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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 141**

The General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004

PART 5

FINANCIAL ARRANGEMENTS

**Conditions, set offs etc. relating to payments under a default contract**

**39.**—(1) Payments are only payable under Article 36 or 38 in circumstances where the contractor has made available to the Board any information which the Board does not have but needs, and which the contractor either has or could reasonably be expected to provide, in order for the Board to be able to calculate the payment.

(2) The obligations to make payments under Article 36 and 38 are subject to any right that the Board may have to set off against any amount payable to the contractor under the default contract any amount –

- (a) that is owed by the contractor to the Board under the default contract; or
- (b) that the Board may withhold or deduct as a contract sanction, in accordance with the terms of the default contract.

(3) A Board may –

- (a) require repayment of any amount that has been paid to a contractor under his default contract but to which the contractor was not entitled; and
- (b) set off against any amount payable under a default contract an amount that has been paid to a contractor under his default contract but to which the contractor was not entitled.