

Changes to legislation: National Health Service Act 2006, SCHEDULE 12A is up to date with all changes known to be in force on or before 21 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) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 12A

Section 165A(3)

PHARMACEUTICAL REMUNERATION

Textual Amendments

- F1** Sch. 12A inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), ss. 51(2), 306(4), Sch. 3; S.I. 2013/160, art. 2(2) (with arts. 7-9)

Interpretation

- 1 In this Schedule—
- (a) “drugs” includes medicines and listed appliances (within the meaning of section 126), and
 - (b) “pharmaceutical remuneration” means remuneration paid by [^{F2}NHS England] to persons providing pharmaceutical services or local pharmaceutical services.

Textual Amendments

- F2** Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Pharmaceutical remuneration to be apportioned among [^{F3}integrated care boards]

Textual Amendments

- F3** Words in Sch. 12A para. 2 heading substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(a); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

- 2
- (1) [^{F2}NHS England] must determine the elements of pharmaceutical remuneration in respect of which apportionments are to be made in relation to a financial year in accordance with this paragraph.
 - (2) In this Schedule, those elements of pharmaceutical remuneration are referred to as “designated elements”.
 - (3) [^{F2}NHS England] must notify each [^{F4}integrated care board] of a determination under sub-paragraph (1).
 - (4) [^{F2}NHS England] must apportion the sums paid by it in respect of each designated element during the financial year among all [^{F5}integrated care boards], in such manner as [^{F2}NHS England] thinks appropriate.

Changes to legislation: National Health Service Act 2006, SCHEDULE 12A is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (5) In apportioning sums under sub-paragraph (4), [F²NHS England] may, in particular, take into account the financial consequences of orders for the provision of drugs that are attributable to the members of each [F⁶integrated care board].
- (6) Where an amount of pharmaceutical remuneration is apportioned to [F⁷an integrated care board], [F²NHS England]—
- (a) may deduct that amount from the sums that it would otherwise pay to [F⁸the board] under section 223G(1), and
 - (b) if it does so, must notify [F⁹the board] accordingly.
- (7) The Secretary of State may direct [F²NHS England] that an element of pharmaceutical remuneration specified in the direction is not to be included in a determination under sub-paragraph (1).
- (8) In determining the amount to be allotted to [F¹⁰an integrated care board] for the purposes of section 223G, [F²NHS England] must take into account the effect of this Schedule.
- [F¹¹(9) For the purposes of sections 223GC and 223M(1)(b) and paragraph 22 of Schedule 1B, any amount of which an integrated care board is notified under sub-paragraph (6) is to be treated as expenditure of the group which is attributable to the performance by it of its functions in the year in question.]

Textual Amendments

- F2** Words in Act substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in Sch. 12A para. 2(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(b); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in Sch. 12A para. 2(4) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(c); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in Sch. 12A para. 2(5) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(d); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in Sch. 12A para. 2(6) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(e)(i); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in Sch. 12A para. 2(6)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(e)(ii); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in Sch. 12A para. 2(6)(b) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(e)(ii); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in Sch. 12A para. 2(8) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(f); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Sch. 12A para. 2(9) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 138(g); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Other pharmaceutical remuneration

- 3 (1) This paragraph applies in relation to pharmaceutical remuneration paid in a financial year other than—
- (a) designated elements of such remuneration, and
 - (b) remuneration of a prescribed description.

Changes to legislation: National Health Service Act 2006, SCHEDULE 12A is up to date with all changes known to be in force on or before 21 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) [View outstanding changes](#)

- (2) [^{F2}NHS England] may require a person to reimburse [^{F2}NHS England] for any pharmaceutical remuneration to which this paragraph applies if the drugs or services to which the remuneration relates were—
- (a) ordered by that person, or
 - (b) ordered in the course of the delivery of a service arranged by that person.
- (3) Any sum payable to [^{F2}NHS England] by virtue of sub-paragraph (2) may be recovered summarily as a civil debt (but this does not affect any other method of recovery).

Textual Amendments

F2 Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

Exercise of functions

- 4 [^{F2}NHS England] may, with the consent of the Secretary of State—
- (a) direct a Special Health Authority to exercise any functions of [^{F2}NHS England] under this Schedule, or
 - (b) arrange for any other person to exercise any of those functions.]

Textual Amendments

F2 Words in Act substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation:

National Health Service Act 2006, SCHEDULE 12A is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)