



National Health Service (Wales) Act 2006

2006 CHAPTER 42

PART 9

CHARGING

Recovery, etc

142 Offences relating to charges

- (1) A person is guilty of an offence if he does any act mentioned in subsection (2) with a view to securing for himself or another—
 - (a) the evasion of the whole or part of any charge under this Act in respect of the provision of goods or services to which section 140 applies,
 - (b) the reduction, remission or repayment of any such charge, where he or the other is not entitled to the reduction, remission or repayment,
 - (c) a payment under this Act (whether to, or for the benefit of, himself or the other) in respect of the cost of obtaining such goods or services, where he or the other is not entitled to, or to the benefit of, the payment.
- (2) The acts referred to in subsection (1) are—
 - (a) knowingly making, or causing or knowingly allowing another to make, a false statement or representation, or
 - (b) in the case of any document or information which he knows to be false in a material particular, producing or providing it or causing or knowingly allowing another to produce or provide it.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) A person, although he is not a barrister or solicitor, may conduct any proceedings under this section before a magistrates' court if he is authorised to do so by the Welsh Ministers.
- (5) Proceedings for an offence under this section may be begun within—

Status: This is the original version (as it was originally enacted).

- (a) the period of three months beginning with the date on which evidence, sufficient in the opinion of the Welsh Ministers to justify a prosecution for the offence, comes to their knowledge, or
 - (b) the period of 12 months beginning with the commission of the offence.
- (6) For the purposes of subsection (5), a certificate purporting to be signed by or on behalf of the Welsh Ministers as to the date on which such evidence as is mentioned in paragraph (a) of that subsection came to their knowledge, is conclusive evidence of that date.
- (7) Where a person is convicted of an offence under this section in respect of any charge or payment under this Act, he is not liable in respect of the charge or payment to pay any penalty charge or further sum by way of penalty which would otherwise be recoverable from him under section 141.
- (8) Where a person pays any penalty charge, or further charge by way of penalty, recoverable under section 141 in respect of any charge or payment under this Act, he must not be convicted of an offence under this section in respect of the charge or payment.
- (9) Subsection (4) of section 140 applies for the purposes of this section as it applies for the purposes of that.