
STATUTORY INSTRUMENTS

1996 No. 843

The National Health Service (General Ophthalmic Services) (Scotland) Amendment Regulations 1996

Substitution of regulation 13 of the principal Regulations

6. For regulation 13 of the principal Regulations (payment for services) there shall be substituted the following regulation:—

“Payment for services

13.—(1) Each Board shall make or cause to be made to contractors within their area payments in accordance with the Statement, and any payments which may become due to contractors by virtue of arrangements made under regulation 12.

(2) Where in accordance with regulation 14B(4)(1) a Board has paid to a patient in respect of a testing of sight an amount which exceeds the fee payable to the contractor, in accordance with the Statement, for that testing, it shall deduct the excess from remuneration otherwise payable to the contractor.

(3) Where a Board considers that it has made a payment to a contractor owing to an error or in circumstances where it was not due, it shall, except to the extent that the Secretary of State on the application of the Board directs otherwise, draw the overpayment to the attention of the contractor and—

- (a) where he admits the overpayment; or
- (b) where he does not admit the overpayment but, the matter having been referred under regulation 8(1) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(2) for investigation, the Board or the Secretary of State on appeal under regulation 12 of those Regulations, decides that there has been an overpayment,

the amount overpaid shall be recoverable by a deduction from the contractor’s remuneration or in some other manner.

(4) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

(5) A contractor who is unable to complete for a patient the general ophthalmic services which he has undertaken to provide shall inform the Board accordingly in writing, and if the Board is satisfied that the inability is due to a reasonable cause it shall make payment in accordance with the Statement to the contractor for such part of those services as he shall have provided.”

(1) Regulation 14B was inserted by S.I.1989/387, regulation 4.

(2) S.I. 1992/434, amended by S.I. 1994/3038 and 1995/3201.