
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

**The Personal Injuries (NHS Charges)
(Amounts) (Scotland) Regulations 2006**

Apportionment of liability to pay NHS charges

- 5.—(1) This regulation applies where each of two or more persons (“the compensators”)—
- (a) has made a compensation payment⁽¹⁾ to or in respect of a person in consequence of any injury suffered by that person; or
 - (b) is, or is alleged to be, liable to any extent in respect of the injury.
- (2) This paragraph applies where—
- (a) one of the compensators applies for a certificate under section 151 and, at the time of making the application, requests that the liability to pay the relevant NHS charges be apportioned between the compensators; and
 - (b) before they issue the certificate, the Scottish Ministers receive sufficient evidence to enable them to determine how that liability is to be apportioned.
- (3) This paragraph applies where—
- (a) a compensator to whom a certificate has been issued, requests that the liability to pay the relevant NHS charges be apportioned between the compensators; and
 - (b) the Scottish Ministers receive sufficient evidence to enable them to determine how that liability is to be apportioned between the compensators.
- (4) Where paragraph (2) or (3) applies—
- (a) the Scottish Ministers shall determine or, in the case of a compensator to whom a certificate has been issued, re-determine, the liability of each compensator to pay the relevant NHS charges;
 - (b) for the purposes of sub-paragraph (a), the Scottish Ministers shall apportion between the compensators the amount of relevant NHS charges that would be payable if there was only one compensator;
 - (c) in the case of a compensator to whom a certificate has not been issued, the certificate when issued to the compensator shall specify the liability to pay the relevant NHS charges and the share of that liability that has been apportioned to that compensator;
 - (d) in the case of a compensator to whom a certificate has been issued, when the Scottish Ministers re-determine that person’s liability to pay the relevant NHS charges, subsections (5) and (7) of section 156 (review of certificates) shall apply as if the re determination were a review under that section.

(1) See section 150(3) of the 2003 Act for the definition of compensation payment.