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STATUTORY INSTRUMENTS

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**2010 No. 1000**

**The National Health Service (Direct  
Payments) Regulations 2010**

**PART 2**

**Pilot Schemes**

**Secretary of State's power to make a pilot scheme**

**2.**—(1) The Secretary of State may make pilot schemes in accordance with which direct payments may be made.

(2) The Secretary of State may make a pilot scheme only in response to a pilot proposal made in accordance with regulation 3.

(3) If a pilot proposal is submitted to the Secretary of State, the Secretary of State may make a pilot scheme—

- (a) in accordance with the terms of the pilot proposal; or
- (b) with provisions which differ from the terms of the pilot proposal, but which the Secretary of State considers appropriate in the interests of the health service<sup>(1)</sup>.

(4) The pilot scheme made by the Secretary of State may include, as respects payments to which the scheme applies, any provision within section 12B(2) of the National Health Service Act 2006 (regulations about direct payments).

(5) The Secretary of State may not make a pilot scheme for the whole of England.

(6) Where the Secretary of State has made a pilot scheme, the Secretary of State may direct<sup>(2)</sup> a pilot PCT to exercise—

- (a) his powers to make a direct payment<sup>(3)</sup> in accordance with that scheme; and
- (b) his functions in relation to the making of payments under that scheme under the following provisions—
  - (i) regulation 8(4) and (6) to (8),
  - (ii) regulation 9(1)(c), (4)(b) and (5),
  - (iii) regulations 10 to 13,
  - (iv) regulation 14(3), (5), (8) and (9),
  - (v) regulation 15(c), and
  - (vi) regulations 16 to 20.

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(1) See section 275 of the NHS Act for the definition of “health service”.

(2) See section 7 of the NHS Act. By virtue of section 273(4)(e)(i) a direction by the Secretary of State under section 7 must be given by regulations or an instrument in writing.

(3) See section 12A(1) of the NHS Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) Where the Secretary of State has made a pilot scheme which includes provision for the making of direct payments for the purpose of securing the provision of after-care services, the pilot PCT may make direct payments in accordance with these Regulations.