

SCHEDULES

SCHEDULE 10

Section 150

RECOVERY OF NHS CHARGES: EXEMPTED PAYMENTS

- 1 Any payment made to or for the injured person under—
 - (a) section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (compensation orders against convicted persons),
 - (b) section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (corresponding provision in relation to Scotland), or
 - (c) Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (corresponding provision in relation to Northern Ireland).
- 2 Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
 - (a) the injury suffered by the injured person, or
 - (b) any connected injury suffered by another.
- 3 Any payment made out of property held for the purposes of a prescribed trust.
- 4 (1) Any payment made to the injured person by an insurer under the terms of any contract of insurance entered into between the injured person and the insurer before the occurrence of the injury in question.
(2) In sub-paragraph (1), “insurer” means—
 - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance, or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (3) Sub-paragraph (2) must be read with—
 - (a) section 22 of the Financial Services and Markets Act 2000,
 - (b) any relevant order under that section, and
 - (c) Schedule 2 to that Act.
- 5 Any payment which apart from this paragraph would be made by—
 - (a) the responsible body of the health service hospital to whom the payment would subsequently be passed under section 162,
 - (b) the relevant ambulance trust to whom the payment would subsequently be passed under that section.
- 6 Any payment to the extent that it is made—
 - (a) in consequence of an action under the Fatal Accidents Act 1976 (c. 30),

Status: This is the original version (as it was originally enacted).

- (b) in consequence of an action under the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or
 - (c) in circumstances where, had an action been brought, it would have been brought under that Act or Order.
- 7 Any payment to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976 (c. 13).
- 8 Any payment of a prescribed description, either generally or in such circumstances as may be prescribed.