
STATUTORY INSTRUMENTS

2015 No. 1862

**The National Health Service (General
Medical Services Contracts) Regulations 2015**

PART 5

Contracts: required terms

Finance

23.—(1) The contract must contain a term which has the effect of requiring payments under the contract to be made promptly and in accordance with—

- (a) the terms of the contract; and
- (b) any other conditions relating to payment contained in directions given by the Secretary of State under section 87 of the Act (GMS contracts: payments)(1).

(2) The contract must contain a term to the effect that where, in accordance with directions given by the Secretary of State under section 87 (GMS contracts: payments) or section 98A of the Act(2) (exercise of functions), the Board is required to make a payment to a contractor under a contract but subject to conditions, those conditions must be a term of the contract.

(3) The obligation referred to in paragraph (1) is subject to any right that the Board may have to set off against an amount payable to the contractor under the contract any amount that—

- (a) is owed by the contractor to the Board under the contract; or
- (b) the Board may withhold from the contractor in accordance with the terms of the contract or any other applicable provisions contained in directions given by the Secretary of State under section 87 of the Act (GMS contracts: payments).

(1) See the General Medical Services Statement of Financial Entitlements Directions 2013 which were signed on 27th March 2013, as amended, for the directions given by the Secretary of State under section 87 of the Act. Copies are available at: <https://www.gov.uk/government/publications/nhs-primary-medical-services-directions-2013>. These directions, and the subsequent amendments, may also be obtained in hard copy form from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS.

(2) Section 98A was inserted by section 49(1) of the Health and Social Care Act 2012 (c.7).