

## SCHEDULE 7

### Mandatory terms for LPS schemes

#### Remuneration, overpayments etc

**19.**—(1) The NHSCB must ensure that the LPS scheme requires it to remunerate the LPS contractor (C) promptly, in accordance with the remuneration arrangements provided for in the scheme, but subject to the arrangements for reductions of and deductions from payments provided for in the scheme.

(2) The NHSCB must ensure that the LPS scheme requires that payment of any item of remuneration which would, if it were payable to an NHS pharmacist in connection with providing pharmaceutical services, be pharmaceutical reimbursement, is to be paid in accordance with the Drug Tariff.

(3) For these purposes, “pharmaceutical reimbursement” means pharmaceutical remuneration of the type which may be payable to NHS chemists in accordance with determinations by (only) the Secretary of State under section 164 of the 2006 Act <sup>M1</sup> (remuneration for persons providing pharmaceutical services).

(4) Where an LPS scheme requires a fee, allowance or other item of remuneration to be made in accordance with the Drug Tariff and the Drug Tariff provides that the fee, allowance or other item of remuneration is to be determined by the NHSCB, that fee, allowance or other item of remuneration must be determined by the NHSCB.

(5) The NHSCB must ensure that the LPS scheme—

- (a) allows it to recover any payment made to C which should not have been made;
- (b) provides that any such recovery of an overpayment is without prejudice to any investigation of any alleged breach of the scheme; and
- (c) provides that the remuneration arrangements under the scheme, referred to in subparagraphs (1) to (4), are subject to any right the NHSCB may have to set off against any amount payable to C, any amount—
  - (i) owed by C to it, or
  - (ii) which it is entitled to withhold under the terms of the scheme (including terms of the Drug Tariff applied by the scheme).

#### Marginal Citations

**M1** Section 164 has been amended by: the [Health and Social Care Act 2008 \(c. 14\)](#), [section 141](#), and [Schedule 15, Part 4](#); and by the [Health and Social Care Act 2012 \(c. 7\)](#), [Schedule 4](#), paragraph 89.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)