STATUTORY RULES OF NORTHERN IRELAND

2002 No. 52

ROAD TRAFFIC

The Road Traffic (Health Services Charges) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*15th February 2002*
Coming into operation	*16th February 2002*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by sections 23(5), 25(2) and (4), 32(2), 37 and 57(1) and (3) of the Health and Personal Social Services Act (Northern Ireland) 2001(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic (Health Services Charges) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 16th February 2002.

(2) In these Regulations, "the principal Regulations" means the Road Traffic (Health Services Charges) Regulations (Northern Ireland) 2001(**2**).

Amendment of regulation 4 of the principal Regulations

2. For regulation 4 of the principal Regulations (amount of health services charges—incidents on or after 2nd July 1997) substitute the following—

"**4.**—(1) This regulation applies to any compensation payment made in respect of an incident which occurred on or after 2nd July 1997.

(2) Where this regulation applies, a certificate shall, for the purpose of section 25(2), specify—

(a) subject to paragraph (3), where the traffic casualty received health services treatment at a hospital in respect of his injury but was not admitted to hospital, the amount of £354, or

(**1**) 2001 c. 3 (N.I.)
(**2**) S.R. 2001 No. 125

(b) subject to paragraphs (4) and (5), where the traffic casualty received health services treatment at a hospital in respect of his injury and was admitted to hospital, the sum of £435 for each day, or part day, of admission.

(3) Paragraph (2)(*a*) does not apply to treatment without admission in respect of an incident occurring before the coming into operation of Part II of the Act.

(4) Where the traffic casualty was admitted to hospital on one day and discharged on another day, the day of discharge shall be disregarded for the purposes of paragraph (2)(*b*).

(5) The maximum amount which may be specified in a certificate to which paragraph (2)(*b*) applies shall be £10,000.".

Transitional provision and saving

3.—(1) In respect of a certificate relating to an incident which occurred on or after 28th January and before 16th February 2002 the health services charges under section 23(2) shall be determined by reference to—

(a) the amount specified in sub-paragraph (*a*) or (*b*) of paragraph (2) of regulation 4 of the principal Regulations in operation on each day of the treatment covered by the certificate, and

(b) the maximum amount specified in paragraph (5) of regulation 4 of the principal Regulations in operation on the date on which the certificate is issued.

(2) In respect of a certificate relating to an incident which occurred on or after 2nd July 1997 and before 28th January 2002 the health service charges under section 23(2) shall be determined by reference to the amount specified in sub-paragraph (*a*) or (*b*) of paragraph (2) of regulation 4 of the principal Regulations and the maximum amount specified in paragraph (4) of regulation 4 of the principal Regulations in operation on the day the incident occurred.

(3) In this regulation expressions used have the same meaning as in the principal Regulations.

Amendment of regulation 10 of the principal Regulations

4. In regulation 10 of the principal Regulations (overpayments by compensators) for "29" where it first appears substitute "28".

Amendment of regulation 18 of the principal Regulations

5. In regulation 18 of the principal Regulations (exempted payments) in paragraph (*a*) for "Insurer's" substitute "Insurers'".

Revocation

6. The Road Traffic (Health Services Charges) (Amendment) Regulations (Northern Ireland) 2001 are hereby revoked(**3**).

(**3**) S.R. 2001 No. 434