

SSP Health Ltd v the National Health Service Litigation Authority

On 25 November 2020, Lord Justice Stuart Smith, sitting with Lord Justice Lewison and Lady Justice Rose, issued their Judgment that NHS Resolution, acting as Adjudicator, has a power to award interest when it finds that a contractor has been underpaid (and equally when a contractor has been overpaid and must make a payment back).

The source of the power is to be found in s. 9(11) of the NHS Act read in conjunction with s. 9(12). By s. 9(11) the Adjudicator is empowered to give such directions as s/he thinks appropriate to resolve the matter in dispute; and this power is to be exercised in the context of his/her wide-ranging power to vary the agreement.

<https://www.judiciary.uk/wp-content/uploads/2020/11/SSP-v-NHS-Litigation-Authority-judgment.pdf>

Document Control - Change Record

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