



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 3

RECOVERY OF NHS CHARGES

Recovery of NHS charges

155 Recovery of NHS charges

- (1) This section applies if a person has made a compensation payment and either—
 - (a) subsection (7) of section 151 applies but he has not applied for a certificate as required by that subsection, or
 - (b) he has not made payment, in full, of any amount due under section 150(2) by the end of the period allowed under section 154.
- (2) The Secretary of State, the Scottish Ministers or both, according to the circumstances of the case, may—
 - (a) in a case within subsection (1)(a), issue the person who made the compensation payment with a certificate, and
 - (b) in a case within subsection (1)(b), issue him with a copy of the certificate or (if more than one has been issued) the most recent one,and, in either case, issue him with a demand that payment of any amount due under section 150(2) be made immediately.
- (3) Subsections (5) and (6) of section 152 apply to certificates issued under subsection (2) above as they apply to certificates issued under section 151.
- (4) A demand issued under subsection (2) may be issued jointly by the Secretary of State and the Scottish Ministers specifying—
 - (a) an amount due under subsection (2) of section 150 to the Secretary of State, and

Status: This is the original version (as it was originally enacted).

- (b) an amount due under that subsection to the Scottish Ministers,
in respect of the same injured person in consequence of the same injury.
- (5) In the case of a demand specifying amounts as mentioned in subsection (4)(a) and (b), references in the following provisions of this section to a demand are to be taken as being (as the case may require) to—
- (a) the demand in so far as it relates to any amount due to the Secretary of State, or
- (b) the demand in so far as it relates to any amount due to the Scottish Ministers, and related expressions are to be read accordingly.
- (6) The Secretary of State or the Scottish Ministers may recover the amount for which a demand for payment is made under subsection (2) from the person who made the compensation payment.
- (7) If the person who made the compensation payment resides or carries on business in England or Wales and a county court so orders, the amount demanded is recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.
- (8) If the person who made the compensation payment resides or carries on business in Scotland, the demand may be enforced as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (9) A document which states that it is a record of the amount recoverable under subsection (6) is conclusive evidence that the amount is so recoverable if it is signed by a person authorised to do so by the Secretary of State or the Scottish Ministers (as the case may be).
- (10) For the purposes of subsection (9), a document purporting to be signed by a person authorised to do so by the Secretary of State or the Scottish Ministers (as the case may be) is to be treated as so signed unless the contrary is proved.