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STATUTORY INSTRUMENTS

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**2006 No. 1944**

**The Recovery of Health Services  
Charges (Northern Ireland) Order 2006**

*Review and appeal*

**Appeal against a certificate or a waiver decision**

9.—(1) An appeal against a certificate may be made by the person to whom the certificate was issued on one or more of the following grounds—

- (a) that an amount specified in the certificate is incorrect,
- (b) that an amount so specified takes into account—
  - (i) treatment which is not health services treatment received by the injured person, as a result of his injury, at a health services hospital,
  - (ii) ambulance services which are not health services ambulance services provided to the injured person as a result of his injury, or
  - (iii) treatment as mentioned in head (i) and ambulance services as mentioned in head (ii),
- (c) that the payment on the basis of which the certificate was issued is not a compensation payment.

(2) No appeal may be made until—

- (a) the claim against the person to whom the certificate was issued, which gives rise to the compensation payment, has been finally disposed of, and
- (b) payment of the amount specified in the certificate has been made to the Department, subject to paragraph (4) and Articles 10(5) and 11(5).

(3) For the purposes of paragraph (2)(a), if an award of damages in respect of a claim has been made under—

- (a) paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982 (c. 53),
- (b) section 32A(2)(a) of the Supreme Court Act 1981 (c. 54) or section 12(2)(a) of the Administration of Justice Act 1982, or
- (c) section 51(2)(a) of the County Courts Act 1984 (c. 28),

(orders for provisional damages in personal injury cases), the claim is to be treated as having been finally disposed of.

(4) The Department may, on an application by the person to whom the certificate was issued, waive the requirement in paragraph (2)(b) that payment of the amount specified in the certificate be made before making an appeal.

(5) The Department may only grant a waiver if it appears to it that payment of the amount specified in the certificate would cause exceptional financial hardship.

(6) An appeal against a decision of the Department on an application under paragraph (4) (referred to in this Article and Articles 10 and 11 as a “waiver decision”) may be made by the person to whom the certificate was issued.

- (7) Regulations may make provision—
- (a) as to the manner in which, and the time within which, an appeal against a certificate or waiver decision may be made,
  - (b) as to the procedure to be followed if an appeal against a certificate or waiver decision is made,
  - (c) as to the circumstances in which appeals may be consolidated, and
  - (d) for the purpose of enabling an appeal against a certificate to be treated as an application for a review under Article 8.