
STATUTORY INSTRUMENTS

1999 No. 873

**The National Health Service (Liabilities to
Third Parties Scheme) Regulations 1999**

Members' contributions to the Scheme

8.—(1) A member shall pay to the Secretary of State in respect of each membership year such amount as shall be determined in relation to that member, and notified to it, in accordance with this regulation.

(2) When determining in relation to any member the amount of the payment to be made under paragraph (1), the Secretary of State shall have regard to—

- (a) his estimate of the total amount which will, by virtue of regulation 9 (payments under the Scheme), fall to be paid during that membership year in respect of all qualifying liabilities under the Scheme;
- (b) the nature of the member's relevant functions;
- (c) the number of employees of the member who are engaged in its performance of a relevant function, or any part of such a function, and the qualifications and experience of those employees;
- (d) any agreement between the Secretary of State and the member that regulation 9(2)(b) or (c) is not to apply in relation to certain liabilities incurred by the member; and
- (e) his assessment of—
 - (i) the likely effectiveness of any steps being taken, or to be taken, by the member, as respects the manner in which it exercises any relevant function, with a view to reducing the incidence of qualifying liabilities in connection with that function, and
 - (ii) the effectiveness of any such steps which may previously have been taken;and may have regard to any other factor concerning that or any other member or the Scheme which he considers to be material to his determination.

(3) The Secretary of State shall give notice in writing to each member—

- (a) as respects the membership year beginning on 1st April 1999, by no later than 31st May 1999; and
- (b) as respects any other membership year, by no later than 31st October in the preceding year;

of the amount of the payment which it is to make under paragraph (1).

(4) Where, after notice has been given to a member in accordance with paragraph (3) in relation to any membership year, it appears to the Secretary of State that—

- (a) the amount specified in the notice was—
 - (i) incorrectly calculated, or
 - (ii) determined by reference to information which was incorrect, or
- (b) in the light of further information which has become available to him, the determination of that amount ought to be reconsidered, he shall reconsider the determination and may,

at any time before the end of the membership year to which it relates, revise the amount of the payment to be made under paragraph (1).

(5) Where an amount is revised under paragraph (4), the Secretary of State shall give to the member notice in writing of the revised amount, and that paragraph shall have effect in relation to that amount as if the notice had been given under paragraph (3).

(6) Any amount which falls to be paid by a member under paragraph (1) shall be paid by the member to the Secretary of State—

- (a) in relation to the membership year beginning on 1st April 1999, by 30th June 1999 or by such later date as the Secretary of State may allow; and
- (b) in relation to any other membership year, at such time, or in such instalments at such times, and in such manner—
 - (i) as the Secretary of State and the member may, by no later than 1st March immediately preceding the membership year in question, agree, or
 - (ii) in default of such agreement by that date, as the Secretary of State shall determine.