
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

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

Overpayments by compensators

7.—(1) This paragraph applies where—

(a) either—

- (i) the Scottish Ministers have made a re-determination of the relevant NHS charges in accordance with regulation 5(4), or
- (ii) the Scottish Ministers have adjusted the amount of the relevant NHS charges in accordance with regulation 6, or
- (iii) 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virtue of section 156, or an appeal under section 157 or 159, a fresh certificate has been issued or a certificate has been revoked, and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, adjustment, review or appeal it appears that the amount of any relevant NHS charges paid by any person is more than the amount that the person ought to have paid.

(2) Where paragraph (1) applies—

- (a) except where the Scottish Ministers require a payment to be made under sub-paragraph b(iii), they shall pay to the person who paid the relevant NHS charges the difference between the amount that has been paid and the amount that ought to have been paid; and
- (b) where the Scottish Ministers have (under section 162) paid the amount received to an ambulance trust or responsible body⁽¹⁾, the Scottish Ministers may—
 - (i) deduct the difference between the amount that has been paid under section 162 and the amount that ought to have been paid from any future payment due to that trust or body under that section;
 - (ii) require that trust or body to pay the difference to them; or
 - (iii) require that trust or body to pay the difference to the person who paid the relevant NHS charges.

(1) See section 160(4) of the 2003 Act for the definitions of ambulance trust and responsible body.