



Health Act 1999

1999 CHAPTER 8

PART I

THE NATIONAL HEALTH SERVICE

Control of prices of medicines and profits

[^{F1}37 Enforcement.

- (1) Regulations may provide for a person who contravenes any provision of regulations or directions under sections 33 to 36 to be liable to pay a penalty to the Secretary of State.
- (2) The penalty may be—
 - (a) a single penalty not exceeding £100,000, or
 - (b) a daily penalty not exceeding £10,000 for every day on which the contravention occurs or continues.
- (3) Regulations may provide for any amount required to be paid to the Secretary of State by virtue of section 33(8)(b), 34(1)(b) or 35(4) or (6)(b) to be increased by an amount not exceeding 50 per cent.
- (4) Regulations may provide for any amount payable to the Secretary of State by virtue of provision made under section 33(8)(b), 34(1)(b) or 35(4), (5) or (6)(b) (including such an amount as increased under subsection (3)) to carry interest at a rate specified or referred to in the regulations.
- (5) Provision may be made by regulations for conferring on manufacturers and suppliers a right of appeal against enforcement decisions taken in respect of them in pursuance of sections 33 to 36 and this section.
- (6) The provision which may be made by virtue of subsection (5) includes any provision which may be made by model provisions with respect to appeals under section 6 of the ^{M1}Deregulation and Contracting Out Act 1994, reading—
 - (a) the references in subsections (4) and (5) of that section to enforcement action as references to action taken to implement an enforcement decision,

*Changes to legislation: There are currently no known outstanding effects
for the Health Act 1999, Section 37. (See end of Document for details)*

- (b) in subsection (5) of that section, the references to interested persons as references to any persons and the reference to any decision to take enforcement action as a reference to any enforcement decision.
- (7) In subsections (5) and (6), “enforcement decision” means a decision of the Secretary of State or any other person to—
- (a) require a specific manufacturer or supplier to provide information to him,
 - (b) limit, in respect of any specific manufacturer or supplier, any price or profit,
 - (c) refuse to give his approval to a price increase made by a specific manufacturer or supplier,
 - (d) require a specific manufacturer or supplier to pay any amount (including an amount by way of penalty) to him,
- and in this subsection “specific” means specified in the decision.
- (8) A requirement or prohibition, or a limit, under sections 33 to 36 may only be enforced under this section and may not be relied on in any proceedings other than proceedings under this section.
- (9) In this section “regulations” means regulations made by the Secretary of State, and the Secretary of State must consult the industry body before making any regulations under this section.
- (10) The Secretary of State may by order increase (or further increase) either of the sums mentioned in subsection (2).]

Textual Amendments

- F1** S. 37 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 at 1.3.2007 to the extent that s. 37 is already in force at that date, and otherwise in accordance with s. 8(2)(4)(a)(5) of the repealing Act; [1999 c. 8, s. 37](#) is re-enacted as [2006 c. 41, s. 265](#), which re-enactment comes into force immediately after and to the extent that s. 37 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. 37 partly in force; s. 37 not in force at Royal Assent see s. 67(1); s. 37 in force for certain purposes at 3.8.1999 by [S.I. 1999/2177, art. 2\(2\)\(c\)](#); s. 37(1)-(9) in force at 1.11.1999 insofar as not already in force by [S.I. 1999/2177, art. 2\(4\)\(a\)](#)
- I2** S. 37(10) in force at 7.8.2017 by [S.I. 2017/810, art. 2\(c\)](#)

Marginal Citations

- M1** [1994 c.40.](#)

Changes to legislation:

There are currently no known outstanding effects for the Health Act 1999, Section 37.