



# Health Act 1999

## 1999 CHAPTER 8

### PART I

#### THE NATIONAL HEALTH SERVICE

##### *Control of prices of medicines and profits*

#### [<sup>F1</sup>35 Statutory schemes.

- (1) The Secretary of State may, after consultation with the industry body, make a scheme (referred to in this section and section 36 as a statutory scheme) for the purpose of—
  - (a) limiting the prices which may be charged by any manufacturer or supplier for the supply of any health service medicines, or
  - (b) limiting the profits which may accrue to any manufacturer or supplier in connection with the manufacture or supply of any health service medicines.
- (2) A statutory scheme may, in particular, make any provision mentioned in subsections (3) to (6).
- (3) The scheme may require any manufacturer or supplier to whom it applies to—
  - (a) record and keep information, and
  - (b) provide information to the Secretary of State.
- (4) The scheme may provide for any amount representing sums charged by any manufacturer or supplier to whom the scheme applies, in excess of the limits determined under the scheme, for health service medicines covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (5) The scheme may provide for any amount representing the profits, in excess of the limits determined under the scheme, accruing to any manufacturer or supplier to whom the scheme applies in connection with the manufacture or supply of health service medicines covered by the scheme to be paid by that person to the Secretary of State within a specified period.
- (6) The scheme may—

---

*Changes to legislation: There are currently no known outstanding effects for the Health Act 1999, Section 35. (See end of Document for details)*

---

- (a) prohibit any manufacturer or supplier to whom the scheme applies from increasing, without the approval of the Secretary of State, any price charged by him for the supply of any health service medicine covered by the scheme, and
  - (b) provide for any amount representing any increase in contravention of that prohibition in the sums charged by that person for that medicine, so far as the increase is attributable to supplies to the health service, to be paid to the Secretary of State within a specified period.
- (7) A statutory scheme may not apply to a manufacturer or supplier to whom a voluntary scheme applies.]

#### **Textual Amendments**

- F1** S. 35 repealed by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 6, [Sch. 4](#) (with [Sch. 2 Pt. 1](#)), the repeal coming into force in accordance with s. 8(2)(4)(a)(5) of the repealing Act. [Note: the repeal is therefore wholly prospective as at the in-force date of the repealing Act, s. 35 not having been brought into force to any extent by that date]; [1999 c. 8](#), [s. 35](#) is re-enacted as [2006 c. 41](#), [s. 263](#), which re-enactment comes into force immediately after and to the extent that s. 35 comes into force, see [2006 c. 41](#), [s. 277\(4\)](#). The commencement of this provision of the [Health Act 1999 \(c. 8\)](#) brings into force its re-enactment in the [National Health Service Act 2006 \(c. 41\)](#) and also its repeal by virtue of provision in section 6 of, and Schedule 4 to, the [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#)

#### **Commencement Information**

- I1** S. 35 in force at 7.8.2017 by [S.I. 2017/810](#), [art. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health Act 1999, Section 35.