



# Health Service Medical Supplies (Costs) Act 2017

## 2017 CHAPTER 23

### *Supplementary and final provisions*

#### **10 Consequential amendments**

- (1) Omit the following provisions of the National Health Service (Scotland) Act 1978—
  - (a) section 49 (control of maximum prices for medical supplies other than health service medicines), and
  - (b) Schedule 10 (additional provisions as to control of maximum prices for medical supplies other than health service medicines).
- (2) The National Health Service Act 2006 is amended as follows.
- (3) In section 260 (control of maximum price of medical supplies other than health service medicines)—
  - (a) omit subsections (2) to (4), and
  - (b) in subsection (5) omit—
    - (i) “and Schedule 22”, and
    - (ii) the definition of “undertaking” (and the “and” before it).
- (4) In section 261 (powers relating to voluntary schemes) omit subsection (7).
- (5) In section 263 (statutory schemes)—
  - (a) in subsection (2) for “(3)” substitute “ (4) ”, and
  - (b) omit subsection (3).
- (6) In section 264 (statutory schemes: supplementary) omit subsection (2).
- (7) Section 265 (enforcement) is amended in accordance with subsections (8) to (14).
- (8) In subsection (1) for “264” substitute “ 264A ”.
- (9) In subsection (5)—

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*Changes to legislation: There are currently no known outstanding effects for the Health Service Medical Supplies (Costs) Act 2017, Cross Heading: Supplementary and final provisions. (See end of Document for details)*

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- (a) the words from “conferring” to the end become paragraph (a), and
  - (b) after paragraph (a) insert “, and
    - (b) conferring on UK producers a right of appeal against enforcement decisions taken in respect of them in pursuance of section 264A and this section (other than enforcement decisions falling within subsection (5A)).”
- (10) After subsection (5) insert—
- “(5A) Provision must be made by regulations for conferring on UK producers a right of appeal against enforcement decisions taken in respect of them in pursuance of section 264A and this section if the enforcement decisions relate to information notices given by virtue of section 264A(5).”
- (11) In subsection (7)(a) and (d) after “supplier” insert “, or other person who is a UK producer, ”.
- (12) In subsection (8) for “264” substitute “ 264A ”.
- (13) For subsection (9) substitute—
- “(9) Before making any regulations under this section the Secretary of State must consult the industry body and any other body which appears to the Secretary of State appropriate to represent UK producers.”
- (14) After subsection (10) insert—
- “(11) In this section “UK producer” is to be read in accordance with section 264A.”
- (15) In section 271 (territorial limit of exercise of functions), in subsection (3)(i) omit “and Schedule 22”.
- (16) In section 272 (orders, regulations, rules and directions) omit subsection (9).
- (17) In section 278 (extent), in subsection (3), after “supplies” insert “, and this Part to the extent that it applies to those sections, ”.
- (18) In Schedule 22 (provisions in relation to section 260) omit paragraphs 2 to 11.
- (19) In section 203(6) of the National Health Service (Wales) Act 2006 (statutory instruments which are subject to affirmative procedure) after “section 25B(3)(c) or” insert “ 201A(9) or ”.

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**Commencement Information**

**II** S. 10(1)-(18) in force at 7.8.2017 by S.I. 2017/809, reg. 2(h) (with reg. 3)

## 11 Extent

- (1) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Sections 1, 2, 9 and 10(19) extend to England and Wales only.
- (3) Section 10(1) extends to Scotland only.

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## **12 Commencement**

- (1) Section 11, this section and section 13 come into force on the day on which this Act is passed.
- (2) Sections 2, 9 and 10(19) come into force on such day as the Welsh Ministers may by order appoint.
- (3) The remaining provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.
- (4) An order or regulations under this section may—
  - (a) appoint different days, or make different provision, for different purposes or areas, and
  - (b) make transitional, transitory or saving provision.
- (5) An order or regulations under this section is or are to be made by statutory instrument.

## **13 Short title**

This Act may be cited as the Health Service Medical Supplies (Costs) Act 2017.

**Changes to legislation:**

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