

*Status:* This version of this provision is prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Paragraph 4. (See end of Document for details)

## SCHEDULES

PROSPECTIVE

### SCHEDULE 22

#### EXCLUDED CONTRACTS

*Medical prescriptions etc.*

- 4 (1) A contract for the supply of goods, services or digital content by a health care professional or a person included in a relevant list in circumstances where—
- (a) the supply of goods, services or digital content is under arrangements for the supply of services as part of the health service, and
  - (b) the goods, services or digital content are, at least in some circumstances, supplied under such arrangements free of charge or on prescription.
- (2) In sub-paragraph (1)—
- “health care professional” means a member of a profession which is regulated by—
- (a) a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 but as if subsection (3A) of that section were omitted;
  - (b) Social Care Wales;
  - (c) the Scottish Social Services Council;
  - (d) the Northern Ireland Social Care Council;
- “health service” means the health service or system of health care continued under—
- (a) section 1(1) of the National Health Service Act 2006;
  - (b) section 1(1) of the National Health Service (Wales) Act 2006;
  - (c) section 1(1) of the National Health Service (Scotland) Act 1978;
  - (d) section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;
- “relevant list” means—
- (a) in relation to arrangements which are part of the health service in England—
    - (i) a relevant list for the purposes of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (S.I. 2013/349) (see regulation 2(1));
    - (ii) a list maintained under those Regulations;
  - (b) in relation to arrangements which are part of the health service in Wales—

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- (i) a relevant list for the purposes of the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 ([S.I. 2020/1073 \(W. 241\)](#));
- (ii) a list maintained under those Regulations;
- (c) in relation to arrangements which are part of the health service in Scotland—
  - (i) the pharmaceutical list prepared under regulation 5 of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 ([S.S.I. 2009/183](#));
  - (ii) the provisional pharmaceutical list prepared under regulation 8 of those Regulations;
  - (iii) the primary medical services performers list prepared under regulation 4 of the National Health Service (Primary Medical Services Performers List) (Scotland) Regulations 2004 ([S.S.I. 2004/114](#));
  - (iv) the dental list prepared under regulation 4 of the National Health Service (General Dental Services) (Scotland) Regulations ([S.S.I 2010/208](#));
- (d) in relation to arrangements which are part of the health service in Northern Ireland, the pharmaceutical list prepared under regulation 6 of the Pharmaceutical Services Regulations (Northern Ireland) 1997 ([S.R. \(N.I.\) 1997 No. 381](#)).

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**Commencement Information**

**II** Sch. 22 para. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

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