



Health and Social Care Act 2001

2001 CHAPTER 15

PART 2

PHARMACEUTICAL SERVICES

CHAPTER 1

LOCAL PHARMACEUTICAL SERVICES

Preparation and making of pilot schemes

28 Pilot schemes

- (1) [^{F1}Primary Care Trusts and] Health Authorities may establish pilot schemes.
- (2) In this Chapter “pilot scheme” means one or more agreements—
 - (a) made by a [^{F2}Primary Care Trust or] Health Authority (“A”) in accordance with this Chapter;
 - (b) under which local pharmaceutical services are to be provided (otherwise than by A); and
 - (c) the parties to which do not include any other [^{F2}Primary Care Trust or] Health Authority.
- (3) A pilot scheme may include arrangements—
 - (a) for the provision of services which are not local pharmaceutical services, but which may be provided under Part 1 of the 1977 Act (whether or not of the kind usually provided by pharmacies);
 - (b) for the provision of training and education (including training and education for persons who are, or may become, involved in the provision of local pharmaceutical services).
- (4) A pilot scheme may not combine arrangements for the provision of local pharmaceutical services with arrangements for the provision of [^{F3}primary medical

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services or primary dental services under any provision of, or made under, the 1977 Act.]

- (5) In this Chapter “piloted services” means services provided under a pilot scheme (including any services to which the scheme applies as a result of subsection (3)).
- (6) In determining the arrangements they need to make in order to comply with section 41 of the 1977 Act (arrangements to be made by [^{F4}Primary Care Trusts and] Health Authorities for the provision of pharmaceutical services), a [^{F5}Primary Care Trust or] Health Authority may take into account arrangements under a pilot scheme made by them.
- (7) The functions of an NHS trust [^{F6}, an NHS foundation trust]^{F7}. . . include power to provide any services to which a pilot scheme applies.
- (8) In this Chapter—
 “pharmaceutical services” means services of a kind which may be provided under section 41 of the 1977 Act, or by virtue of section 41A of that Act; and
 “local pharmaceutical services” means such pharmaceutical services (other than practitioner dispensing services) as may be prescribed by regulations.
- (9) “Practitioner dispensing services” means the provision of drugs, medicines or listed appliances (within the meaning of section 41 of the 1977 Act) by a medical practitioner or dental practitioner to a patient of his pursuant to arrangements made by virtue of section 43(1) of the 1977 Act.

Textual Amendments

- F1** Words in s. 28(1) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 2 para. 73\(2\)](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F2** Words in s. 28(2) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 2 para. 73\(3\)](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F3** Words in s. 28(4) substituted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 11 para. 71](#); S.I. 2004/288, [art. 5\(2\)\(y\)](#) (with [arts. 7, 8](#)) (as amended by [S.I. 2004/866](#) and [S.I. 2005/2925](#)); S.I. 2004/480, [art. 4\(2\)\(cc\)](#) (with [arts. 6, 7](#)) (as amended by [S.I. 2004/1019](#) and [S.I. 2006/345](#));
- F4** Words in s. 28(6) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 2 para. 73\(4\)\(a\)](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F5** Words in s. 28(6) inserted (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 42(3), [Sch. 2 Pt. 2 para. 73\(4\)\(b\)](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))
- F6** Words in s. 28(7) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 4 para. 117](#); S.I. 2004/759, [art. 2](#)
- F7** Words in s. 28(7) repealed (1.10.2002) by [National Health Service Reform and Health Care Professions Act 2002 \(c. 17\)](#), ss. 2(5), 37(2), 42(3), [Sch. 2 Pt. 2 para. 73\(5\)](#), [Sch. 9 Pt. 1](#); S.I. 2002/2478, [art. 3\(1\)](#) (subject to [art. 3\(3\)](#))

Commencement Information

- I1** S. 28 wholly in force at 1.7.2002; s. 28 in force for certain purposes at 11.5.2001, see s. 70(2); s. 28 in force for E. at 8.3.2002 by [S.I. 2002/1095](#), [art. 2\(4\)](#) (with transitional provisions in [arts. 3, 4](#)) (as

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amended (26.3.2002) by S.I. 2002/1170, art. 3); s. 28 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

29 Making pilot schemes

Schedule 2 makes provision with respect to making pilot schemes, including provision with respect to the procedure to be followed.

Commencement Information

- I2** S. 29 wholly in force at 1.7.2002; s. 29 not in force at Royal Assent, see s. 70(2); s. 29 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as amended (26.3.2002) by S.I. 2002/1170, art. 3); s. 29 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

30 Designation of priority neighbourhoods or premises

- (1) The relevant authority may make regulations allowing a [^{F8}Primary Care Trust or] Health Authority to—
- designate neighbourhoods,
 - designate premises, or
 - designate descriptions of premises,
- for the purposes of this section.
- (2) The regulations may, in particular, make provision—
- as to the circumstances in which, and the neighbourhoods or premises in relation to which, designations may be made or maintained;
 - allowing a [^{F8}Primary Care Trust or] Health Authority to defer consideration of Part 2 applications relating to neighbourhoods, premises or descriptions of premises that have been designated;
 - allowing a designation to be cancelled in prescribed circumstances;
 - requiring a designation to be cancelled—
 - if a relevant authority gives a direction to that effect; or
 - in prescribed circumstances.
- (3) “Part 2 applications” means applications for inclusion in a list maintained under section 42 of the 1977 Act.
- (4) “Prescribed” means prescribed by the regulations.

Textual Amendments

- F8** Words in s. 30 inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 2(5), 42(3), Sch. 2 Pt. 2 para. 74; S.I. 2002/2478, art. 3(1) (subject to art. 3(3))

Commencement Information

- I3** S. 30 wholly in force at 1.7.2002; s. 30 in force for certain purposes at 11.5.2001, see s. 70(2); s. 30 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3, 4) (as

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amended (26.3.2002) by [S.I. 2002/1170, art. 3](#)); s. 30 in force for W. at 1.7.2002 by [S.I. 2002/1475, art. 2\(1\)](#), Sch. Pt. 1

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