



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART I

THE NATIONAL HEALTH SERVICE: ENGLAND AND WALES

Indicative amounts

[^{F1}18 Indicative amounts for doctors' practices.

- (1) Subject to [^{F2}subsections (2) and (8)] below, for each financial year, [^{F3}every Primary Care Trust and] every [^{F4}Local Health Board] shall, by notice in writing given to each practice in relation to the members of which it is the relevant [^{F5}Primary Care Trust or][^{F4}Local Health Board], specify an amount of money (in this Act referred to as an “indicative amount”) representing the basic price of the drugs, medicines and listed appliances which, in the opinion of the [^{F5}Primary Care Trust or][^{F4}Local Health Board], it is reasonable to expect will be supplied in that year pursuant to orders given by or on behalf of the members of that practice.
- (2) Subsection (1) above does not apply with respect to a practice which is or forms part of a fund-holding practice recognised under section 14 above.
- (3) For the purposes of this section, a “practice” means—
 - [^{F6}(a) a person or body who has entered into a contract under section 28Q of the principal Act, otherwise than in partnership; or
 - (b) two or more individuals practising in partnership who together have entered into such a contract,]and any reference to the members of a practice shall be construed accordingly.
- (4) The members of a practice shall seek to secure that, except with the consent of the relevant [^{F7}Primary Care Trust or][^{F8}Local Health Board] or for good cause, the orders for drugs, medicines and listed appliances given by them or on their behalf are such

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that the basic price of the items supplied pursuant to those orders in any financial year does not exceed the indicative amount notified to the practice for that year under subsection (1) above.

- (5) For the purpose of measuring the extent to which a practice is operating within the indicative amount notified to it under subsection (1) above for any financial year, a [^{F7}Primary Care Trust or][^{F8}Local Health Board] shall set against that indicative amount an amount equal to the basic price of the drugs, medicines and listed appliances supplied in that year pursuant to orders given by or on behalf of members of the practice.
- (6) For the purposes of this section, regulations may make provision as to the specification of, or means of calculating, the basic price of any drugs, medicines or listed appliances.
- (7) ^{F9}.....

[This section does not apply in relation to the performance or provision of personal ^{F10}(8) medical services in accordance with arrangements made under section 28C of the principal Act.]

[In this section, references to the “relevant” Primary Care Trust or Local Health Board, ^{F11}(9) in relation to a practice, are to the Primary Care Trust or Local Health Board with which it has entered into a contract under section 28Q of the principal Act.]]

Textual Amendments

- F1** S. 18 repealed by 1999 c. 8, ss. 65, 67(1), Sch. 4 para. 80, **Sch. 5** (the repeal being brought into force: on 1.10.1999 to the extent that Sch. 5 repeals s. 18(2) for E. by S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; on 1.4.2000 to the extent that Sch. 5 repeals s. 18(2) and is not already in force by S.I. 2000/1041, art. 2(1)(d), **Sch.**; the repeal being otherwise prosp.)
- F2** Words in s. 18(1) substituted (1.4.1998) by 1997 c. 46, s. **41(10)**, (11), Sch. 2 para. 65(8); S.I. 1998/631, art. 2(b), **Sch. 2**
- F3** Words in s. 18(1) inserted (1.10.2002 with effect as mentioned in Sch. 2 para. 55(2) of the amending act) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 55(1)(a)(i)(2)**; S.I. 2002/2478, art. **3(1)(d)** (with art. 3(3) and transitional provision in art. 4)
- F4** Words in s. 18(1) substituted (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 184, 199(1)(a), **Sch. 11 para. 56(2)**; S.I. 2004/288, arts. 1(5), **5(2)(v)** (as amended by S.I. 2004/866, art. 2(1)); S.I. 2004/480, art. **4(2)(z)**)
- F5** Words in s. 18(1) inserted (1.10.2002 with effect as mentioned in Sch. 2 para. 55(2) of the amending act) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 55(1)(a)(ii)(2)**; S.I. 2002/2478, art. **3(1)(d)** (with art. 3(3) and transitional provision in art. 4)
- F6** S. 18(3)(a)(b) substituted (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 184, 199(1)(a), **Sch. 11 para. 56(3)**; S.I. 2004/288, arts. 1(5), **5(2)(v)** (as amended by S.I. 2004/866, art. 2(1)); S.I. 2004/480, art. **4(2)(z)**)
- F7** Words in s. 18 inserted (1.10.2002 with effect as mentioned in Sch. 2 para. 55(2) of the amending act) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 55(1)(b)**; S.I. 2002/2478, art. **3(1)(d)** (with art. 3(3) and transitional provision in art. 4)
- F8** Words in s. 18(4)(5) substituted (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 184, 199(1)(a), **Sch. 11 para. 56(4)**; S.I. 2004/288, arts. 1(5), **5(2)(v)** (as amended by S.I. 2004/866, art. 2(1)); S.I. 2004/480, art. **4(2)(z)**)
- F9** S. 18(7) repealed (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 196, 199(1), **Sch. 14 Pt. 4**; S.I. 2004/288, arts. 1(5), **6(2)(i)** (as amended (23.3.2004) by S.I. 2004/866, art. 2(1)); S.I. 2004/480, art. **5(2)(i)** (as amended by S.I. 2004/1019, art. 2(5)(a))

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- F10** S. 18(8) inserted (1.4.1998) by 1997 c. 46, s. 41(10(11)), Sch. 2 para. 65(10); S.I. 1998/631, art. 2(b), **Sch. 2**
- F11** S. 18(9) inserted (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 184, 199(1)(a), **Sch. 11 para. 56(5)**; S.I. 2004/288, arts. 1(5), **5(2)(v)** (as amended by S.I. 2004/866, art. 2(1)); S.I. 2004/480, **art. 4(2)(z)**

Modifications etc. (not altering text)

- C1** S. 18 modified (1.4.1991) by S.I. 1991/556, **reg. 3**.
S. 18(2) applied (with modifications) (1.4.1997) by S.I. 1997/980, **reg. 3**
- C2** S. 18: functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), **Sch. 2**
- C3** S. 18 modified (temp.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865), **art. 115**
- C4** S. 18 modified (W.) (1.4.2004) by The General Medical Services Transitional and Consequential Provisions (Wales) (No. 2) Order 2004 (S.I. 2004/1016), **art. 91**

Commencement Information

- I1** S. 18 wholly in force at 1.4.1991 see s. 67(2) and S.I. 1990/1329, art. 2(8), **Sch. 3**.

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