

These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Recovery of Nhs Charges

Payments to hospitals or ambulance trusts

Section 162: Payment of NHS charges to hospitals or ambulance trusts

342. *Section 162* requires the authority to pay NHS charges which it has recovered (other than, under *subsection (2)*, overpayments which they are required to repay following a review or appeal) to:
- the body responsible for the hospital which provided treatment to the injured person; and/or
 - the NHS trust or NHS foundation trust or, in Scotland, Special Health Board, designated by the Secretary of State or Scottish Ministers as the relevant ambulance trust in relation to the hospital to which the injured person was taken for treatment.
343. Where treatment has been received at more than one health service hospital or both treatment and ambulance services have been provided, *subsection (1)(c)* and *(d)* enables the authority to divide the money received between the bodies concerned as it thinks appropriate. *Subsection (3)* enables regulations to be made as to how and when the authority will make payments of the amounts due (*paragraph (a)*); and to deal with the situation where the body which provided the treatment or ambulance services no longer exists (*paragraph (b)*). Regulations could for example enable payments to be passed to the new trust taking over from the former NHS trust or ambulance trust. *Subsections (4)* and *(5)* provide that the income received by hospitals should be used to provide goods and services for patients receiving NHS treatment at those hospitals and that received by ambulance trusts to provide NHS ambulance services.