

STATUTORY INSTRUMENTS

2006 No. 1944

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

[^{F1}health care] charges

Textual Amendments

- F1** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(b\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

Liability to pay [^{F2}health care] charges

3.—(1) This Article applies if—

- (a) a person makes a compensation payment to or in respect of any other person (the “injured person”) in consequence of any injury, whether physical or psychological, suffered by the injured person, and
- (b) the injured person has—
 - (i) received [^{F2}health care] treatment at a [^{F2}health care] hospital as a result of the injury,
 - (ii) been provided with [^{F2}health care] ambulance services as a result of the injury for the purpose of taking him to a [^{F2}health care] hospital for [^{F2}health care] treatment (unless he was dead on arrival at that hospital), or
 - (iii) received treatment as mentioned in head (i) and been provided with ambulance services as mentioned in head (ii).

(2) The person making the compensation payment is liable to pay the relevant [^{F2}health care] charges in respect of the treatment or ambulance services to the Department.

(3) “Compensation payment” means a payment, including a payment in money's worth, made—

- (a) by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the injury, or
- (b) in pursuance of a compensation scheme for motor accidents,

but does not include a payment mentioned in Schedule 1.

(4) Paragraph (1)(a) applies—

- (a) to a payment made—
 - (i) voluntarily, or in pursuance of a court order or an agreement, or otherwise, and
 - (ii) in the United Kingdom or elsewhere, and
- (b) if more than one payment is made, to each payment.

(5) “Injury” does not include any disease.

(6) Nothing in paragraph (5) prevents this Order from applying to—

- (a) treatment received as a result of any disease suffered by the injured person, or
- (b) ambulance services provided as a result of any disease suffered by him,

if the disease in question is attributable to the injury suffered by the injured person (and accordingly that treatment is received or those services are provided as a result of the injury).

(7) “[^{F2}health care] treatment” means any treatment (including any examination of the injured person) other than—

- (a) treatment provided by virtue of Article 31 of the 1972 Order or paragraph 14 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1) (accommodation and services for private patients),
- (b) treatment provided at a [^{F2}health care] hospital by virtue of Article 5(4) of the 1972 Order (permission for use of [^{F2}health care] accommodation or facilities in private practice), or
- (c) treatment provided by virtue of—
 - (i) Article 15B, 56 or 57 of the 1972 Order (primary medical services), or
 - (ii) Article 61 of the 1972 Order (general dental services).

(8) “Relevant [^{F2}health care] charges” means the amount specified in a certificate of [^{F2}health care] charges—

- (a) issued under this Order, in respect of the injured person, to the person making the compensation payment, and
- (b) in force.

(9) “Compensation scheme for motor accidents” means any scheme or arrangement under which funds are available for the payment of compensation in respect of motor accidents caused, or alleged to have been caused, by uninsured or unidentified persons.

(10) Regulations may amend Schedule 1 by omitting or modifying any payment for the time being specified in that Schedule.

(11) This Article applies in relation to any injury which occurs on or after the date on which this Article comes into operation.

(12) For the purposes of this Order, it is irrelevant whether a compensation payment is made with or without an admission of liability.

Textual Amendments

- F2** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(b\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

Commencement Information

- I1** [Art. 3](#) wholly in force at 29.1.2007: [art. 3](#) not in force at Royal Assent see [art. 1\(2\)](#); [art. 3](#) in force for certain purposes at 4.12.2006 and wholly in force at 29.1.2007 for all other purposes by [S.R. 2006/484](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Recovery of Health Services Charges (Northern Ireland) Order 2006, health care charges.