
STATUTORY INSTRUMENTS

1995 No. 416

The National Health Service (General Medical Services) (Scotland) Regulations 1995

PART VII

payments to doctors

Payments

35.—(1) For each financial year ending on 31st March a Board shall make payments to doctors with whom arrangements exist for the provision of general medical services in its area in accordance with such rates and subject to such conditions as the Secretary of State in a Statement may determine after such consultation with such organisations as he may recognise as representing doctors with whom arrangements exist for the provision of general medical services. The Statement shall make provision for the following matters:—

- (a) basic practice allowance, and additional allowances for designated areas, seniority and employment of assistants;
- (b) standard capitation fees, capitation fees for elderly patients, and fees for night visits;
- (c) fees for items of service, and for temporary residents;
- (d) fees and allowances for the supply of drugs and appliances and for rural practice, fees for contraceptive services and fees for maternity medical services;
- (e) allowances for training doctors and for initial practice or inducement to practise;
- (f) allowances for practice expenses and for improvement of premises;
- (g) payments in relation to the making of arrangements for, and payments for, the temporary provision of general medical services;
- (h) capitation fees in respect of patients who participate in a consultation in accordance with paragraph 14 of Schedule 1;
- (i) capitation fees in respect of patients to whom child health surveillance services are provided;
- (j) capitation fees in respect of patients who are resident in deprived areas;
- (k) a fee for each minor surgery session undertaken;
- (l) payments in respect of health promotion programmes approved by the Board;
- (m) payments in respect of disease management programmes approved by the Board;
- (n) target payments in respect of immunisations provided;
- (o) target payments in respect of cervical cytology;
- (p) allowances for the employment of locums by doctors during confinement, sickness or study leave;
- (q) allowances for undergoing approved postgraduate education;

- (r) allowances for the employment of doctors by isolated single-handed doctors;
- (s) allowances in respect of providing placements in practices for undergraduate medical students;
- (t) transitional payments in consequence of changes to the terms of service;

and may be amended from time to time by the Secretary of State after consultation with such organisations as aforesaid.

(2) Where a doctor is on the medical list of more than one Board any payment due to the doctor may, where the Statement so provides, be made by one Board on behalf of all Boards concerned.

Claims and overpayments

36.—(1) Any claim for fees, allowances or other remuneration by doctors shall be made in accordance with the provisions of the Statement under regulation 35.

(2) Where the Board considers that a payment has been made in circumstances when it was not due, the Board, except to the extent that the Secretary of State on the application of the Board directs otherwise, shall draw the overpayment to the attention of the doctor and—

- (a) where the overpayment is admitted by him; or
- (b) where the overpayment is not so admitted but, the matter having been referred under regulation 8(1) of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1992(1) 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 either by deduction from the doctor's remuneration or in some other manner.

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