

Changes to legislation: National Health Service (Wales) Act 2006, SCHEDULE 8 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

SCHEDULES

SCHEDULE 8 **E+W**

Section 177

FURTHER PROVISION ABOUT THE EXPENDITURE OF LOCAL HEALTH BOARDS

General ophthalmic^{F1} . . . services expenditure

Textual Amendments

F1 Sch. 8 para. 1: words in preceding cross-heading repealed (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 166, 170, Sch. 12 para. 10(4), [Sch. 15 Pt. 4](#); S.I. 2010/1457, [art. 2](#)

- 1 (1) In section 174 [^{F2}and 175] and this Schedule, “general ophthalmic^{F3} . . . services expenditure” means expenditure of a Local Health Board which—
- (a) is attributable to the payment of remuneration to persons providing [^{F4}general ophthalmic 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 [^{F5}general ophthalmic services] which are designated expenses incurred in connection with the provision of the services (or in giving instruction in matters relating to the services),
 - (b) ^{F6}
 - (c) ^{F6}

Textual Amendments

- F2** Words in Sch. 8 para. 1(1) substituted (1.4.2014) by [National Health Service Finance \(Wales\) Act 2014 \(anaw 2\)](#), ss. [2\(8\)](#), [3\(2\)](#)
- F3** Words in Sch. 8 para. 1(1) repealed (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 166, 170, Sch. 12 para. 10(2)(a), [Sch. 15 Pt. 4](#); S.I. 2010/1457, [art. 2](#)
- F4** Words in Sch. 8 para. 1(1)(a) substituted (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 170, [Sch. 12 para. 10\(2\)\(b\)](#); S.I. 2010/1457, [art. 2](#)
- F5** Words in Sch. 8 para. 1(2)(a) substituted (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 170, [Sch. 12 para. 10\(3\)\(a\)](#); S.I. 2010/1457, [art. 2](#)
- F6** Sch. 8 para. 1(2)(b)(c) repealed (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 166, 170, Sch. 12 para. 10(3)(b), [Sch. 15 Pt. 4](#); S.I. 2010/1457, [art. 2](#)

Main expenditure

- [^{F7}2 [^{F8}(1) In section 174 “main expenditure”, in relation to a Local Health Board and the year in question, means—

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- (a) expenditure of the Local Health Board attributable to the reimbursement in that year of expenses of persons providing general ophthalmic services which are designated expenses incurred in connection with the provision of those services (or in giving instruction in matters relating to those services), and
- (b) any other expenditure of the Local Health Board attributable to the performance of its functions in that year (other than general ophthalmic services expenditure).]

[In section 175 “expenditure” includes the use of resources through their consumption^{F9}(2) or reduction in value.]]

Textual Amendments

- F7** Sch. 8 para. 2 substituted (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 170, **Sch. 12 para. 10(5)**; S.I. 2010/1457, **art. 2**
- F8** Sch. 8 para. 2(1): Sch. 8 para. 2 renumbered as Sch. 8 para. 2(1) (1.4.2014) by [National Health Service Finance \(Wales\) Act 2014 \(anaw 2\)](#), ss. **2(9)**, 3(2)
- F9** Sch. 8 para. 2(2) inserted (1.4.2014) by [National Health Service Finance \(Wales\) Act 2014 \(anaw 2\)](#), ss. **2(9)**, 3(2)

