

SCHEDULES

SCHEDULE 4

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 7

PHARMACEUTICAL SERVICES

- 63 (1) Section 126 (arrangements for pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “Each Primary Care Trust” substitute “The Board”.
 - (3) In subsection (3), for the words from “as respects” to “that area” substitute “for the provision to persons who are in England”.
 - (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
 - (5) Omit subsection (7).
- 64 (1) Section 127 (arrangements for additional pharmaceutical services) is amended as follows.
- (2) In subsections (1)(a) and (b) and (2), for “a Primary Care Trust”, substitute “the Board”.
 - (3) In subsection (1)(a), for “within or outside its area” substitute “in England”.
 - (4) In subsection (2), omit the words from “(whether” to the end.
- 65 (1) Section 128 (terms and conditions of arrangements under section 127) is amended as follows.
- (2) In subsection (1), for “the Primary Care Trust to which they apply” substitute “the Board”.
 - (3) In subsection (4), for “A Primary Care Trust” substitute “The Board”.
 - (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 66 (1) Section 129 (regulations as to pharmaceutical services) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsection (2)—
 - (a) in paragraph (a)—
 - (i) for “a Primary Care Trust” substitute “the Board”, and
 - (ii) for “the area of the Primary Care Trust” substitute “England”,
 - (b) in paragraph (b), for “a Primary Care Trust” substitute “the Board”, and
 - (c) in paragraph (c), for “the Primary Care Trust” substitute “the Board”.

Status: This is the original version (as it was originally enacted).

- (4) After subsection (2ZA) (inserted by section 207(3)) insert—
- “(2ZB) Regulations under subsection (2)(a) may, in particular, require a list of persons to be prepared by reference to the area in which the premises from which the services are provided are situated (and regulations imposing that requirement must prescribe the description of area by reference to which the list is to be prepared).”
- (5) In subsection (2A), for “The Primary Care Trust” substitute “The Board”,
- (6) In subsections (2C), (3A), (4), (5) and (8), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (7) In subsection (6)—
- (a) in paragraphs (za), (a), (b), (c), (d), (g), (h), (i), (j) and (k), for “a Primary Care Trust” substitute “the Board”,
 - (b) in paragraphs (b), (e) and (k), for “the Primary Care Trust”, in each place it appears, substitute “the Board”, and
 - (c) in paragraph (f), for “that Primary Care Trust” substitute “the Board”.
- (8) In subsection (6)(c)—
- (a) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (b) omit “in the area of the Primary Care Trust”.
- (9) In subsection (10A), for “Primary Care Trusts” substitute “The Board”.
- 67 In section 130 (regulations about appeals from decisions on applications for inclusion in pharmaceutical list), in subsection (2)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 68 (1) Section 131 (power to charge fee to applicants) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsections (2)(b), (3)(b) and (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (3)(a), omit the words from “and such” to the end.
- 69 (1) Section 132 (persons authorised to provide pharmaceutical services) is amended as follows.
- (2) In subsections (1) and (4)(a), (b), (c), (d) and (e), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsection (3)—
- (a) for “each Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (4), after paragraph (a) insert—
- “(aa) requiring a list of medical practitioners referred to in subsection (3) to be prepared by reference to an area of a prescribed description.”.
- (5) In subsection (5)—

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- (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust” substitute “the Board”.
- 70 (1) Section 133 (inadequate provision of pharmaceutical services) is amended as follows.
 - (2) In subsection (1)(a)—
 - (a) for “the area, or part of the area, of a Primary Care Trust” substitute “any part of England”, and
 - (b) omit “area or”.
 - (3) In subsection (1)(b), for “any such area or part” substitute “any part of England”.
 - (4) In subsection (2)(a), for “the Primary Care Trust” substitute “the Board”.
- 71 (1) Section 134 (pilot schemes) is amended as follows.
 - (2) In subsection (1), for “Primary Care Trusts” substitute “The Board”.
 - (3) In subsection (2)—
 - (a) in paragraph (a), for “a Primary Care Trust” substitute “the Board”,
 - (b) after that paragraph insert “and”,
 - (c) in paragraph (b), omit “(otherwise than by the Primary Care Trust)”, and
 - (d) omit paragraph (c) and the preceding “and”.
 - (4) In subsection (5), for “a Primary Care Trust” substitute “the Board”.
- 72 In section 136 (designation of priority neighbourhoods or premises), in subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board.”
- 73 In section 137 (reviews of pilot schemes), in subsection (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
- 74 (1) Section 138 (variation and termination of pilot schemes) is amended as follows.
 - (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
 - (3) In subsections (2) and (3), for “the Primary Care Trust concerned” substitute “the Board”.
- 75 (1) Section 140 (funding of preparatory work) is amended as follows.
 - (2) In subsection (1), for “Primary Care Trusts” substitute “the Board”.
 - (3) In subsection (3)(b) and (c), for “a Primary Care Trust” substitute “the Board”.
- 76 (1) In section 144 (local pharmaceutical services schemes)—
 - (a) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (b) omit “or Strategic Health Authorities”.
 - (2) In consequence of the repeal made by sub-paragraph (1)(b), omit section 29(4) of the Health Act 2009.
- 77 (1) Section 148 (conditional inclusion in pharmaceutical lists) is amended as follows.
 - (2) In subsection (1), in paragraph (a), for “the Primary Care Trust in whose list he is included” substitute “the Board”.

