



Health and Social Care Act 2008

2008 CHAPTER 14

PART 2

REGULATION OF HEALTH PROFESSIONS AND HEALTH AND SOCIAL CARE WORKFORCE

The Office of the Health Professions Adjudicator

110 Fees payable by General Medical Council and General Optical Council

- (1) The Secretary of State must with the approval of the Treasury make regulations requiring each of the regulatory bodies to pay to the OHPA periodic fees in respect of the discharge by the OHPA of its functions.
- (2) The regulations must provide for the amount of the fees to be determined by the OHPA in accordance with the regulations.
- (3) The regulations must require the OHPA to exercise its powers under the regulations with a view to ensuring that its chargeable costs are met by fees payable under the regulations and, accordingly, that the fees payable by each regulatory body cover—
 - (a) so much of the OHPA's chargeable costs as are treated by the regulations as being attributable to the OHPA's functions under the relevant regulatory Act, and
 - (b) an apportionment between the regulatory bodies of so much of the OHPA's chargeable costs as are not treated by the regulations as being attributable to the OHPA's functions under that Act or the other relevant regulatory Act.
- (4) For the purposes of subsection (3), the OHPA's "chargeable costs" are the costs incurred by the OHPA under or for the purposes of this Act or any other enactment, other than costs—
 - (a) incurred before such day as may be specified in the regulations, or
 - (b) incurred for a purpose specified in the regulations.
- (5) The regulations must provide that no fee is to be payable unless the OHPA has—

Status: This is the original version (as it was originally enacted).

- (a) notified the regulatory bodies of its proposed determination as to the amount of the fees payable by them,
 - (b) considered any representations made by the regulatory bodies in relation to the proposed determination, and
 - (c) notified each of the regulatory bodies of the OHPA's determination of the amount payable by that body (which may be more or less than the amount proposed).
- (6) The regulations may require the OHPA to obtain the approval of the Treasury in relation to the amount of any fee.
- (7) The regulations may—
 - (a) make provision as to the times at which fees are to be paid;
 - (b) enable a determination to be varied, replaced or revoked;
 - (c) provide that if the whole or any part of a fee payable under the regulations is not paid by the time when it is required to be paid under the regulations, the unpaid balance from that time carries interest at the rate determined by or in accordance with the regulations;
 - (d) make provision as to the recovery of fees.
- (8) Before making regulations under this section, the Secretary of State must consult the regulatory bodies and such other persons as the Secretary of State considers appropriate.
- (9) In this section—
 - “regulatory body” means the General Medical Council or the General Optical Council;
 - “relevant regulatory Act” means—
 - (a) in relation to the General Medical Council, the Medical Act 1983 (c. 54),
and
 - (b) in relation to the General Optical Council, the Opticians Act 1989 (c. 44).