

Status: Point in time view as at 21/07/2008.

Changes to legislation: National Health Service Act 2006, SCHEDULE 14 is up to date with all changes known to be in force on or before 04 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)

SCHEDULES

SCHEDULE 14

Section 231

FURTHER PROVISION ABOUT THE EXPENDITURE OF PRIMARY CARE TRUSTS

Pharmaceutical services expenditure

- 1 (1) In sections 228 to 230 and this Schedule, “pharmaceutical services expenditure” means expenditure of a Primary Care Trust which—
- (a) is attributable to the payment of remuneration to persons providing pharmaceutical services, and
 - (b) is not excluded by sub-paragraph (2).
- (2) Expenditure is excluded if it is attributable to—
- (a) the reimbursement of expenses of persons providing pharmaceutical services which are designated expenses incurred in connection with the provision of those services (or in giving instruction in matters relating to those services),
 - (b) remuneration referable to the cost of drugs, or
 - (c) remuneration paid to persons providing additional pharmaceutical services (in accordance with directions under section 127), in respect of such of those services as are designated.

Main expenditure

- 2 (1) In section 228 “main expenditure”, in relation to a Primary Care Trust and the year in question, means—
- (a) expenditure of the Primary Care Trust mentioned in sub-paragraph (2),
 - (b) any other expenditure of the Primary Care Trust attributable to the performance of its functions in that year (other than pharmaceutical services expenditure and remuneration referable to the cost of drugs), and
 - (c) expenditure attributable to remuneration referable to the cost of drugs for which the Primary Care Trust is accountable in that year (whether paid by it or by another Primary Care Trust).
- (2) The expenditure is expenditure attributable to—
- (a) the reimbursement in that year of expenses of persons providing pharmaceutical services which are designated expenses incurred in connection with the provision of those services (or in giving instruction in matters relating to those services), or
 - (b) remuneration paid in that year to persons providing additional pharmaceutical services (in accordance with directions under section 127), in respect of such of those services as are designated.
- 3 (1) For each financial year, the Secretary of State must apportion among all Primary Care Trusts, in such manner as he considers appropriate, the total of the remuneration referable to the cost of drugs which is paid by each Primary Care Trust in that year.

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- (2) A Primary Care Trust is accountable in any year for remuneration referable to the cost of drugs to the extent (and only to the extent) that such remuneration is apportioned to it under sub-paragraph (1).
- (3) Where in any financial year any remuneration referable to the cost of drugs for which a Primary Care Trust is accountable is paid by another Primary Care Trust, the remuneration must be treated (for the purposes of sections 228 and 229) as having been paid by the first Primary Care Trust in the performance of its functions.
- (4) The Secretary of State may, in particular, exercise his discretion under sub-paragraph (1)—
 - (a) so that any apportionment reflects, in the case of each Primary Care Trust, the financial consequences of orders for the provision of drugs, being orders which in his opinion are attributable to the Primary Care Trust in question,
 - (b) by reference to averaged or estimated amounts.
- (5) The Secretary of State may make provision for any remuneration referable to the cost of drugs which is paid by a Primary Care Trust other than the Primary Care Trust which is accountable for the payment to be reimbursed in such manner as he may determine.

Interpretation

- 4 (1) In this Schedule—
 - “designated” means designated in writing by the Secretary of State (and different designations may be made for different purposes),
 - “drugs” includes medicines and listed appliances (within the meaning given by section 126),
 - “pharmaceutical services” does not include additional pharmaceutical services,
 - “remuneration referable to the cost of drugs” includes (except in paragraph 1(2)(b) and subject to sub-paragraph (2)) remuneration payable to persons providing local pharmaceutical services.
- (2) The Secretary of State must determine what remuneration paid by Primary Care Trusts to persons providing pharmaceutical services or local pharmaceutical services must be treated for the purposes of this Schedule as remuneration referable to the cost of drugs.
- (3) The Secretary of State may treat all remuneration paid by Primary Care Trusts to such persons, so far as it is met by an NHS trust or an NHS foundation trust under section 234(4), as remuneration referable to the cost of drugs for those purposes.

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