



National Health Service (Primary Care) Act 1997

1997 CHAPTER 46

PART II

PRIMARY CARE

Pharmaceutical services

27 Provision of additional pharmaceutical services

(1) In the 1977 Act, after section 41, insert—

“41A Arrangements for providing additional pharmaceutical services

- (1) The Secretary of State may—
 - (a) give directions to a Health Authority requiring them to arrange for the provision to persons in their area of additional pharmaceutical services; or
 - (b) by giving directions to a Health Authority authorise them to arrange for such provision if they wish to do so.
- (2) Directions under this section may make different provision in relation to different services specified in the directions.
- (3) The Secretary of State must publish any directions under this section in the Drug Tariff or in such other manner as he thinks appropriate.
- (4) In this section—

“additional pharmaceutical services”, in relation to directions, means such services (of a kind that do not fall within section 41) as may be specified in the directions; and

Status: This is the original version (as it was originally enacted).

“Drug Tariff” means the Drug Tariff published under regulation 18 of the National Health Service (Pharmaceutical Services) Regulations 1992 or under any corresponding provision replacing, or otherwise derived from, that regulation.”

(2) In the 1978 Act, after section 27, insert—

“27A Arrangements for providing additional pharmaceutical services

- (1) The Secretary of State may—
 - (a) give directions to a Health Board requiring them to arrange for the provision to persons in their area of additional pharmaceutical services; or
 - (b) by giving directions to a Health Board authorise them to arrange for such provision if they wish to do so.
- (2) Directions under this section may make different provision in relation to different services specified in the directions.
- (3) The Secretary of State must publish any directions under this section in the Drug Tariff or in such other manner as he thinks appropriate.
- (4) In this section—

“additional pharmaceutical services”, in relation to directions, means such services (of a kind that do not fall within section 27) as may be specified in the directions; and

“Drug Tariff” means the Drug Tariff published under regulation 9 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995 or under any corresponding provision replacing, or otherwise derived from, that regulation.”

28 Terms and conditions etc

(1) In the 1977 Act, after section 41A, insert—

“41B Terms and conditions etc

- (1) Directions under section 41A may require the Health Authority to whom they apply, when making arrangements—
 - (a) to include, in the terms on which the arrangements are made, such terms as may be specified in the directions;
 - (b) to impose, on any person providing a service in accordance with the arrangements, such conditions as may be so specified.
- (2) The arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.
- (3) Different arrangements may be made with respect to—
 - (a) the provision of the same service by the same person but in different circumstances; or
 - (b) the provision of the same service by different persons.

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

- (4) A Health Authority must provide details of proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.
- (5) After making any arrangements, a Health Authority must publish, in such manner as the Secretary of State may direct, such details of the arrangements as he may direct.
- (6) In this section, “pharmaceutical list” means, subject to any provision of the directions in question, a list—
 - (a) published by the Health Authority concerned, or by any other Health Authority, in accordance with regulations made under section 42(2) (a) of this Act; or
 - (b) published by any body in accordance with regulations made under section 27(2)(a) of the National Health Service (Scotland) Act 1978 or Article 63(2A)(a) of the Health and Personal Social Services (Northern Ireland) Order 1972.”

(2) In the 1978 Act, after section 27A, insert—

“27B Terms and conditions etc

- (1) Directions under section 27A may require the Health Board to whom they apply, when making arrangements—
 - (a) to include, in the terms on which the arrangements are made, such terms as may be specified in the directions;
 - (b) to impose, on any person providing a service in accordance with the arrangements, such conditions as may be so specified.
- (2) The arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.
- (3) Different arrangements may be made with respect to—
 - (a) the provision of the same service by the same person but in different circumstances; or
 - (b) the provision of the same service by different persons.
- (4) A Health Board must provide details of proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.
- (5) After making any arrangements, a Health Board must publish, in such manner as the Secretary of State may direct, such details of the arrangements as he may direct.
- (6) In this section, “pharmaceutical list” means, subject to any provision of the directions in question, a list—
 - (a) published by the Health Board concerned, or by any other Health Board, in accordance with regulations made under section 27(2) of this Act; or
 - (b) published by any body in accordance with regulations made under section 42(2) of the National Health Service Act 1977 or Article

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

63(2A)(a) of the Health and Personal Social Services (Northern Ireland) Order 1972.”

29 Authorised provision of pharmaceutical services by medical practitioners

(1) In section 43 of the 1977 Act, after subsection (2), insert—

“(2A) Regulations shall provide for the preparation and publication by a Health Authority of one or more lists of medical practitioners who undertake to provide drugs, medicines or listed appliances in the Authority’s area.

(2B) In subsection (2A) “listed” has the same meaning as in section 41.

(2C) The regulations shall include provision for the removal of an entry from a list in prescribed circumstances.”

(2) In section 28 of the 1978 Act, after subsection (2), insert—

“(2A) Regulations shall provide for the preparation and publication by a Health Board of one or more lists of medical practitioners who undertake to supply drugs and appliances in the Board’s area.

(2B) The regulations shall include provision for the removal of an entry from a list in prescribed circumstances.”