- 3 (1) For each financial year, the Welsh Ministers must apportion among all Local Health Boards, in such manner as they consider appropriate, the total of the remuneration referable to the cost of drugs which is paid by each Local Health Board in that year.
- (2) A Local Health Board 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 Local Health Board is accountable is paid by another Local Health Board, the remuneration must be treated (for the purposes of sections 174 and 175) as having been paid by the first Local Health Board in the performance of its functions.
- (4) The Welsh Ministers may, in particular, exercise their discretion under sub-paragraph (1)—
 - (a) so that any apportionment reflects, in the case of each Local Health Board, the financial consequences of orders for the provision of drugs, being orders which in the opinion of the Welsh Ministers are attributable to the Board in question,
 - (b) by reference to averaged or estimated amounts.
- (5) The Welsh Ministers may make provision for any remuneration referable to the cost of drugs which is paid by a Local Health Board other than the Board which is accountable for the payment to be reimbursed in such manner as the Welsh Ministers may determine.
- ^{F10}3A (1) The Welsh Ministers may designate any element of the remuneration paid by Local Health Boards to persons providing pharmaceutical services or local pharmaceutical services which is not remuneration referable to the cost of drugs.
- (2) If an element is so designated, the Welsh Ministers must for each financial year apportion among all Local Health Boards, in such manner as the Welsh Ministers

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consider appropriate, the total of the remuneration referable to that element which is paid by each Local Health Board in that year.

- (3) A Local Health Board is accountable in any year for remuneration referable to that element to the extent (and only to the extent) that such remuneration is apportioned to it under sub-paragraph (2).
- (4) Where in any financial year any remuneration referable to that element for which a Local Health Board is accountable is paid by another Local Health Board, the remuneration must be treated (for the purposes of sections 174 and 175) as having been paid by the first Local Health Board in the performance of its functions.
- (5) The Welsh Ministers may, in particular, exercise their discretion under sub-paragraph (2)—
 - (a) so that any apportionment relating to services associated with the provision of drugs reflects, in the case of each Local Health Board, the financial consequences of orders for the provision of drugs, being orders which in the opinion of the Welsh Ministers are attributable to the Board in question,
 - (b) by reference to averaged or estimated amounts.
- (6) The Welsh Ministers may make provision for any remuneration referable to an element designated under sub-paragraph (1) which is paid by a Local Health Board other than the Board which is accountable for the payment to be reimbursed in such manner as the Welsh Ministers may determine.]

Textual Amendments

F10 Sch. 8 para. 3A inserted (21.5.2010) by Health and Social Care Act 2008 (c. 14), ss. 140, 170, Sch. 12 para. 10(6); S.I. 2010/1457, art. 2

Interpretation

- 4 (1) In this Schedule—
 - “designated” means designated in writing by the Welsh Ministers (and different designations may be made for different purposes) [^{F11} and “designate” must be read accordingly],
 - “drugs” includes medicines and listed appliances (within the meaning given by section 80),
^{F12}
 - “remuneration referable to the cost of drugs” includes (^{F13} . . . subject to sub-paragraph (2)) remuneration payable to persons providing local pharmaceutical services.
- (2) The Welsh Ministers must determine what remuneration paid by Local Health Boards 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 Welsh Ministers may treat all remuneration paid by Local Health Boards to such persons, so far as it is met by an NHS trust under section 180(4), as remuneration referable to the cost of drugs for those purposes.

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[^{F14}(4) If the Welsh Ministers do not treat such remuneration, so far as it is so met by an NHS trust, as remuneration referable to the cost of drugs, they may treat it as remuneration falling within paragraph 3A(1).]

Textual Amendments

- F11** Sch. 8 para. 4(1): words in definition of "designated" inserted (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 170, [Sch. 12 para. 10\(7\)\(a\)](#); S.I. 2010/1457, [art. 2](#)
- F12** Sch. 8 para. 4(1): definition of "pharmaceutical services" repealed (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 166, 170, [Sch. 12 para. 10\(7\)\(b\)](#), [Sch. 15 Pt. 4](#); S.I. 2010/1457, [art. 2](#)
- F13** Sch. 8 para. 4(1): words in definition of "remuneration referable to the cost of drugs" repealed (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 166, 170, [Sch. 12 para. 10\(7\)\(c\)](#), [Sch. 15 Pt. 4](#); S.I. 2010/1457, [art. 2](#)
- F14** Sch. 8 para. 4(4) inserted (21.5.2010) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 140, 170, [Sch. 12 para. 10\(8\)](#); S.I. 2010/1457, [art. 2](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)