

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Section 150

RECOVERY OF NHS CHARGES: EXEMPTED PAYMENTS

- 1 Any payment made to or for the injured person under—
- (a) [^{F1}Chapter 2 of Part 7 of the Sentencing Code] (compensation orders against convicted persons),
 - (b) section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (corresponding provision in relation to Scotland), ^{F2}...
 - (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) [^{F3}or
 - (d) section 8 of the Modern Slavery Act 2015 (slavery and trafficking reparation orders).]

Textual Amendments

- F1** Words in Sch. 10 para. 1(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 250 (with Sch. 27); S.I. 2020/1236, reg. 2
- F2** Word in Sch. 10 para. 1(b) omitted (31.7.2015) by virtue of Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 26(a); S.I. 2015/1476, reg. 2(j)
- F3** Sch. 10 para. 1(d) and preceding word inserted (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 26(b); S.I. 2015/1476, reg. 2(j)

Commencement Information

- I1** Sch. 10 para. 1 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)
- I2** Sch. 10 para. 1 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)

- 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.

Commencement Information

- I3** Sch. 10 para. 2 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)
- I4** Sch. 10 para. 2 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 3 Any payment made out of property held for the purposes of a prescribed trust.

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- I5** Sch. 10 para. 3 partly in force; sch. 10 para. 3 in force at Royal Assent for certain purposes, see s. 199(1)(4)
- I6** Sch. 10 para. 3 in force at 29.1.2007 for S. in so far as not already in force by S.S.I. 2007/10, art. 2(2)(f)
- I7** Sch. 10 para. 3 in force at 29.1.2007 for E.W. in so far as not already in force by S.I. 2006/3397, art. 2(2)(c)

- 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 [^{F4}Part 4A] of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance, ^{F5}...
 - ^{F5}(b)
- (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.

Textual Amendments

- F4** Words in Sch. 10 para. 4(2)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), Sch. 18 para. 99 (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F5** Sch. 10 para. 4(2)(b) and word omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), Sch. para. 38 (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)

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- I8** Sch. 10 para. 4 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)
- I9** Sch. 10 para. 4 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 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.

Commencement Information

- I10** Sch. 10 para. 5 in force at 29.1.2007 for E.W. by S.I. 2006/3397, art. 2(2)(c)
- I11** Sch. 10 para. 5 in force at 29.1.2007 for S. by S.S.I. 2007/10, art. 2(2)(f)

- 6 Any payment to the extent that it is made—
 - (a) in consequence of an action under the Fatal Accidents Act 1976 (c. 30),
 - (b) in consequence of an action under the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or

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- (c) in circumstances where, had an action been brought, it would have been brought under that Act or Order.

Commencement Information

- I12** Sch. 10 para. 6 in force at 29.1.2007 for E.W. by S.I. 2006/3397, **art. 2(2)(c)**
I13 Sch. 10 para. 6 in force at 29.1.2007 for S. by S.S.I. 2007/10, **art. 2(2)(f)**

- 7 Any payment to the extent that it is made in respect of a liability arising by virtue of [^{F6}any of sections 4 to 6 of the Damages (Scotland) Act 2011 (asp 7)].

Textual Amendments

- F6** Words in Sch. 10 para. 7 substituted (S.) (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), s. 19(3), **Sch. 1 para. 8** (with ss. 17, 19(2)); S.S.I. 2011/268, **art. 3** (with art. 4)

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- I14** Sch. 10 para. 7 in force at 29.1.2007 for E.W. by S.I. 2006/3397, **art. 2(2)(c)**
I15 Sch. 10 para. 7 in force at 29.1.2007 for S. by S.S.I. 2007/10, **art. 2(2)(f)**

- 8 Any payment of a prescribed description, either generally or in such circumstances as may be prescribed.

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- I16** Sch. 10 para. 8 partly in force; Sch. 10 para. 8 in force at Royal Assent for certain purposes, see s. 199(1) (4)
I17 Sch. 10 para. 8 in force at 29.1.2007 for S. in so far as not already in force by S.S.I. 2007/10, **art. 2(2)(f)**
I18 Sch. 10 para. 8 in force at 29.1.2007 for E.W. in so far as not already in force by S.I. 2006/3397, **art. 2(2)(c)**

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