

## SCHEDULE 2

### Small producers

#### **Other UK producers who are small producers**

**6.—(1)** A UK producer who is not a UK primary medical services provider, a Health Service chemist or an NHS hospital purchaser is a small producer if—

- (a) the producer has net NHS sales income of £5 million or less in the relevant financial year,
- (b) the producer receives—
  - (i) a request under regulation 23 during the producer’s first accounting reference period,  
or
  - (ii) a compliance notice in connection with such a request, or
- (c) the producer becomes liable to pay a penalty under regulation 32(4) during the producer’s first accounting reference period.

(2) In this paragraph, “accounting reference period” had the meaning given in section 391 of the Companies Act 2006.