of any piloted services.
- (3) The regulations may, in particular, include provision—
- prescribing the circumstances in which payments of financial assistance may be made,
  - imposing a limit on the amount of any payment of financial assistance which [<sup>F1</sup>NHS England] may make in any prescribed period in respect of any one person or any one pilot scheme,
  - imposing a limit on the aggregate amount which [<sup>F1</sup>NHS England] may pay by way of financial assistance in any one financial year,
  - requiring a person to whom assistance is given under this section to comply with such conditions as may be imposed in accordance with prescribed requirements, and
  - for repayment in the case of a failure to comply with any condition so imposed.

#### 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)

### 141 Application of this Act

This Act has effect in relation to piloted services—

- subject to any provision of, or made under, this Chapter, section 145 (application of enactments) or section 178 (charges for local pharmaceutical services), but
- otherwise as if those services were provided as a result of the delegation by the Secretary of State of his functions (by directions given under section 7).

### 142 Premises from which piloted services may be provided

The Secretary of State may by regulations—

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- (a) prevent (except in such circumstances and to such extent as may be prescribed) the provision of both piloted services and pharmaceutical services from the same premises,
- (b) make provision with respect to the inclusion, removal, re-inclusion or modification of an entry in respect of premises in a pharmaceutical list.

### **143 Control of entry regulations**

The power to make regulations under section 129 includes power to prescribe the extent to which the provision of piloted services must be taken into account in determining whether to grant an application for inclusion in a pharmaceutical list.

**Changes to legislation:**

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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\(3\)](#)