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- (3) In subsections (1)(b), (c) and (e), (3)(a) and (b)(ii) and (iii) and (4), for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
- (4) In subsection (6), for “a Primary Care Trust” substitute “the Board”.
- 78 (1) Section 150A (notices and penalties) is amended as follows.
- (2) In subsection (1)—
- (a) for “a Primary Care Trust” substitute “the Board”, and
- (b) for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (2), for “Primary Care Trusts” substitute “the Board”.
- 79 (1) Section 151 (disqualification of practitioners) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsection (5), for “the Primary Care Trust” substitute “the Board”.
- (4) In subsection (6), for “The Primary Care Trust” substitute “The Board”.
- 80 (1) Section 152 (contingent removal) is amended as follows.
- (2) In subsections (1) and (3), for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (4), for “The Primary Care Trust” substitute “The Board”.
- 81 In section 154 (suspension), in subsections (1), (3), (4), (6)(b) and (c) and (8) (in each place it appears), for “the Primary Care Trust” substitute “the Board”.
- 82 (1) Section 155 (suspension pending removal) is amended as follows.
- (2) In subsections (1), (3) and (6), for “the Primary Care Trust” substitute “the Board”.
- (3) In subsection (5), for “The Primary Care Trust” substitute “The Board”.
- 83 (1) Section 157 (review of decisions) is amended as follows.
- (2) In subsection (1), for “The Primary Care Trust” substitute “The Board”.
- (3) In subsections (2)(a) and (3), for “the Primary Care Trust” substitute “the Board”.
- 84 (1) Section 158 (appeals) is amended as follows.
- (2) In subsection (1), for “a Primary Care Trust” substitute “the Board”.
- (3) In subsections (2) and (6), for “The Primary Care Trust” substitute “The Board”.
- (4) In subsections (3), (4) and (5)(a) and (b) for “the Primary Care Trust” substitute “the Board”.
- (5) In subsection (7), for “Primary Care Trusts” substitute “the Board”.
- 85 (1) Section 159 (national disqualification) is amended as follows.
- (2) In subsection (1), for “each Primary Care Trust”, in each place it appears, substitute “the Board”.
- (3) In subsection (3), for “a Primary Care Trust” substitute “the Board”.
- (4) In subsection (4)—
- (a) for “The Primary Care Trust” substitute “The Board”, and

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- (b) for “the Primary Care Trust” substitute “the Board”.
- (5) In subsection (5), for “the Primary Care Trust’s” substitute “the Board’s”.
- (6) In subsection (6)—
 - (a) in paragraph (a), for “no Primary Care Trust or” substitute “neither the Board nor a”, and
 - (b) in paragraph (b), for “each Primary Care Trust” substitute “the Board (if he is included in a list prepared by it)”.
- 86 In section 160 (notification of decisions), for “a Primary Care Trust” substitute “the Board”.
- 87 In section 161 (withdrawal from lists), in paragraphs (a) and (b), for “a Primary Care Trust” substitute “the Board”.
- 88 (1) Section 162 (regulations about decisions under Chapter 6 of Part 7) is amended as follows.
 - (2) In subsections (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”.
 - (3) In subsections (2)(c) and (3), for “the Primary Care Trust” substitute “the Board”.
- 89 (1) Section 164 (remuneration for persons providing pharmaceutical services) is amended as follows.
 - (2) In subsection (3)(b), for “any Primary Care Trust” substitute “the Board”.
 - (3) In subsection (4A)(a)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “to persons who provide” substitute “for providing”.
- 90 (1) Section 166 (indemnity cover) is amended as follows.
 - (2) In subsection (2)(b)—
 - (a) for “a Primary Care Trust” substitute “the Board”, and
 - (b) for “the Primary Care Trust”, in each place it appears, substitute “the Board”.
 - (3) In subsection (3), in paragraph (a) of the definition of “indemnity cover”, for “a Primary Care Trust” substitute “the Board”.
- 91 (1) Section 167 (local pharmaceutical committees) is amended as follows.
 - (2) In subsection (1), for the words from the beginning to “other Primary Care Trusts,” substitute “The Board may recognise a committee formed for an area”.
 - (3) In subsections (2)(a) and (3)(a), omit “in the Primary Care Trust’s area”.
 - (4) In subsections (2)(a) and (b), (3)(a) and (b), (9), (10) and (11), for “the Primary Care Trust” substitute “the Board”.
 - (5) In subsections (6) and (7), for “a Primary Care Trust” substitute “the Board”.
 - (6) In subsection (9), for “A Primary Care Trust” substitute “The Board”.
- 92 (1) Schedule 11 (pilot schemes) is amended as follows.
 - (2) In paragraph 1 (initiation of pilot schemes), in sub-paragraph (1)(a), for “a Primary Care Trust” substitute “the Board”.

