

HEALTH ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 4 CHAPTER 2

Ophthalmic Services

Section 38: General ophthalmic services contracts

General Ophthalmic services contracts: disputes and enforcement

208. Provisions around disputes and enforcement are provided for in section 28WF.
209. *Subsections (1) and (2)* allow regulations to be made for the resolution of disputes as to the terms of a proposed general ophthalmic services contract and for referral to the Secretary of State, or a person appointed by her, to determine the terms on which the contract may be entered into.
210. *Subsection (3)* allows for regulations which may make provision for persons entering into a general ophthalmic services contract to be regarded as a health service body for the purposes of section 4 of the National Health Service and Community Care Act 1990, but only so far as concerns the general ophthalmic services contract. This allows the PCT and the person providing primary ophthalmic services to enter into an NHS contract, which is not a contract in law, but an agreement subject to determination by the Secretary of State in the event of dispute between the parties, if one of them so requests.
211. *Subsection (4)* allows for regulations made under *subsection (3)* to include provision for the case where there is a change in membership of a partnership which has elected to become a health service body.
212. *Subsection (5)* allows for directions on payments made in relation to persons who have elected to become a health service body under *subsection 3* to be enforceable in a county court as though it were a judgment of the court.