



National Health Service Act 2006

2006 CHAPTER 41

PART 7

PHARMACEUTICAL SERVICES AND LOCAL PHARMACEUTICAL SERVICES

[^{F1}CHAPTER 4A

LISTS OF PERFORMERS OF PHARMACEUTICAL SERVICES AND ASSISTANTS

Textual Amendments

- F1** Pt. 7 Ch. 4A inserted (27.3.2012 for specified purposes) by [Health and Social Care Act 2012 \(c. 7\)](#), ss. [208\(2\)](#), [306\(1\)\(d\)\(4\)](#)

147A Performers of pharmaceutical services and assistants

- (1) Regulations may make provision for the preparation, maintenance and publication by [^{F2}NHS England] of one or more lists of—
- (a) persons approved by [^{F2}NHS England] for the purpose of assisting in the provision of pharmaceutical services which [^{F2}NHS England] arranges;
 - (b) persons approved by [^{F2}NHS England] for the purpose of performing local pharmaceutical services.
- (2) The regulations may, in particular, provide that—
- (a) a person of a prescribed description may not assist in the provision of pharmaceutical services which [^{F2}NHS England] arranges unless the person is included in a list prepared by virtue of subsection (1)(a),
 - (b) a person of a prescribed description may not perform local pharmaceutical services unless the person is included in a list prepared by virtue of subsection (1)(b).
- (3) The regulations may, in particular, also include provision as to—

Changes to legislation: National Health Service Act 2006, CHAPTER 4A is up to date with all changes known to be in force on or before 30 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) the preparation, maintenance and publication of a list,
 - (b) eligibility for inclusion in a list,
 - (c) applications for inclusion (including provision for the procedure for applications and the documents to be supplied on application, whether by the applicant or by arrangement with the applicant),
 - (d) the grounds on which an application for inclusion may or must be granted or refused or on which a decision on such an application may be deferred,
 - (e) requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits),
 - (f) the grounds on which [F²NHS England] may or must suspend or remove a person from a list, the procedure for doing so, and the consequences of doing so,
 - (g) circumstances in which a person included in a list may not withdraw from it,
 - (h) payments to or in respect of a person suspended from a list (including provision for the amount of the payment, or the method of calculating it, to be determined by the Secretary of State or a person appointed by the Secretary of State),
 - (i) the supply to [F²NHS England] by an applicant for inclusion in a list, or by a person included in a list, of a criminal conviction certificate under section 112 of the Police Act 1997, a criminal record certificate under [F³section 113A of that Act, an enhanced criminal record certificate under section 113B of that Act or up-date information within the meaning given by section 116A of that Act,]
 - (j) the criteria to be applied in making decisions under the regulations,
 - (k) appeals against decisions made by [F²NHS England] under the regulations, and
 - (l) disclosure of information about applicants for inclusion, grants or refusals of applications or suspensions or removals,
- and may make any provision corresponding to anything in sections 151 to 159.
- (4) Regulations under this section may, in particular, also provide that approval for the purposes of either paragraph (a) or paragraph (b) of subsection (1) is to be treated for the purposes of this section as approval for the purposes of the other paragraph (and for lists prepared by virtue of that subsection to be read accordingly).
- (5) Regulations under this section may, in particular, also provide for—
- (a) a person's inclusion in a list to be subject to conditions determined by [F²NHS England],
 - (b) [F²NHS England] to vary the conditions or impose different ones,
 - (c) the consequences of failing to comply with a condition (including suspension or removal from a list),
 - (d) the review by [F²NHS England] of decisions made by it by virtue of the regulations.
- (6) The imposition of such conditions must be with a view to—
- (a) preventing any prejudice to the efficiency of the services to which a list relates, or
 - (b) preventing any acts or omissions of the type described in section 151(3)(a).
- (7) If the regulations provide under subsection (3)(f) or (5) that [F²NHS England] may suspend or remove a person (P) from a list, they must include provision—

Changes to legislation: National Health Service Act 2006, CHAPTER 4A is up to date with all changes known to be in force on or before 30 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) requiring P to be given notice of any allegation against P,
 - (b) giving P the opportunity of putting P's case at a hearing before [F2NHS England] makes any decision as to P's suspension or removal, and
 - (c) requiring P to be given notice of the decision of [F2NHS England], the reasons for it and any right of appeal under subsection (8) or (9).
- (8) If the regulations provide under subsection (3)(d) or (f) that [F2NHS England] may refuse a person's application for inclusion in a list, or remove a person from one, the regulations must provide for an appeal to the First-tier Tribunal against the decision of [F2NHS England].
- (9) If the regulations make provision under subsection (5), they must provide for an appeal by the person in question to the First-tier tribunal against the decision of [F2NHS England]—
- (a) to impose conditions, or any particular condition,
 - (b) to vary a condition,
 - (c) to remove the person from the list for breach of condition,
 - (d) on any review of an earlier such decision of [F2NHS England].
- (10) Regulations making provision as to the matters referred to in subsection (3)(l) may, in particular, authorise the disclosure of information—
- (a) by [F2NHS England] to the Secretary of State, and
 - (b) by the Secretary of State to [F2NHS England].

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)
- F3** Words in s. 147A(3)(i) substituted (17.6.2013) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 123](#) (with s. 97); [S.I. 2013/1180, art. 2\(e\)\(v\)](#)

147B Further provision about regulations under section 147A

- (1) Regulations under section 147A may require a person (A) included in—
- (a) a pharmaceutical list, or
 - (b) a list under section 132(3) (provision of drugs, medicines or listed appliances),
- not to employ or engage a person (B) to assist A in the provision of the service to which the list relates unless B is included in a list mentioned in subsection (2).
- (2) The lists are—
- (a) a list referred to in subsection (1),
 - (b) a list under section 147A,
 - (c) a list under section 91, 106 or 123,
 - (d) a list corresponding to a list under section 91 prepared by [F2NHS England] by virtue of regulations made under section 145,
 - (e) a list corresponding to a list mentioned in any of paragraphs (a) to (d) prepared by a Local Health Board under or by virtue of the National Health Service (Wales) Act 2006,
- or, in any of the cases in paragraphs (a) to (e), such a list of a prescribed description.

Changes to legislation: National Health Service Act 2006, CHAPTER 4A is up to date with all changes known to be in force on or before 30 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

- (3) If regulations do so require, they may, in particular, require that both A and B be included in lists prepared by [^{F2}NHS England].]

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)

Changes to legislation:

National Health Service Act 2006, CHAPTER 4A is up to date with all changes known to be in force on or before 30 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. 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\(3\)](#)