

SCHEDULES

SCHEDULE 3

Section 51(2)

PHARMACEUTICAL REMUNERATION

“SCHEDULE 12A

Section 165A(3)

PHARMACEUTICAL REMUNERATION

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 the Board to persons providing pharmaceutical services or local pharmaceutical services.

Pharmaceutical remuneration to be apportioned among clinical commissioning groups

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- (1) The Board 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) The Board must notify each clinical commissioning group of a determination under sub-paragraph (1).
 - (4) The Board must apportion the sums paid by it in respect of each designated element during the financial year among all clinical commissioning groups, in such manner as the Board thinks appropriate.
 - (5) In apportioning sums under sub-paragraph (4), the Board may, in particular, take into account the financial consequences of orders for the provision of drugs that are attributable to the members of each clinical commissioning group.
 - (6) Where an amount of pharmaceutical remuneration is apportioned to a clinical commissioning group, the Board—
 - (a) may deduct that amount from the sums that it would otherwise pay to the group under section 223G(1), and
 - (b) if it does so, must notify the group accordingly.
 - (7) The Secretary of State may direct the Board that an element of pharmaceutical remuneration specified in the direction is not to be included in a determination under sub-paragraph (1).

Status: This is the original version (as it was originally enacted).

- (8) In determining the amount to be allotted to a clinical commissioning group for the purposes of section 223G, the Board must take into account the effect of this Schedule.
- (9) For the purposes of sections 223H and 223I(3) and paragraph 17 of Schedule 1A, any amount of which a clinical commissioning group 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.

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.
- (2) The Board may require a person to reimburse the Board 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 the Board by virtue of sub-paragraph (2) may be recovered summarily as a civil debt (but this does not affect any other method of recovery).

Exercise of functions

- 4 The Board may, with the consent of the Secretary of State—
 - (a) direct a Special Health Authority to exercise any functions of the Board under this Schedule, or
 - (b) arrange for any other person to exercise any of those functions.”