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Changes to legislation: National Health Service Act 2006, Chapter 4 is up to date with all changes known to be in force on or before 08 September 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)
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National Health Service Act 2006

2006 CHAPTER 41

PART 7

PHARMACEUTICAL SERVICES AND LOCAL PHARMACEUTICAL SERVICES

CHAPTER 4

LOCAL PHARMACEUTICAL SERVICES: MISCELLANEOUS

Application of enactments

145   Application of enactments

(1) The Secretary of State may by regulations make, in relation to local pharmaceutical services arrangements or persons providing or assisting in the provision of services under such arrangements, provision corresponding (whether or not exactly) to enactments containing provision relating to—

    (a)   section 92 arrangements or section 107 arrangements, or

    (b)   persons who provide or perform services under section 92 or section 107.

(2) The regulations may, in particular, provide for the application of any such enactment with such modifications, if any, as the Secretary of State considers appropriate.

(3) The provision which may be made under this section includes provision amending, repealing or revoking enactments.

(4) "Local pharmaceutical services arrangements" means arrangements made under an LPS scheme or a pilot scheme.

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Performance of local pharmaceutical services

146   Persons performing local pharmaceutical services

[^{F1}(1) Regulations may provide that a health care professional of a prescribed description may not perform any local pharmaceutical service for which a Primary Care Trust is responsible unless he is included in a list maintained under the regulations by a Primary Care Trust.

(2) For the purposes of this section—

    (a)   "health care professional" means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17),

    (b)   a Primary Care Trust is responsible for a local pharmaceutical service if it secures its provision by or under any enactment.

(3) Regulations under this section may make provision in relation to lists under this section and in particular as to—

    (a)   the preparation, maintenance and publication of a list,

    (b)   eligibility for inclusion in a list,

    (c)   applications for inclusion (including provision as to the Primary Care Trust to which an application must be made, and for the procedure for applications and the documents to be supplied on application),

    (d)   the grounds on which an application for inclusion may or must be granted or refused,

    (e)   requirements with which a person included in a list must comply (including the declaration of financial interests and gifts and other benefits),

    (f)   suspension or removal from a list (including provision for the grounds for, and consequences of, suspension or removal),

    (g)   circumstances in which a person included in a list may not withdraw from it,

    (h)   payments to be made in respect of a person suspended from a list (including provision for the amount of the payment, or the method of calculating the payment, to be determined by the Secretary of State or a person appointed by him),

    (i)   the criteria to be applied in making decisions under the regulations,

    (j)   appeals against decisions made by a Primary Care Trust under the regulations, and

    (k)   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 for—

    (a)   a person's inclusion in a list to be subject to conditions determined by a Primary Care Trust,

    (b)   a Primary Care Trust to vary the conditions or impose different ones,

    (c)   the consequences of failing to comply with a condition (including removal from a list),

    (d)   the review by a Primary Care Trust of decisions made by it by virtue of the regulations.

(5) The imposition of such conditions must be with a view to—

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> (a) preventing any prejudice to the efficiency of the services to which a list relates, or
>
> (b) preventing fraud.

(6) Regulations making provision as to the matters referred to in subsection (3)(k) may in particular authorise the disclosure of information—

> (a) by a Primary Care Trust to the Secretary of State, and
>
> (b) by the Secretary of State to a Primary Care Trust.**]**

Textual Amendments

F1 S. 146 omitted (27.3.2012 for specified purposes) by virtue of Health and Social Care Act 2012 (c. 7), **ss. 208(1)(a)**, 306(1)(d)(4) (with s. 208(7))

Assistance and support

147 Assistance and support: local pharmaceutical services

(1) A Primary Care Trust may provide assistance or support to any person providing local pharmaceutical services.

(2) Assistance or support provided by a Primary Care Trust under subsection (1) is provided on such terms, including terms as to payment, as the Primary Care Trust considers appropriate.

(3) "Assistance" includes financial assistance.

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