
STATUTORY INSTRUMENTS

2015 No. 559

The National Health Service (Clinical Negligence Scheme) Regulations 2015

Payments into the Scheme

Determination of amounts payable by members

11.—(1) The Secretary of State must determine the amount which each member of the Scheme must pay to the Secretary of State in respect of each membership year.

(2) In determining that amount in respect of any member (“M”), the Secretary of State may have regard to—

- (a) the Secretary of State’s estimate of the total amount which, under regulations 14 to 18 (payments out of the Scheme), is likely to be payable during that membership year in respect of all liabilities to which the Scheme applies;
- (b) the nature of M’s relevant functions;
- (c) the number of M’s employees who are engaged in M’s performance of each relevant function or any part of a relevant function;
- (d) the qualifications and experience of those employees;
- (e) any agreement in respect of M which falls within regulation 14(3)(c) (agreement that Scheme to cover future claim in respect of liability incurred before membership starts);
- (f) any agreement in respect of M which falls within regulation 14(5)(c) (agreement that Scheme to cover existing claim not met before membership ceases);
- (g) any agreement in respect of M which falls within regulation 15(2)(a) (agreement on payment of additional contribution that Scheme to cover claim in respect of liability incurred before membership ceases);
- (h) the Secretary of State’s assessment of—
 - (i) the likely effectiveness of any steps being taken, or to be taken, by M as to the manner in which M exercises any relevant function for the purpose of reducing the incidence of liabilities in connection with that function to which the Scheme applies; and
 - (ii) the effectiveness of any steps which have already been taken for that purpose; and
- (i) any other factor relating to M or any other member of the Scheme which the Secretary of State considers relevant to the determination under paragraph (1).

(3) In respect of each membership year, the Secretary of State must give each member notice in writing which specifies the amount determined in respect of the member under paragraph (1).

(4) Except as stated in paragraph (5) or (6), the notice must be given no later than 31st December in the membership year before that to which the notice relates.

(5) In the case of any member admitted to the Scheme on or after the appointed day—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Health Service (Clinical Negligence Scheme) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) the notice in respect of the first membership year must be given no later than 6 months after the date on which the Secretary of State receives the member’s application under regulation 5 (membership of the Scheme); and
 - (b) the notice in respect of the second membership year must be given no later than 1st July in that membership year.
- (6) In the case of any member admitted to the Scheme less than two years before the appointed day—
- (a) the notice in respect of the first membership year must be given no later than 6 months after the date on which the Secretary of State received the member’s application under the 1996 Regulations; and
 - (b) the notice in respect of the second membership year must be given no later than 1st July in that membership year.
- (7) For the purposes of paragraphs (5) and (6), references to “the first membership year” of a body which is a member of the Scheme is to the whole or part of any membership year immediately following any period during which the body was not a member.

Commencement Information

11 Reg. 11 in force at 1.4.2015, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 5(1A) inserted by [S.I. 2022/634 reg. 215\(2\)](#)
- reg. 24 inserted by [S.I. 2022/634 reg. 215\(3\)](#)