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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 29

#### PILOT SCHEMES

##### *How pilot schemes may be initiated*

- 1 (1) A pilot scheme may be made—
  - (a) on the initiative of a Health Authority; or
  - (b) in response to a request made by a person wishing to participate in the scheme.
- (2) The request referred to in sub-paragraph (1)(b) must—
  - (a) be made in writing; and
  - (b) comply with such requirements (if any) as may be prescribed by regulations.

##### **Commencement Information**

- II** Sch. 2 para. 1 wholly in force at 1.7.2002; Sch. 2 para. 1 in force for certain purposes at 11.5.2001, see s. 70(2); Sch. 2 para. 1 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); Sch. 2 para. 1 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

##### *Preliminary steps to be taken*

- 2 (1) Before making a pilot scheme, the Health Authority concerned must prepare proposals for the scheme and submit them to the relevant authority.
- (2) But proposals may be submitted by a Health Authority only with the agreement of the other proposed participants.
- (3) In preparing proposals for a pilot scheme, a Health Authority must comply with any directions given to them by the relevant authority as to—
  - (a) the matters to be dealt with, and information to be included, in the proposals; and
  - (b) the procedure to be followed by the Health Authority.
- (4) Before submitting proposals for a pilot scheme, a Health Authority must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to them by the relevant authority about the extent to which, and manner in which, they are to consult on the proposals.
- (5) The relevant authority may give directions—
  - (a) requiring a Health Authority to submit proposals to the relevant authority;

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- (b) as to the matters to which a Health Authority must have regard in making any recommendation to the relevant authority when submitting proposals for a pilot scheme;
  - (c) as to the form in which any such recommendation must be made;
  - (d) requiring Health Authorities to provide the relevant authority with summaries (prepared and presented in the manner specified in the directions) of all requests received by them during the period specified in the directions.
- (6) A direction under this paragraph may be given so as to apply—
- (a) generally in circumstances specified in the direction; or
  - (b) in relation to a particular case.

#### Commencement Information

**I2** Sch. 2 para. 2 wholly in force at 1.7.2002; Sch. 2 para. 2 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 2 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); Sch. 2 para. 2 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Approval

- 3 (1) If proposals for a pilot scheme are submitted under paragraph 2, the relevant authority must—
- (a) approve them as submitted;
  - (b) make such modifications as that authority considers appropriate and approve them as modified; or
  - (c) reject them.
- (2) The relevant authority may not approve proposals for a pilot scheme unless satisfied that they include satisfactory provision for any participant other than the Health Authority to withdraw from the scheme if he wishes to do so.
- (3) When the relevant authority makes a decision under this paragraph—
- (a) the relevant authority must notify the Health Authority concerned of the decision; and
  - (b) the Health Authority must, without delay, notify the other participants in the proposed scheme.

#### Commencement Information

**I3** Sch. 2 para. 3 wholly in force at 1.7.2002; Sch. 2 para. 3 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 3 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); Sch. 2 para. 3 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Preliminary approval

- 4 (1) This paragraph applies if a Health Authority propose to make a pilot scheme but have not determined who the participants, or who all of the participants, will be.

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- (2) The Health Authority may apply to the relevant authority for preliminary approval to be given to their proposals.
- (3) If such an application is made, the relevant authority must—
  - (a) give preliminary approval to the proposals as submitted;
  - (b) make such modifications as the relevant authority considers appropriate and give preliminary approval to them as modified; or
  - (c) reject them.
- (4) If a Health Authority are given preliminary approval, they must take such steps, with a view to obtaining final approval for the proposed pilot scheme, as the relevant authority may direct.
- (5) The fact that the relevant authority has given preliminary approval to proposals for a pilot scheme does not affect that authority's right to refuse to approve the completed proposals when they are submitted under paragraph 2.
- (6) Sub-paragraphs (3) to (6) of paragraph 2 apply in relation to an application for preliminary approval of proposals under this paragraph as they apply in relation to proposals under that paragraph.

#### Commencement Information

- I4** Sch. 2 para. 4 wholly in force at 1.7.2002; Sch. 2 para. 4 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 4 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); Sch. 2 para. 4 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### *Effect of proposals on existing services*

- 5 (1) Proposals for a pilot scheme submitted under paragraph 2, or included in an application for preliminary approval of proposals under paragraph 4, must include—
  - (a) an assessment by the Health Authority of the likely effect of the implementation of the proposals in the Health Authority's area on the services mentioned in sub-paragraph (2);
  - (b) any assessment supplied to the Health Authority by another Health Authority under sub-paragraph (4).
- (2) The services are—
  - (a) pharmaceutical services (within the meaning of section 41 of the 1977 Act);
  - (b) local pharmaceutical services provided under existing pilot schemes or LPS schemes (within the meaning of Schedule 8A to the 1977 Act);
  - (c) general medical services provided under arrangements made under section 29(1) of the 1977 Act;
  - (d) personal medical services provided under arrangements made under section 28C of the 1977 Act or under pilot schemes made under section 1 of the National Health Service (Primary Care) Act 1997 (c. 46).
- (3) If it appears to a Health Authority that the proposals would, if implemented, affect any of the services mentioned in sub-paragraph (2) provided in the area of another Health Authority, they must consult that other Health Authority about the proposals

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before submitting them under paragraph 2 or including them in an application for preliminary approval under paragraph 4.

- (4) A Health Authority consulted under sub-paragraph (3) must prepare an assessment of the likely effect of the implementation of the proposals on those services and supply it to the Health Authority which consulted them.

#### Commencement Information

- I5** Sch. 2 para. 5 wholly in force at 1.7.2002; Sch. 2 para. 5 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 5 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); Sch. 2 para. 5 in force for W. at 1.7.2002 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Guidance

- 6 The relevant authority may issue guidance about the criteria by reference to which, as a general rule, powers under paragraph 3 or 4 are likely to be exercised.

#### Commencement Information

- I6** Sch. 2 para. 6 wholly in force at 1.7.2002; Sch. 2 para. 6 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 6 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); Sch. 2 para. 6 in force for W. at 1.7.2008 by S.I. 2002/1475, art. 2(1), Sch. Pt. 1

#### Making a scheme

- 7 (1) If the relevant authority approves proposals for a pilot scheme under paragraph 3 and notifies the Health Authority concerned in accordance with that paragraph, the Health Authority must implement the proposals in accordance with directions given by the relevant authority.
- (2) A proposed participant in a pilot scheme (other than the Health Authority concerned) may withdraw at any time before the proposals relating to him are implemented.
- (3) A pilot scheme, as implemented, may differ from the proposals for the scheme approved by the relevant authority only if that authority agrees to the variation or—
- (a) directions given by that authority (either under sub-paragraph (1) or generally) authorise variations that satisfy specified requirements; and
  - (b) the variation satisfies those requirements.
- (4) As soon as is reasonably practicable after implementing proposals for a pilot scheme, the Health Authority concerned must (in accordance with any directions given to them by the relevant authority) publish details of the scheme.

#### Commencement Information

- I7** Sch. 2 para. 7 wholly in force at 1.7.2002; Sch. 2 para. 7 not in force at Royal Assent, see s. 70(2); Sch. 2 para. 7 in force for E. at 8.3.2002 by S.I. 2002/1095, art. 2(4) (with transitional provisions in arts. 3,

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4) (as amended (26.3.2002) by [S.I. 2002/1170, art. 3](#)); [Sch. 2 para. 7](#) in force for W. at 1.7.2002 by [S.I. 2002/1475, art. 2\(1\)](#), [Sch. Pt. 1](#)

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