

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Northern Ireland

Part 5 – Miscellaneous

Amendments relating to National Health Service

Section 141: Remuneration for persons providing pharmaceutical services: appointment of determining authorities

483. **Section 141** amends section 164 of the NHS Act 2006 and section 88 of the NHS (Wales) Act 2006. These sections make provision relating to the making or varying of determinations on the remuneration of those providing NHS pharmaceutical services. Under section 164, remuneration may be determined by the Secretary of State or by persons appointed by him referred to in the legislation as “determining authorities”. Where the Secretary of State devolves this function to determining authorities, he is required to do so via an “instrument of appointment”. Previously, the legislation provided that this “instrument of appointment” may be, but was not required to be, set out in regulations. Similar powers are conferred on the Welsh Ministers under section 88 of the NHS (Wales) Act 2006. Section 141 amends section 164 of the NHS Act 2006 to remove this discretion in the case of services that are provided pursuant to the power in section 126 of that Act. It also makes a similar amendment to section 88 of the NHS (Wales) Act 2006 in relation to services provided pursuant to section 80 of that Act. The new provisions require the Secretary of State and the Welsh Ministers respectively to set out an instrument of appointment in respect of these services in regulations.