

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Payment for hospital treatment. (See end of Document for details)



2001 CHAPTER 3

PART II

RECOVERY OF CHARGES IN CONNECTION WITH THE TREATMENT OF ROAD TRAFFIC CASUALTIES

Payment for hospital treatment

Payment for hospital treatment of traffic casualties

23.—(1) This section applies if—

- (a) a person (“the traffic casualty”) has suffered injury, or has suffered injury and died, as a result of the use of a motor vehicle on a road or other public place;
- (b) a compensation payment is made in respect of that injury or death; and
- (c) the traffic casualty has received health services treatment at a health services hospital in respect of his injury.

(2) The person making the compensation payment is liable to pay the appropriate health services charges to the Department in respect of the treatment.

(3) “Compensation payment” means—

- (a) a payment made by an authorised insurer under, or in consequence of, a policy issued under Article 92 of the Road Traffic (Northern Ireland) Order 1981 (NI 1);
- (b) a payment made by the owner of the vehicle, in a case where the vehicle is one in relation to the use of which a security under Part VIII of that Order is in force;

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- (c) a payment made by the owner of the vehicle who has made a deposit under that Part; or
 - (d) a payment made in pursuance of a compensation scheme for motor accidents.
- (4) A payment is a compensation payment whether or not it is made—
- (a) in the United Kingdom; or
 - (b) voluntarily, or in pursuance of a court order or an agreement, or otherwise.
- (5) Regulations may provide that a payment of a prescribed description is not to count as a compensation payment, either generally or in such circumstances as may be prescribed.
- (6) “Health services treatment” means any treatment (including any examination of the traffic casualty), other than—
- (a) treatment provided by virtue of Article 31 of the principal Order or paragraph 14 of Schedule 3 to the 1991 Order (accommodation and services for private patients); or
 - (b) treatment provided at a health services hospital by virtue of Article 5(4) of the principal Order (permission for use of health services accommodation or facilities in private practice).
- (7) “The appropriate health services charges” means the amount specified in a certificate of health services charges—
- (a) issued under section 24 in respect of the traffic casualty, to the person making the compensation payment; and
 - (b) in force.
- (8) Subject to subsection (9), this section applies in relation to any compensation payment made after the date on which this section comes into operation but not to one payable under a court order, or agreement, made before that date.
- (9) In its application to a compensation payment made in respect of an injury or death resulting from an incident occurring before the coming into operation of this Part, this section has effect as if in subsection (6) after the words “any treatment” there were inserted the words “as an in-patient”.
- (10) For the purposes of this Part, it is irrelevant whether a compensation payment is made with or without an admission of liability.

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