

Status: Point in time view as at 21/07/2008.

Changes to legislation: National Health Service Act 2006, SCHEDULE 11 is up to date with all changes known to be in force on or before 05 June 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)

SCHEDULES

SCHEDULE 11

Section 135

PILOT SCHEMES

How pilot schemes may be initiated

- 1 (1) A pilot scheme may be made—
 - (a) on the initiative of a Primary Care Trust, 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.

Preliminary steps to be taken

- 2 (1) Before making a pilot scheme, the Primary Care Trust concerned must prepare proposals for the scheme and submit them to the Secretary of State.
- (2) But proposals may be submitted by a Primary Care Trust only with the agreement of the other proposed participants.
- (3) In preparing proposals for a pilot scheme, a Primary Care Trust must comply with any directions given to it by the Secretary of State 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 Primary Care Trust.
- (4) Before submitting proposals for a pilot scheme, a Primary Care Trust must (in addition to complying with any requirements about consultation imposed by or under any other enactment) comply with any directions given to it by the Secretary of State about the extent to which, and manner in which, it must consult on the proposals.
- (5) The Secretary of State may give directions—
 - (a) requiring a Primary Care Trust to submit proposals to him,
 - (b) as to the matters to which a Primary Care Trust must have regard in making any recommendation to the Secretary of State when submitting proposals for a pilot scheme,
 - (c) as to the form in which any such recommendation must be made,
 - (d) requiring Primary Care Trusts to provide the Secretary of State 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

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- (b) in relation to a particular case.

Approval

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

Preliminary approval

- 4 (1) This paragraph applies if a Primary Care Trust proposes to make a pilot scheme but has not determined who the participants, or who all of the participants, will be.
- (2) The Primary Care Trust may apply to the Secretary of State for preliminary approval to be given to its proposals.
- (3) If such an application is made, the Secretary of State must—
- (a) give preliminary approval to the proposals as submitted,
 - (b) make such modifications as he considers appropriate and give preliminary approval to them as modified, or
 - (c) reject them.
- (4) If a Primary Care Trust is given preliminary approval, it must take such steps, with a view to obtaining final approval for the proposed pilot scheme, as the Secretary of State may direct.
- (5) The fact that the Secretary of State has given preliminary approval to proposals for a pilot scheme does not affect his 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.

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 Primary Care Trust of the likely effect of the implementation of the proposals in the area of the Primary Care Trust on the services mentioned in sub-paragraph (2),

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- (b) any assessment supplied to the Primary Care Trust by another Primary Care Trust under sub-paragraph (4).
- (2) The services are—
 - (a) pharmaceutical services,
 - (b) local pharmaceutical services provided under existing pilot schemes or LPS schemes,
 - (c) primary medical services.
- (3) If it appears to a Primary Care Trust that the proposals would, if implemented, affect any of the services mentioned in sub-paragraph (2) provided in the area of another Primary Care Trust, it must consult that other Primary Care Trust about the proposals before submitting them under paragraph 2 or including them in an application for preliminary approval under paragraph 4.
- (4) A Primary Care Trust 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 Primary Care Trust which consulted it.

Guidance

- 6 The Secretary of State 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.

Making a scheme

- 7 (1) If the Secretary of State approves proposals for a pilot scheme under paragraph 3 and notifies the Primary Care Trust concerned in accordance with that paragraph, the Primary Care Trust must implement the proposals in accordance with directions given by the Secretary of State.
- (2) A proposed participant in a pilot scheme (other than the Primary Care Trust 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 Secretary of State only if he agrees to the variation or—
 - (a) directions given by him (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 Primary Care Trust concerned must (in accordance with any directions given to it by the Secretary of State) publish details of the scheme.

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