



National Health Service Act 2006

2006 CHAPTER 41

PART 9

CHARGING

Recovery, etc

193 Penalties relating to charges

- (1) Regulations may provide that, where a person fails to pay—
 - (a) any amount recoverable from him under section 191(1) in respect of the provision of goods or services to which section 192 applies, or
 - (b) any amount recoverable from him under section 192,a notice (referred to in this section as a penalty notice) may be served on the person by the responsible authority.
- (2) A penalty notice is a notice requiring the person on whom it is served to pay the amount to the authority within a prescribed period, together with a charge (referred to in this section as a penalty charge) of an amount determined in accordance with the regulations.
- (3) The regulations may not provide for the amount of the penalty charge to exceed whichever is the smaller of—
 - (a) £100,
 - (b) the amount referred to in subsection (1)(a) or (b) multiplied by 5.
- (4) The Secretary of State may by order provide for subsection (3) to have effect as if, for the sum specified in paragraph (a) or the multiplier specified in paragraph (b) (including that sum or multiplier as substituted by a previous order), there were substituted a sum or multiplier specified in the order.
- (5) Regulations may provide that, if a person fails to pay the amount he is required to pay under a penalty notice within the period in question, he must also pay to the

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responsible authority by way of penalty a further sum determined in accordance with the regulations.

- (6) The further sum must not exceed 50 per cent of the amount of the penalty charge.
- (7) Any sum payable under the regulations (including the amount referred to in subsection (1)(a) or (b)) may be recovered by the responsible authority summarily as a civil debt.
- (8) But a person is not liable by virtue of a penalty notice—
 - (a) to pay at any time so much of any amount referred to in subsection (1)(a) or (b) for which he is jointly and severally liable with another as at that time has been paid, or ordered by a court to be paid, by that other, or
 - (b) to a penalty charge, or a further sum by way of penalty, if he shows that he did not act wrongfully, or with any lack of care, in respect of the charge or payment in question.