
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 7th August 2017 sections 33(8), 35, 37(10) and 38 of the Health Act 1999, in so far as they are not already in force. These provisions relate to the control of prices of health service medicines and profits which may accrue in connection with the manufacture or supply of those medicines.

By way of section 277(3)(a) and (4) of the National Health Service Act (“the 2006 Act”), the commencement of these provisions of the Health Act 1999 brings into force their re-enactment in the National Health Service Act 2006 and also their repeal by virtue of provision in section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006.

The commencement of section 33(8) of the Health Act 1999 brings into force its re-enactment as section 261(8) of the 2006 Act which provides the Secretary of State with the power to prohibit a manufacturer or supplier to whom a voluntary scheme (as referred to in section 261(1) of that Act) applies from increasing the prices of health service medicines covered by the scheme without the approval of the Secretary of State and to provide for any amount representing such an increase to be paid to the Secretary of State.

The commencement of section 35 of the Health Act 1999 brings into force its re-enactment as section 263 of the 2006 Act which provides the Secretary of State with the power to make statutory schemes in accordance with the provisions set out at section 35.

The commencement of section 37(10) of the Health Act 1999 brings into force its re-enactment as section 265(10) of the 2006 Act which provides the Secretary of State with the power to make an order to increase the level of penalty that a person acting in contravention of certain provisions in the 2006 Act may be liable for.

The commencement of section 38 of the Health Act 1999 brings into force its re-enactment as section 266 of the 2006 Act in so far as it is not already in force, and in this respect, in so far as it relates to sections 33(8) and section 35. Section 266 sets out supplementary provisions in relation to the exercise of the medicines pricing and profit control powers.