
STATUTORY INSTRUMENTS

2013 No. 461

**The National Health Service (Optical
Charges and Payments) Regulations 2013**

PART 6

CESSATION OF PAYMENTS

Notice as to cessation of payments

21.—(1) No payment must be made in any of the circumstances set out in paragraph (2), where a notice has been given under paragraph (3) or (4), from the date specified in that notice.

(2) The circumstances mentioned in paragraph (1) are that—

- (a) in the judgement of the Board, the supplier is not a suitable person to receive public funds from it;
- (b) the supplier has failed to comply with conditions determined by the Secretary of State pursuant to section 180(11) of the 2006 Act (payments in respect of costs of optical appliances and sight tests); or
- (c) the supplier or, if the supplier is a corporate body, any director, chief executive or secretary of the supplier, or if the supplier is a partnership any partner, has been removed from an ophthalmic performers list on the grounds mentioned in section 151(3) of the 2006 Act (disqualification of practitioners) or from an ophthalmic list under a provision corresponding to that section.

(3) In a case to which paragraph (2)(a) applies, the Secretary of State may give notice to the supplier under section 181(3) of the 2006 Act (section 180: supplementary) that no further payments may be made by the Board to that supplier from the date specified in the notice, which must be a month after the date of that notice.

(4) In a case to which paragraph (2)(b) or (c) applies, the Secretary of State must give notice to the supplier under section 181(3) of the 2006 Act that no further payments may be made by the Board to that supplier from the date specified in the notice, which must be the date of that notice.

(5) Subject to paragraph (7), in any case where notice has been given under either paragraph (3) or (4)—

- (a) the Secretary of State may apply to the First-tier Tribunal for a stop order in relation to that supplier and must notify the supplier of that application; and
- (b) the supplier may appeal to the First-tier Tribunal, whether or not the Secretary of State applies for a stop order, provided it does so within 28 days of receipt of the notice.

(6) On appeal the First-tier Tribunal may make any decision that the Secretary of State could have made.

(7) In a case where—

- (a) paragraph (2)(c) applies and notice has been given under paragraph (4); and

- (b) that person is subject to a national disqualification under section 159 of the 2006 Act (national disqualification) or provisions corresponding to that section,

the Secretary of State must apply to the First-Tier Tribunal for a stop order and must notify the supplier of that application.

- (8) A notice under paragraph (3) must state—
 - (a) the reasons why that supplier is judged not to be suitable; and
 - (b) that the supplier has the right of appeal set out in paragraph (5)(b) and how to exercise that right.
- (9) A notice under paragraph (4) must state—
 - (a) in a case to which paragraph (2)(b) applies, the condition the supplier has failed to comply with; or
 - (b) in a case to which paragraph (2)(c) applies, which of the circumstances specified in that paragraph apply and the person to whom they apply; and
 - (c) that the supplier has the right of appeal set out in paragraph (5)(b) and how to exercise that right.
- (10) In this Part—
 - (a) “notify” means to notify in writing (including electronically) and “notice” shall be construed accordingly; and
 - (b) “payment” means payment in accordance with regulation 14 or 19.