
STATUTORY INSTRUMENTS

2007 No. 674

The National Health Service (Pharmaceutical Services) (Remuneration for Persons providing Pharmaceutical Services) (Amendment) Regulations 2007

Substitution of regulation 56 of the principal Regulations

4. For regulation 56 (standards of, and payments for, drugs and appliances) of the principal Regulations substitute—

“Provisions relating to determinations under section 164 of the 2006 Act

56. With regard to determining remuneration under section 164 of the 2006 Act—

- (a) determinations under that section by the Secretary of State (the aggregate of the determinations made by the Secretary of State, acting as a determining authority, is known as “the Drug Tariff”) may be made by reference to rates or conditions of remuneration of any persons or any description of persons which are fixed or determined, or will be fixed or determined, otherwise than by way of a determination under that section;
- (b) determinations under that section by the Secretary of State may be made by reference to—
 - (i) the drugs and appliances dispensed or expected to be dispensed in accordance with prescription forms or repeatable prescriptions during a period as may be determined by the Secretary of State;
 - (ii) a list of published prices produced by suppliers of prescription drugs and appliances;
 - (iii) statements, scales, and indices made or produced by suppliers of prescription drugs and appliances in relation to sale volume and prices of such drugs and appliances; and
 - (iv) any other scales, indices, formulae or data of any kind;
- (c) where a determination falls to be made by reference to any such scale, index, formula or data of any kind as a consequence of paragraph (b), the determination may provide that the relevant calculation is to be made by reference to the scale, index, formula or data which is—
 - (i) in the form current at the time of the determination; and
 - (ii) in any subsequent form taking effect after that time;
- (d) determining authorities may make determinations which take effect in relation to remuneration in respect of a period beginning on or after the date specified in the determination, which may be the date of the determination or an earlier or later date, but it may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates;

- (e) where a determination does not specify a date as mentioned in paragraph (d), it shall have effect in relation to remuneration in respect of the period beginning on the date on which the determination is published;
- (f) the Secretary of State shall publish the Drug Tariff, and any amendments to it, in such format as she thinks fit (including, as regards publishing any amendments, by publishing a consolidated version of the Drug Tariff with the amendments included in it) and at such intervals as she thinks fit (having regard to the provisions of paragraphs (c), (d) and (e));
- (g) consultation pursuant to section 165(1) by a determining authority prior to the inclusion of or a change to the price of a drug or appliance relevant to the calculation of remuneration shall be by way of consultation on the process for determining the price to be included or changed, not on the proposed price itself (unless it is impossible to carry out an effective consultation in any other way);
- (h) where the Secretary of State states in the Drug Tariff that the determining authority for a particular fee, allowance or other remuneration is to be the Primary Care Trust of the chemist to whom the remuneration relates—
 - (i) the Primary Care Trust shall consult the relevant Local Pharmaceutical Committee before making the determination; and
 - (ii) the determination made by the Primary Care Trust shall include the arrangements for claiming the remuneration and shall be published by the Primary Care Trust in such manner as it thinks suitable for bringing the determination to the attention of the chemists on its pharmaceutical list; and
- (i) payments under—
 - (i) the Drug Tariff shall be made by the Primary Care Trust, in accordance with arrangements for claiming and making payments which are to be set out in the Drug Tariff; and
 - (ii) the determinations mentioned in paragraph (h) shall be made by the Primary Care Trust, in accordance with arrangements for claiming and making payments which are to be set out in the determinations,

but in either case are to be subject, as appropriate, to any deduction that may or must be made from the remuneration of a chemist under these Regulations, the 2006 Act or any other regulations under the 2006 Act.”.