STATUTORY RULES OF NORTHERN IRELAND

2001 No. 125

ROAD TRAFFIC

The Road Traffic (Health Services Charges) Regulations (Northern Ireland) 2001

Made - - - -	*21st March 2001*
Coming into operation	*2nd April 2001*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred upon it by sections 23(5), 24(9)(*b*) and (10), 25(2), (4), (5) and (6), 28(1), 32(2) and (3), 33(2), (3) and (4), 35(4), 36(1) and (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) Regulations (Northern Ireland) 2001 and shall come into operation on 2nd April 2001.

(2) In these Regulations—

"the Act" means the Health and Personal Social Services Act (Northern Ireland) 2001;

"Department" means the Department for Social Development;

"hospital" means a health services hospital within the meaning of section 37 of the Act;

"incident" means an incident whereby a person suffers injury, or suffers injury and dies, as a result of the use of a motor vehicle on a road or other public place;

"settlement date" has the meaning given in section 26(3) of the Act.

(3) Any reference in these Regulations to a numbered section is to the section of the Act bearing that number.

Application for a certificate of health services charges

2.—(1) An application for a certificate shall be made to the Department and shall include the following particulars—

(a) the full name and address of the traffic casualty;

(b) the date of birth, and where known, the national insurance number of that person;

(**1**) 2001 c. 3 (N.I.)

(c) the date of the incident;

(d) the nature of the injury; and

(e) the name and address of any hospital at which the traffic casualty received treatment in respect of his injury.

(2) In a case to which section 24(8) applies (compensation payment made in circumstances where no certificate either issued or in force and no application made in period prescribed under section 24(9)(*b*) prior to making a compensation payment) an application for a certificate must be made within 14 days of the date on which the compensation payment is made.

(3) The prescribed period for the purposes of section 24(9)(*b*) is a period of 28 days ending immediately before the day on which the compensation payment is made.

Amount of health services charges — incidents before 2nd July 1997

3.—(1) This Regulation applies to any compensation payment made in respect of an incident which occurred before 2nd July 1997.

(2) Where this regulation applies, a certificate shall, for the purpose of section 25(2), specify, subject to paragraphs (3) and (4), where the traffic casualty received health services treatment at a hospital in respect of his injury and was admitted to hospital in respect of that treatment, the sum of £435 for each day, or part day, of admission.

(3) Where the traffic casualty is admitted to hospital on one day and discharged on another day the day of discharge shall be disregarded for the purposes of paragraph (2).

(4) The maximum amount which may be specified in a certificate to which paragraph (2) applies shall be £3,000.

Amount of health services charges — incidents on or after 2nd July 1997

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

(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.

Provisions supplementary to regulations 3 and 4

5.—(1) A certificate issued under section 24(2) shall only take into account treatment received before the date the certificate is issued.

(2) A certificate issued under section 24(11) shall only take into account treatment received before the settlement date.

Particulars of amounts specified in certificate

6. A person to whom a certificate is issued is entitled, on application to the Department, to the following particulars—

(a) in respect of treatment counted for the purposes of determining the amount in the certificate, the name of the responsible body of any hospital at which that treatment took place; and

(b) where regulation 3(2) or 4(2)(*b*) applies in respect of that treatment, the number of days of admission counted at that hospital.

Review of certificates

7. A certificate may be reviewed under section 28 where the Department is satisfied that—

(a) a mistake (whether in computation of the amount specified or otherwise) occurred in the preparation of the certificate;

(b) the amount specified in the certificate is less than, or in excess of, the amount due to the Department;

(c) incorrect or insufficient information was supplied to the Department by the person who applied for the certificate, or the responsible body of each hospital at which the traffic casualty received health services treatment in respect of his injury, and in consequence the amount specified in the certificate was less than, or in excess of, what it would have been had the information supplied been correct and sufficient; or

(d) a ground for appeal is satisfied under section 29.

Information to be provided with respect to a traffic casualty

8.—(1) A person specified in section 33(2)(*a*) shall send to the Department the information set out in paragraph (3) not later than 14 days after the claim is made.

(2) A person specified in section 33(2)(*b*) to (*e*) shall send to the Department such information set out in paragraph (3) as the Department may request within 14 days of the Department asking that person for that information.

(3) The information referred to in paragraphs (1) and (2) is—

(a) the full name and address of the traffic casualty;

(b) the date of birth, and where known, the national insurance number of that person;

(c) the date of the incident;

(d) the nature of the injury;

(e) in respect of health services treatment received at a hospital in respect of the injury—

(i) the name and address of the hospital; and

(ii) where known, whether the traffic casualty was admitted to hospital and if so the date of admission and discharge and the type of treatment provided;

(f) the full name and address of the person against whom the claim is made.

(4) The responsible body of each hospital at which the traffic casualty received health services treatment in respect of his injury shall send the following information to the Department within 14 days of the Department asking for it—

(a) the date the treatment began;

(b) whether the traffic casualty was admitted to one of its hospitals, or not, and if so, the date of admission and discharge;

(c) where known, the name and address of any other hospital at which the traffic casualty received treatment; and

(d) whether there is likely to be further treatment in respect of the injury.

(5) For the purpose of section 33(3), "claim"—

(a) in relation to a person falling within section 23(3)(*a*) or (*d*) means a claim notified to him which may require him to make a payment in respect of the injury, whether or not proceedings have been commenced; and

(b) in relation to a person falling within section 23(3)(*b*) or (*c*) means a claim against that person for a payment in respect of the injury, whether or not proceedings have been commenced;

and "person against whom the claim is made" shall be construed accordingly.

Payments to hospitals

9.—(1) The Department—

(a) shall make any payment under section 35(1) (payment to responsible body) not later than 40 days after the day it receives a payment of health services charges;

(b) may take more than one such payment at the same time; and

(c) may do so by automatic credit transfer.

(2) In respect of each payment the Department shall send to the responsible body a statement showing—

(a) the name and address of the traffic casualty in respect of whom the payment is made;

(b) the amount of the payment; and

(c) the date of the incident in respect of which the payment is made.

(3) Where—

(a) the Department receives a payment of health services charges under section 23(2); and

(b) the responsible body of the hospital concerned ("the old body") has ceased to exist, the Department shall pay the amount received to the body to which the property, rights and liabilities of the old body have been transferred(**2**).

(4) If the property rights and liabilities of the old body have been transferred to more than one body, the Department, may, for the purposes of paragraph (3) divide the payment among those bodies in such manner as it considers appropriate.

Overpayments by compensators

10. Where a fresh certificate has been issued as a result of a review under section 29 or an appeal under section 29 and the conditions specified in paragraphs (*a*) and (*b*) of section 32(2) (overpayments) are satisfied—

(a) the Department shall pay to the person who made the payment the difference between the amount that has been paid and the amount that ought to have been paid; and

(b) where the Department has (under section 35(1)) made the payment to the responsible body the Department—

(i) may deduct the difference between the amount that has been paid under section 35(1) and the amount that ought to have been paid from any future payment due to the responsible body under that section; or

(**2**) *See* the Health and Personal Social Services (Residual Liabilities) (Northern Ireland) Order 1996 (S.I. 1996/1636 (N.I. 13))