



Health Service Medical Supplies (Costs) Act 2017

2017 CHAPTER 23

Controlling cost of health service medicines

5 Statutory schemes

(1) Section 263 of the National Health Service Act 2006 (statutory schemes for controlling the cost of health service medicines) is amended as follows.

(2) In subsection (1)—

- (a) after “body” insert “and any other person the Secretary of State thinks appropriate”,
- (b) for “the purpose of” substitute “one or more of the following purposes”,
- (c) omit the “or” before paragraph (b), and
- (d) after paragraph (b) insert—

“(c) providing for any manufacturer or supplier of any health service medicines to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those medicines (whether on the basis of net prices, average selling prices or otherwise).”

(3) After subsection (1) insert—

“(1A) Consultation about the proposed exercise of a power under subsection (1) must include consultation about the following—

- (a) the economic consequences for the life sciences industry in the United Kingdom;
- (b) the consequences for the economy of the United Kingdom;
- (c) the consequences for patients to whom any health service medicines are to be supplied and for other health service patients.”

(4) After subsection (5) insert—

Status: This is the original version (as it was originally enacted).

“(5A) The scheme may provide for any amount payable in accordance with the scheme by any manufacturer or supplier to whom the scheme applies to be paid to the Secretary of State within a specified period.”

(5) For subsection (7) substitute—

“(7) If at any time a health service medicine is covered by a voluntary scheme applying to its manufacturer or supplier, the powers conferred by this section may not be exercised at that time in relation to that manufacturer or supplier as regards that medicine.”

(6) After subsection (7) insert—

“(8) Subsection (7) does not affect any liability of a person to pay amounts to the Secretary of State arising during a period when a health service medicine was covered by a statutory scheme applying to the person or the taking of any action in relation to any such liability.”