



National Health Service (Amendment) Act 1986

1986 CHAPTER 66

4 Remuneration of persons providing general medical services etc.

- (1) On a determination of remuneration for any of the descriptions of services mentioned in section 43A(1) of the 1977 Act or section 28A(1) of the 1978 Act or any category of services falling within such a description the determining authority may adjust the amount of the remuneration in either or both of the following ways—
 - (a) by deducting an amount to take account of any overpayment;
 - (b) by adding an amount to take account of any underpayment,if it appears to the authority that an earlier determination was unsatisfactory.
- (2) An earlier determination is to be taken to have been unsatisfactory only if, had it fallen to the authority to make it at the time of the later determination, the authority would have made it on the basis of different information.
- (3) If an amount falls to be deducted by virtue of subsection (1)(a) above, the determining authority, in fixing amounts of remuneration for persons to whom the determination relates, may have regard to the period within which they first provided services of the description to which it relates.
- (4) In this section—

“earlier determination” means an earlier determination of remuneration of the same or other persons for services of the same description or any category of services falling within that description and includes such a determination made before the passing of this Act;

“overpayment” means the aggregate of any amounts which were properly paid under the earlier determination but which in the authority’s opinion were paid because that determination was unsatisfactory, exclusive of any portion of that aggregate in respect of which a deduction under subsection (1) above has already been made; and

“underpayment” means the aggregate of any amounts which in the authority’s opinion would have been paid under the earlier determination if

that determination had not been unsatisfactory, exclusive of any portion of that aggregate in respect of which an addition under subsection (1) above has already been made.

- (5) If the later determination is of remuneration for a category of services falling within one of the descriptions of services mentioned in section 43A(1) of the 1977 Act or section 28A(1) of the 1978 Act, it is immaterial whether the earlier determination was of remuneration for the same category of services or for any other category of services falling within the same description.
- (6) In subsection (7) of section 43B of the 1977 Act and of section 28B of the 1978 Act—
- (a) in paragraph (a), for the words “a kind to which the determination will relate” there shall be substituted the words “the description to which the determination will relate or of any category falling within that description”; and
 - (b) the following paragraph shall be substituted for paragraph (d)—
 - “(d) the extent to which it is desirable to encourage the provision, either generally or in particular places, of the description or category of services to which the determination will relate;”.
- (7) The following subsection shall be inserted after each of those subsections—
- “(8) If the determination is of remuneration for a category of services falling within one of the descriptions of services mentioned in subsection (1) of the preceding section, the reference in subsection (7)(a) above to a category of services is a reference to the same category of services or to any other category of services falling within the same description.”.