



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 6

OPHTHALMIC SERVICES

Remuneration

76 Remuneration for persons providing general ophthalmic services

- (1) The remuneration to be paid to persons who provide general ophthalmic services under this Part must be determined by determining authorities.
- (2) Determining authorities may also determine the remuneration to be paid to persons who provide those services in respect of the instruction of any person in matters relating to those services.
- (3) For the purposes of this section and section 77 determining authorities are—
 - (a) the Welsh Ministers, and
 - (b) so far as authorised by the Welsh Ministers to exercise the functions of determining authorities, any Local Health Board or other person appointed by them in an instrument.
- (4) The instrument mentioned in subsection (3)(b) is called in this section an “instrument of appointment”.
- (5) An instrument of appointment—
 - (a) may contain requirements with which a determining authority appointed by that instrument must comply in making determinations, and
 - (b) may be contained in regulations.
- (6) Subject to this section and section 77, regulations may make provision about determining remuneration under this section and may in particular impose requirements with which determining authorities must comply in making, or in connection with, determinations (including requirements as to consultation and publication).

Changes to legislation: National Health Service (Wales) Act 2006, Cross Heading: Remuneration is up to date with all changes known to be in force on or before 24 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Regulations may provide that determinations may be made by reference to any of—
- (a) rates or conditions of remuneration of any persons or any descriptions of persons which are fixed or determined, or will be fixed or determined, otherwise than by way of a determination under this section,
 - (b) scales, indices or other data of any description specified in the regulations.
- (8) Where regulations provide as mentioned in subsection (7)(b), they may provide that any determination which falls to be made by reference to a scale, index or other data may be made by reference to the scale, index or data—
- (a) in the form current at the time of the determination, and
 - (b) in any subsequent form taking effect after that time.
- (9) Regulations may—
- (a) provide that determining authorities may make determinations which have effect in relation to remuneration in respect of a period beginning on or after a date specified in the determination, which may be the date of the determination or an earlier or later date, but may be an earlier date only if, taking the determination as a whole, it is not detrimental to the persons to whose remuneration it relates,
 - (b) provide that any determination which does not specify such a date has effect in relation to remuneration in respect of a period beginning—
 - (i) if it is required to be published, on the date of publication,
 - (ii) if it is not so required, on the date on which it is made.
- (10) A reference in this section or section 77 to a determination is to a determination of remuneration under this section.

77 Section 76: supplementary

- (1) Before a determination is made by the Welsh Ministers which relates to all persons who provide general ophthalmic services or a category of such services, they—
- (a) must consult a body appearing to them to be representative of persons to whose remuneration the determination would relate, and
 - (b) may consult such other persons as they consider appropriate.
- (2) Determinations may make different provision for different cases, including different provision for any particular case, class of case or area.
- (3) Determinations may be—
- (a) made in more than one stage,
 - (b) made by more than one determining authority,
 - (c) varied or revoked by subsequent determinations.
- (4) A determination may be varied—
- (a) to correct an error, or
 - (b) where it appears to the determining authority that it was made in ignorance of or under a mistake as to a relevant fact.
- (5) Determinations may, in particular, provide that the whole or any part of the remuneration—
- (a) is payable only if the determining authority is satisfied as to certain conditions,
 - or

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- (b) must be applied for certain purposes or is otherwise subject to certain conditions.
- (6) Remuneration under section 76 may be determined from time to time and may consist of payments by way of—
- (a) salary,
 - (b) fees,
 - (c) allowances,
 - (d) reimbursement (in full or in part) of expenses incurred or expected to be incurred in connection with the provision of the services or instruction.
- (7) At the time a determination is made or varied, certain matters which require determining may be reserved to be decided at a later time.
- (8) The matters which may be reserved include in particular—
- (a) the amount of remuneration to be paid in particular cases,
 - (b) whether any remuneration is to be paid in particular cases.
- (9) Any determination may be made only after taking into account all the matters which are considered to be relevant by the determining authority.
- (10) Such matters may include in particular—
- (a) the amount or estimated amount of expenses (taking into account any discounts) incurred in the past or likely to be incurred in the future (whether or not by persons to whose remuneration the determination will relate) in connection with the provision of general ophthalmic services or of any category of general ophthalmic services,
 - (b) the amount or estimated amount of any remuneration paid or likely to be paid to persons providing such services,
 - (c) the amount or estimated amount of any other payments or repayments or other benefits received or likely to be received by any such persons,
 - (d) the extent to which it is desirable to encourage the provision, either generally or in particular places, of general ophthalmic services or the category of general ophthalmic services to which the determination will relate,
 - (e) the desirability of promoting general ophthalmic services which are—
 - (i) economic and efficient, and
 - (ii) of an appropriate standard.
- (11) If the determination is of remuneration for a category of general ophthalmic services, the reference in subsection (10)(a) to a category of general ophthalmic services is a reference to the same category of general ophthalmic services or to any other category of general ophthalmic services falling within the same description.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)