
STATUTORY INSTRUMENTS

2013 No. 349

**The National Health Service (Pharmaceutical and
Local Pharmaceutical Services) Regulations 2013**

PART 12

Remuneration, charges and refunds

Data to be provided to assist Drug Tariff determinations

90.—(1) The data which the Secretary of State and [F¹NHS England] may take into account prior to making a determination under section 164 of the 2006 Act^{M1} (remuneration for persons providing pharmaceutical services) may include information obtained pursuant to paragraph (3) by—

- (a) the Secretary of State or a person appointed by the Secretary of State under this paragraph; or
- (b) [F¹NHS England] or a person appointed by [F¹NHS England] under this paragraph,

and a person appointed under this paragraph is referred to in this regulation as “a nominee”.

(2) Before appointing a person to be a nominee, the Secretary of State or [F¹NHS England] must consult, as they consider appropriate, organisations representative of the NHS chemists to whose remuneration the possible determination arising out of the data would relate.

(3) An NHS chemist must, within 30 days of a request to do so, provide—

- (a) the Secretary of State or a nominee of the Secretary of State with information (for example invoices) which the Secretary of State considers to be relevant to the matters the Secretary of State may take into account prior to making a determination under section 164 of the 2006 Act; or
- (b) [F¹NHS England] or a nominee of [F¹NHS England] with information (for example invoices) which [F¹NHS England] considers to be relevant to the matters [F¹NHS England] may take into account prior to making a determination under section 164 of the 2006 Act.

(4) A nominee may handle and process information obtained under paragraph (3).

(5) The Secretary of State may require—

- (a) information obtained by a nominee of the Secretary of State under paragraph (3)(a) to be obtained; and
- (b) information processed or handled by a nominee of the Secretary of State under paragraph (4) to be processed or handled,

in such manner as the Secretary of State may reasonably specify.

(6) [F¹NHS England] may require—

- (a) information obtained by a nominee of [F¹NHS England] under paragraph (3)(b) to be obtained; and

- (b) information processed or handled by a nominee of [F1NHS England] under paragraph (4) to be processed or handled,

in such manner as [F1NHS England] may reasonably specify.

(7) The Secretary of State and [F1NHS England] may share with each other information which they or their nominees have obtained under this regulation (for purposes related to the determination of pharmaceutical remuneration).

Textual Amendments

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
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Marginal Citations

- M1** [Section 164](#) has been amended by the [Health and Social Care Act 2008 \(c. 14\)](#), **section 141(1)**, 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 currently no known outstanding effects for the The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, Section 90.