
STATUTORY INSTRUMENTS

1986 No. 2023

**The Health and Personal Social Services
(Amendment) (Northern Ireland) Order 1986**

Remuneration of persons providing general medical services, etc.

6.—(1) On a determination of remuneration for any of the descriptions of services mentioned in Article 64A of the principal Order (general medical services, general dental services, general ophthalmic services and pharmaceutical services) or any category of services falling within such a description the determining authority may adjust the amount of the remuneration in either or both of the following ways—

- (a) by deducting an amount to take account of any overpayment;
- (b) by adding an amount to take account of any underpayment,

if it appears to the authority that an earlier determination was unsatisfactory.

(2) An earlier determination is to be taken to have been unsatisfactory only if, had it fallen to the authority to make it at the time of the later determination, the authority would have made it on the basis of different information.

(3) If an amount falls to be deducted by virtue of paragraph (1)(a) the determining authority, in fixing amounts of remuneration for persons to whom the determination relates, may have regard to the period within which they first provided services of the description to which it relates.

(4) In this Article—

“earlier determination” means an earlier determination of remuneration of the same or other persons for services of the same description or any category of services falling within that description and includes such a determination made before the commencement of this Article;

“overpayment” means the aggregate of any amounts which were properly paid under the earlier determination but which in the authority's opinion were paid because that determination was unsatisfactory, exclusive of any portion of that aggregate in respect of which a deduction under paragraph (1) has already been made; and

“underpayment” means the aggregate of any amounts which in the authority's opinion would have been paid under the earlier determination if that determination had not been unsatisfactory, exclusive of any portion of that aggregate in respect of which an addition under paragraph (1) has already been made.

(5) If the later determination is of remuneration for a category of services falling within one of the descriptions of services mentioned in Article 64A(1) of the principal Order, it is immaterial whether the earlier determination was of remuneration for the same category of services or for any other category of services falling within the same description.

^{F1}(6) In Article 64A(9) of the principal Order (matters to be taken into account in making determinations)—

- (a) in sub-paragraph (a), for the words “a kind to which the determination will relate” there shall be substituted the words “the description to which the determination will relate or of any category falling within that description”; and
- (b) for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) the extent to which it is desirable to encourage the provision, either generally or in particular places, of the description or category of services to which the determination will relate;” .

^{F1}(7) At the end of that Article there shall be added the following paragraph—

“(10) If the determination is of remuneration for a category of services falling within one of the descriptions of services mentioned in paragraph (1), the reference in paragraph (9) (a) to a category of services is a reference to the same category of services or to any other category of services falling within the same description.” .

F1 prosp. rep. by 2001 c. 3 (NI)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986, Section 6.