

*Changes to legislation: National Health Service Act 2006, SCHEDULE 12 is up to date with all changes known to be in force on or before 21 April 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*

## SCHEDULES

### SCHEDULE 12

Section 144

#### LPS SCHEMES

##### *Provision of local pharmaceutical services*

- 1 (1) [<sup>F1</sup>[<sup>F2</sup>NHS England] or the Secretary of State]<sup>F3</sup>... may establish LPS schemes.
- (2) In this Act, an “LPS scheme” means one or more agreements—
- (a) made by [<sup>F4</sup>[<sup>F2</sup>NHS England] or the Secretary of State (the “commissioner”)]<sup>F5</sup>... in accordance with this Schedule,
  - (b) under which local pharmaceutical services will be provided (otherwise than by the [<sup>F6</sup>the commissioner]). <sup>F7</sup>...
  - <sup>F7</sup>(c) .....
- <sup>F8</sup>(2A) .....
- [<sup>F9</sup>(2B) The Secretary of State may establish an LPS scheme only where the other party is [<sup>F2</sup>NHS England].
- (2C) [<sup>F2</sup>NHS England] may provide local pharmaceutical services under an LPS scheme only in such circumstances as may be prescribed.]
- (3) An LPS 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) An LPS 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>F2</sup>NHS England] may take into account arrangements under an LPS scheme <sup>F10</sup>....
- (6) The functions of an NHS trust [<sup>F11</sup>, an NHS foundation trust and [<sup>F2</sup>NHS England]] include power to provide any services to which an LPS scheme applies.
- (7) In this Schedule—
- “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 Schedule, and

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“LP services” means services provided under an LPS scheme (including any services to which the scheme applies as a result of sub-paragraph (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 Sch. 12 para. 1(1) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(a)(i)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** 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)
- F3** Words in Sch. 12 para. 1(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(a)(ii)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in Sch. 12 para. 1(2)(a) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(b)(i)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in Sch. 12 para. 1(2)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(b)(ii)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in Sch. 12 para. 1(2)(b) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(b)(iii)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Sch. 12 para. 1(2)(c) and word repealed (1.9.2012) by Health Act 2009 (c. 21), ss. 29(8)(c), 40(1), **Sch. 6**; S.I. 2012/1902, art. 2(d)
- F8** Sch. 12 para. 1(2A) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(c)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Sch. 12 para. 1(2B)(2C) substituted for Sch. 12 para. 1(2B) (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(d)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** Words in Sch. 12 para. 1(5) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 4 para. 93(2)(f)** (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** Words in Sch. 12 para. 1(6) substituted (1.9.2012) by Health Act 2009 (c. 21), ss. 29(11), 40(1); S.I. 2012/1902, art. 2(d)

#### *Designation of priority neighbourhoods or premises*

- 2 (1) The Secretary of State may make regulations allowing [<sup>F2</sup>NHS England]<sup>F12</sup> ... to designate—
- [<sup>F13</sup>(a) relevant areas],
  - (b) premises, or
  - (c) descriptions of premises,
- for the purposes of this paragraph.
- (2) The regulations may, in particular, make provision—
- (a) as to the circumstances in which, and the [<sup>F14</sup>relevant areas] or premises in relation to which, designations may be made or maintained,
  - (b) allowing [<sup>F2</sup>NHS England] to defer consideration of pharmaceutical list applications relating to [<sup>F14</sup>relevant areas], premises or descriptions of premises that have been designated,
  - (c) allowing a designation to be cancelled in prescribed circumstances,
  - (d) requiring a designation to be cancelled—

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- (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>F15</sup>(4) “Relevant area” has the same meaning as in section 129(2A).]

#### Textual Amendments

- F2** 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)
- F12** Words in Sch. 12 para. 2(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), Sch. 4 para. 93(3)(b) (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in Sch. 12 para. 2(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(12)(a), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** Words in Sch. 12 para. 2(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(12)(a), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** Sch. 12 para. 2(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(12)(b), 306(1)(d)(4); S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### Modifications etc. (not altering text)

- C1** Sch. 12 para. 2 modified (1.4.2013) by The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (S.I. 2013/349), regs. 1, 99(1)

#### Regulations

- 3
- (1) The Secretary of State may make regulations with respect to LP services.
  - (2) The regulations must include provision for participants other than [<sup>F16</sup>the commissioner] to withdraw from an LPS scheme if they wish to do so.
  - (3) The regulations may, in particular—
    - (a) provide that an LPS scheme may be made only—
      - (i) in prescribed circumstances,
      - (ii) in relation to an area, a community or a category of persons determined in accordance with the regulations, or
      - (iii) in relation to premises determined in accordance with the regulations,
    - (b) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with an LPS scheme,
    - (c) make provision as to the services, or categories of service, for which an LPS scheme must provide,
    - (d) impose conditions (including conditions as to qualifications and experience) to be satisfied by persons providing LP services,
    - (e) require details of each LPS scheme to be published,
    - (f) make provision with respect to the variation and termination of an LPS scheme,

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- (g) prevent (except in such circumstances and to such extent as may be prescribed) the provision of both LP services and pharmaceutical services from the same premises,
- (h) make provision with respect to the inclusion, removal, re-inclusion or modification of an entry in respect of premises in a pharmaceutical list,
- (i) provide for parties to an LPS scheme to be treated, in such circumstances and to such extent as may be prescribed, as health service bodies for the purposes of section 9,
- (j) provide for directions, as to payments, made under section 9(11) (as it has effect as a result of regulations made by virtue of paragraph (i)) to be enforceable in [<sup>F17</sup>the county court] (if the court so orders) as if they were judgments or orders of that court,
- (k) authorise [<sup>F18</sup>[<sup>F2</sup>NHS England] or the Secretary of State]<sup>F19</sup>... to make payments of financial assistance for prescribed categories of preparatory work undertaken—
  - (i) in connection with preparing proposals for an LPS scheme, or
  - (ii) in preparation for the provision of services under a proposed LPS scheme.

#### Textual Amendments

- F2** 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)
- F16** Words in Sch. 12 para. 3(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 93\(4\)\(a\)](#) (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Words in Sch. 12 para. 3(3)(j) 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)
- F18** Words in Sch. 12 para. 3(3)(k) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 93\(4\)\(b\)\(i\)](#) (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F19** Words in Sch. 12 para. 3(3)(k) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 4 para. 93\(4\)\(b\)\(ii\)](#) (with Sch. 4 para. 93(6)); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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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\(3\)](#)