
STATUTORY INSTRUMENTS

2018 No. 757

The National Health Service (Property Expenses Scheme) (England) Regulations 2018

PART 2

The Scheme

Payments out of the Scheme

Payments out of the Scheme: expenses of members

13.—(1) Where a member of the Scheme incurs an expense to which the Scheme applies, the Secretary of State may pay to the member or on the member's behalf an amount determined by the Secretary of State in respect of that expense.

(2) No payment may be made under paragraph (1) in respect of any liability which is of a nature in respect of which the Secretary of State has in respect of all members and in respect of the relevant membership year determined is not eligible for payment under the Scheme.

(3) Except to such extent as the Secretary of State may determine, no payment may be made under paragraph (1) in respect of any expense incurred by the member which is excluded from the Scheme by any of paragraphs (4) to (8).

(4) An expense that would have been an expense to which the Scheme applies, if at the time it was incurred, the eligible body was a member of the Scheme is excluded from the Scheme unless—

- (a) some part of that expense was to be met by the eligible body after it became a member;
- (b) the Secretary of State is satisfied that the eligible body informed the Secretary of State before the end of the qualifying period that the expense had arisen;
- (c) the Secretary of State agreed before the start of the eligible body's membership that any expense to which sub-paragraphs (a) and (b) apply should not be excluded from the Scheme; and
- (d) that agreement remains in force at the date on which the expense falls to be met by the eligible body.

(5) Any expense of a member which falls to be met after the member gives notice of cancellation under regulation 6(2) (cancellation of membership by a member) but before its membership has ceased is excluded from the Scheme unless—

- (a) the Secretary of State is satisfied that the expense would have fallen to be met at that time irrespective of the member's decision to give such a notice; and
- (b) would otherwise be an expense to which the Scheme applies.

(6) Any expense of a member which falls to be met after the Secretary of State gives notice of cancellation under regulation 7(1) (cancellation of membership by the Secretary of State) but before its membership has ceased is excluded from the Scheme unless the Secretary of State is satisfied that the expense would have fallen to be met at that time irrespective of its decision to give such a notice.

Changes to legislation: The National Health Service (Property Expenses Scheme) (England) Regulations 2018, Section 13 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(7) Any expense in relation to which the member has not complied with any condition imposed by the Secretary of State is excluded from the Scheme.

(8) Any expense of a former member which falls to be met after its membership of the Scheme has ceased is excluded from the Scheme unless—

- (a) the expense was incurred before the former member’s membership ceased;
- (b) the Secretary of State is satisfied that the former member informed the Secretary of State before the end of the qualifying period that the expense had been incurred;
- (c) the Secretary of State agreed before former member’s membership ceased that any expense to which sub-paragraphs (a) and (b) apply should not be excluded from the Scheme; and
- (d) that agreement remained in force on the date on which the payment fell to be met.

(9) In paragraph (3)(b) and (8)(b), the “qualifying period” is the period of 14 days starting with the date on which the member or former member (as the case may be) became aware that the expense had arisen or, if earlier, the date on which the Secretary of State considers that the member ought to have become aware that the expense had arisen.

Commencement Information

II [Reg. 13](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

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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. 4\(1\)\(l\)](#) and word inserted by [S.I. 2023/948 reg. 5\(2\)\(b\)](#)