
STATUTORY INSTRUMENTS

2007 No. 115

**The Personal Injuries (NHS Charges)
(Amounts) Regulations 2007**

Underpayments by compensators

8.—(1) This paragraph applies where—

(a) either—

(i) the Secretary of State has made a re-determination of the relevant NHS charges in accordance with regulation 5(4), or

(ii) as a result of a review under or by virtue of section 156, or an appeal under section 157 or 159, a fresh certificate has been issued or a certificate has been revoked; and

(b) in consequence of the re-determination, review or appeal it appears that the amount of any relevant NHS charges paid by any person is less than the amount that the person ought to have paid.

(2) Where paragraph (1) applies—

(a) the person who paid the relevant NHS charges shall pay to the Secretary of State the difference between the amount that has been paid and the amount that ought to have been paid; and

(b) the Secretary of State shall pay that difference to the relevant NHS body.

(3) Where any payment to be made under paragraph (2)(a) relates to—

(a) treatment received at more than one hospital; or

(b) treatment received at one or more hospitals and the provision of NHS ambulance services, the Secretary of State shall divide the difference among the relevant NHS bodies concerned in such manner as she considers appropriate.

(4) For the purposes of this regulation, the relevant NHS body is the relevant ambulance trust⁽¹⁾ or responsible body⁽²⁾ to which the Secretary of State is required by section 162(1) to pay the amount of any relevant NHS charges paid to her.

⁽¹⁾ See section 162(6) of the 2003 Act for the definition of relevant ambulance trust.

⁽²⁾ See section 160(4) of the 2003 Act for the definition of responsible body.