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- (3) In paragraph 2 (preliminary steps)—
- (a) in sub-paragraph (1), for “the Primary Care Trust concerned” substitute “the Board”,
 - (b) in sub-paragraphs (2), (3), (4) and (5)(a) and (b), for “a Primary Care Trust” substitute “the Board”,
 - (c) in sub-paragraph (3)(b), for “the Primary Care Trust” substitute “the Board”, and
 - (d) in sub-paragraph (5)(d)—
 - (i) for “Primary Care Trusts” substitute “the Board”, and
 - (ii) for “them” substitute “it”.
- (4) In paragraph 3 (approvals)—
- (a) in sub-paragraphs (2) and (3)(b), for “the Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (3)(a), for “the Primary Care Trust concerned” substitute “the Board”.
- (5) In paragraph 4 (preliminary approval)—
- (a) in sub-paragraphs (1) and (4), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (2), for “The Primary Care Trust” substitute “The Board”.
- (6) In paragraph 5 (effect of proposals on existing services)—
- (a) in sub-paragraph (1)(a)—
 - (i) for “the Primary Care Trust”, in the first place it appears, substitute “the Board”, and
 - (ii) for “the area of the Primary Care Trust” substitute “the area concerned”,
 - (b) in sub-paragraph (1)(b), for the words from “supplied” to the end substitute “prepared under sub-paragraph (3)”,
 - (c) in sub-paragraph (3)—
 - (i) for “a Primary Care Trust” substitute “the Board”,
 - (ii) for “the area of another Primary Care Trust” substitute “another area”, and
 - (iii) for “consult that other Primary Care Trust about” substitute “prepare an assessment of the likely effect on those services of the implementation of”, and
 - (d) omit sub-paragraph (4).
- (7) In paragraph 7 (making a scheme)—
- (a) in sub-paragraphs (1), (2) and (4), for “the Primary Care Trust concerned” substitute “the Board”, and
 - (b) in sub-paragraph (1), for “the Primary Care Trust must” substitute “the Board must”.
- (8) Any pilot scheme under Chapter 2 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue to have effect as if it had been established by the Board; and nothing in this paragraph or paragraphs 68 to 75 affects the validity of anything done under or for the purposes of the scheme.

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- 93 (1) Schedule 12 (LPS schemes) is amended as follows.
- (2) In paragraph 1 (provision of local pharmaceutical services)—
- (a) in sub-paragraph (1)—
 - (i) for “Primary Care Trusts” substitute “The Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”,
 - (b) in sub-paragraph (2)—
 - (i) in paragraph (a), for “a Primary Care Trust” substitute “the Board or the Secretary of State (the “commissioner”)”,
 - (ii) in that paragraph, omit “or Strategic Health Authority (the “commissioning body”)”, and
 - (iii) in paragraph (b), for “the commissioning body” substitute “the commissioner”,
 - (c) omit sub-paragraph (2A),
 - (d) for sub-paragraph (2B) substitute—
 - “(2B) The Secretary of State may establish an LPS scheme only where the other party is the Board.
 - (2C) The Board may provide local pharmaceutical services under an LPS scheme only in such circumstances as may be prescribed.”,
 - (e) in each of sub-paragraphs (5) and (6), for “a Primary Care Trust” substitute “the Board”, and
 - (f) in sub-paragraph (5), omit “in its area”.
- (3) In paragraph 2 (designation of priority neighbourhoods or premises)—
- (a) in each of sub-paragraphs (1) and (2)(b), for “a Primary Care Trust” substitute “the Board”, and
 - (b) in sub-paragraph (1), omit “or Strategic Health Authority”.
- (4) In paragraph 3 (regulations)—
- (a) in sub-paragraph (2), for “the commissioning body” substitute “the commissioner”, and
 - (b) in sub-paragraph (3)(k)—
 - (i) for “Primary Care Trusts” substitute “the Board or the Secretary of State”, and
 - (ii) omit “or Strategic Health Authorities”.
- (5) In consequence of the repeals made by this paragraph, omit section 29(7), (8)(a) and (c), (10), (12) and (15) of the Health Act 2009.
- (6) Any LPS scheme under Chapter 3 of Part 7 of the National Health Service Act 2006 having effect immediately before the commencement of this paragraph is to continue to have effect as if it had been established by the Board; and nothing in this paragraph or paragraph 76 affects the validity of anything done under or for the purposes of the scheme.