

STATUTORY INSTRUMENTS

2015 No. 1879

The National Health Service (Personal Medical Services Agreements) Regulations 2015

PART 5

Agreements: required terms

Finance

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

- (a) the terms of the agreement;
- (b) any other terms based on which the payment is made; and
- (c) any other conditions relating to the payment contained in regulations made by the Secretary of State under section 94(4) (regulations about section 92 arrangements) or directions given by the Secretary of State under section 98A (exercise of functions) of the Act ^{M1}.

(2) The obligation referred to in paragraph (1) is subject to any right that [F1NHS England] may have to set off against any amount payable to the contractor under the agreement any amount that—

- (a) is owed by the contractor to [F1NHS England] under the agreement; or
- (b) [F1NHS England] may withhold from the contractor in accordance with the terms of the agreement or any other applicable provisions contained in regulations made by the Secretary of State under section 94(4) of the Act (regulations about section 92 arrangements) or directions given by the Secretary of State under section 98A of the Act (exercise of functions).

Textual Amendments

- F1** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023](#) (S.I. 2023/1071), reg. 1(1), [Sch. para. 1](#)

Marginal Citations

- M1** Sections 92 was amended by paragraphs 36 of Schedule 4 to the [Health and Social Care Act 2012](#) (c.7) (“the 2012 Act”). Section 94 was amended by section 28(2) of, and paragraph 38(1) and (2) to, the 2012 Act, and by section 17(5) of, and paragraph 2(1)(b) and (2) of Schedule 9 to, the [Crime and Courts Act 2013](#) (c.22). Section 98A was inserted by section 49(1) of the 2012 Act.

Changes to legislation:

The National Health Service (Personal Medical Services Agreements) Regulations 2015, Section 16 is up to date with all changes known to be in force on or before 25 May 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.

[View outstanding changes](#)

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

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

- Sch. 2 para. 3(3)(4) inserted by [S.I. 2024/575 Sch. 2 para. 7\(a\)\(ii\)](#)
- Sch. 2 para. 5(4)(c) inserted by [S.I. 2024/575 Sch. 2 para. 8\(b\)\(iii\)](#)
- Sch. 2 para. 10B and cross-heading inserted by [S.I. 2024/575 Sch. 2 para. 9](#)
- Sch. 2 para. 17(3)(3A) substituted for Sch. 2 para. 17(3) by [S.I. 2024/575 Sch. 2 para. 10](#)
- reg. 21AA(10)(a)(b) words in reg. 21AA(10) renumbered as reg. 21AA(10)(a)(b) by [S.I. 2023/436 Sch. 2 para. 3\(2\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)
- reg. 21AA(11)(a)(i)(ii) words in reg. 21AA(11)(a) renumbered as reg. 21AA(11)(a)(i)(ii) by [S.I. 2023/436 Sch. 2 para. 3\(3\)\(a\)](#) (This amendment not applied to Legislation.gov.uk - S.I. 2023/436 revoked by S.I. 2023/449, reg. 4 immediately before coming into force.)
- reg. 59C(1A) inserted by [S.I. 2024/575 Sch. 2 para. 3\(b\)](#)