STATUTORY RULES OF NORTHERN IRELAND

2006 No. 507

HEALTH SERVICES CHARGES

The Recovery of Health Services Charges (Amounts) Regulations (Northern Ireland) 2006

Made - - - - 6th December 2006
To be laid before Parliament under Paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

Coming into operation 29th January 2007

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by Articles 2, 5(2), (5), (7) and (8) and 19 (3) of the Recovery of Health Services Charges (Northern Ireland) Order 2006(**1**), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Recovery of Health Services Charges (Amounts) Regulations (Northern Ireland) 2006 and shall come into operation on 29th January 2007.

(2) In these Regulations—

"certificate" means a certificate issued under Article 4;

"the Department" means the Department for Social Development;

"injury" means any injury which occurs on or after 29th January 2007;

"the Order" means the Recovery of Health Services Charges (Northern Ireland) Order 2006.

(3) A reference in these Regulations to a numbered Article is a reference to that Article of the Order.

Amount of health services charges

2.—(1) Subject to the following paragraphs and regulation 3, a certificate shall, for the purpose of Article 5(2), specify—

(a) the sum of £159 for each occasion on which, as a result of his injury, the injured person was provided with health services ambulance services(**2**) for the purpose of taking him to a hospital for health services treatment(**3**); and

(**1**) S.I. 2006/1944 (N.I.13) ("the 2006 Order") Article 2 is cited for the definition of "prescribed"
(**2**) *See* Article 2(2) of the 2006 Order for the definition of health services ambulance services
(**3**) *See* Article 3(7) of the 2006 Order for the definition of health services treatment

(b) where the injured person received health services treatment at a hospital in respect of his injury, either—

(i) if he was not admitted to hospital, the sum of £505, or

(ii) if he was admitted to hospital, the sum of £620 for each day or part day of admission.

(2) For the purposes of paragraph (1)(a), the reference to taking a person to a hospital includes taking him from one hospital to another.

(3) Where the injured person was admitted to hospital on one day and discharged on another day, the day of discharge shall be disregarded for the purposes of paragraph (1)(b)(ii).

(4) The amount which a certificate may specify under paragraph (1)(a) or paragraph (1)(b), or both, must not exceed £37,100 ("the maximum").

(5) Where—

(a) amounts fall to be specified under both paragraph (1)(a) and paragraph (1)(b); and

(b) the aggregate of those amounts would, apart from paragraph (4), exceed the maximum,

the amount to be specified under paragraph (1)(b) is to be reduced by the difference between the maximum and the aggregate of those amounts.

Amount of health services charges: further provision

3.—(1) This paragraph applies where a person liable to pay relevant health services charges(**4**)—

(a) makes a compensation payment in the form of a lump sum (an "earlier payment"); and

(b) subsequently makes another such payment in respect of the same injury (a "later payment").

(2) Where paragraph (1) applies, the amount, for the purpose of Article 5(2), to be specified in the certificate in respect of the later payment shall be the amount determined under regulation 2 reduced by the amount paid in satisfaction of any liability to pay relevant health services charges in connection with the earlier payment.

(3) Where the person to whom the certificate is to be issued pursuant to paragraph (2) is a person whose liability to pay the relevant health services charges has been determined or re-determined under regulation 5(4), the certificate shall, in addition to any amounts to be specified under that paragraph, specify the amount of relevant health services charges that the person is liable to pay in accordance with that determination or re-determination.

Health services treatment to be taken into account

4.—(1) A certificate issued under Article 4(2) shall only take into account health services treatment received, or health services ambulance services provided, before the date the certificate is issued.

(2) A certificate issued under Article 4(10) shall only take into account health services treatment received, or health services ambulance services provided, before the settlement date(**5**).

Apportionment of liability to pay health services charges

5.—(1) This regulation applies where each of two or more persons ("the compensators")—

(a) has made a compensation payment(**6**) to or in respect of a person in consequence of any injury suffered by him; or

(**4**) *See* Article 3(8) of the 2006 Order for the definition of relevant health services charges.
(**5**) *See* Article 6(3) of the 2006 Order for the definition of settlement date.
(**6**) *See* Article 3(3) of the 2006 Order for the definition of compensation payment

(b) is, or is alleged to be, liable to any extent in respect of the injury.

(2) This paragraph applies where—

(a) one of the compensators applies for a certificate under Article 4 and, at the time of making the application, requests that the liability to pay the relevant health services charges be apportioned between the compensators; and

(b) before it issues the certificate, the the Department receives sufficient evidence to enable it to determine how that liability is to be apportioned.

(3) This paragraph applies where—

(a) a compensator to whom a certificate has been issued, requests that the liability to pay the relevant health services charges be apportioned between the compensators; and

(b) the the Department receives sufficient evidence to enable it to determine how that liability is to be apportioned between the compensators.

(4) Where paragraph (2) or (3) applies—

(a) the the Department shall determine or, in the case of a compensator to whom a certificate has been issued, re-determine, the liability of each compensator to pay the relevant health services charges;

(b) for the purposes of sub-paragraph (a), the the Department shall apportion between the compensators the amount of relevant health services charges that would be payable if there were only one compensator;

(c) in the case of a compensator to whom a certificate has not been issued, the certificate when issued to him shall specify the liability to pay the relevant health services charges and the share of that liability that has been apportioned to him; and

(d) in the case of a compensator to whom a certificate has been issued, when the the Department re-determines his liability to pay the relevant health services charges, paragraph (4) of Article 8 (review of certificates) shall apply as if the re-determination were a review under that Article.

Overpayments by compensators

6.—(1) This paragraph applies where—

(a) either—

(i) the the Department has made a re-determination of the relevant health services charges in accordance with regulation 5(4); or

(ii) as a result of a review under or by virtue of Article 8, or an appeal under Article 9 or 11, a fresh certificate has been issued or a certificate has been revoked; and

(b) in consequence of the re-determination, review or appeal it appears that the amount of any relevant health services charges paid by any person is more than the amount that the person ought to have paid.

(2) Where paragraph (1) applies—

(a) except where the the Department requires a payment to be made under sub-paragraph (b)(iii), the the Department shall pay to the person who paid the relevant health services charges the difference between the amount that has been paid and the amount that ought to have been paid; and

(b) where the the Department has (under Article 14) paid the amount received to an ambulance trust or responsible body(**7**), the the Department may—

(**7**) *See* Article 12(4) of the 2006 Order for the definitions of ambulance trust and responsible body