Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Health Act 2009, Cross Heading: Pharmaceutical services in Wales is up to date with all changes known to be in force on or before 27 May 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



Health Act 2009

2009 CHAPTER 21

PART 3

MISCELLANEOUS

Pharmaceutical services in Wales

PROSPECTIVE

30 Pharmaceutical lists: minor amendment

In section 83(6) of the National Health Service (Wales) Act 2006 (c. 42) (regulations as to pharmaceutical services), in paragraph (d), for "such an application" substitute "an application to a Local Health Board".

31 Breach of terms of arrangements: notices and penalties

(1) In Part 8 of the National Health Service (Wales) Act 2006, before Chapter 2 (disqualification) insert—

"CHAPTER 1A

NOTICES AND PENALTIES

106A Notices and penalties

(1) The Welsh Ministers may by regulations provide that where a practitioner who provides pharmaceutical services or general ophthalmic services under arrangements with a Local Health Board breaches a term of those arrangements, the Local Health Board may—

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Changes to legislation: Health Act 2009, Cross Heading: Pharmaceutical services in Wales is up to date with all changes known to be in force on or before 27 May 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

- (a) by a notice require the practitioner to do, or not do, specified things or things of a specified description within a specified period, or
- (b) in prescribed circumstances or for a prescribed period, withhold all or part of a payment due to the practitioner under the arrangements.
- (2) Regulations under this section must include provision conferring on such persons as may be prescribed rights of appeal from decisions of Local Health Boards made by virtue of this section.
- (3) In this section—

"practitioner" means a person included in an ophthalmic list or a pharmaceutical list, and

"specified" means specified in a notice under paragraph (a) of subsection (1)."

(2) In section 107(9) of that Act, after "included in" insert " an ophthalmic list or ".

Commencement Information

II S. 31(2) in force at 26.9.2023 by S.I. 2023/1039, art. 2

PROSPECTIVE

32 LPS schemes: powers of Local Health Boards

- (1) Schedule 7 to the National Health Service (Wales) Act 2006 (c. 42) (LPS schemes) is amended as follows.
- (2) In paragraph 1, in sub-paragraph (2)—
 - (a) in paragraph (a), after "Local Health Board" insert " (the "commissioning body")
 - (b) in paragraph (b), for "Local Health Board)," substitute " commissioning body). ";
 - (c) omit paragraph (c) and the word "and" immediately before it.
- (3) After sub-paragraph (2) insert—
 - "(2A) A Local Health Board may provide local pharmaceutical services under an LPS scheme (where it is not the commissioning body), but only in prescribed circumstances."
- (4) In sub-paragraph (6), for "and an NHS foundation trust" substitute ", an NHS foundation trust and a Local Health Board".
- (5) In paragraph 3(2), for "Local Health Boards" substitute "the commissioning body".

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Health Act 2009, Cross Heading: Pharmaceutical services in Wales is up to date with all changes known to be in force on or before 27 May 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.

View outstanding changes

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. 2(6)(ca) inserted by 2022 c. 31 Sch. 3 para. 57(b)
- s. 2(6)(ea) inserted by 2022 c. 31 Sch. 3 para. 57(c)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

S.I. 2011/1255 art. 2 amendment to earlier commencing SI 2010/1068 art. 2