

STATUTORY INSTRUMENTS

2006 No. 1944

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

Certificates of [^{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](#)

Applications for certificates of [^{F2}health care] charges

4.—(1) Before a person makes a compensation payment in consequence of any injury suffered by an injured person, he may apply for a certificate of [^{F2}health care] charges (in this Order referred to as “a certificate”) to the Department.

(2) If the Department receives an application under paragraph (1), it shall arrange for a certificate to be issued as soon as is reasonably practicable.

(3) A certificate may provide that it is to remain in force—

- (a) until a specified date,
- (b) until the occurrence of a specified event, or
- (c) indefinitely.

(4) A person may apply under paragraph (1) for a fresh certificate from time to time.

(5) Paragraph (2) does not require the Department to arrange for a fresh certificate to be issued to a person applying under paragraph (4) if, when the application is received, a certificate issued to the applicant in respect of the injured person is still in force; but the Department may arrange for a fresh certificate to be issued so as to have effect on the expiry of the current certificate.

(6) If a certificate expires, the Department may arrange for a fresh certificate to be issued without an application having to be made.

(7) In the circumstances mentioned in paragraph (8), a person who has made a compensation payment in consequence of an injury suffered by an injured person shall apply for a certificate to the Department.

(8) The circumstances are that—

- (a) at the time the payment is made by the person—
 - (i) no certificate has been issued to him in respect of the injured person, or
 - (ii) if such a certificate has been issued to him, it is no longer in force, and
- (b) no application for a certificate has been made by him during the prescribed period ending immediately before the day on which the compensation payment is made.

(9) An application for a certificate shall be made in the prescribed manner and, in the case of an application under paragraph (7), within the prescribed period.

(10) On receiving an application under paragraph (7), the Department shall arrange for a certificate to be issued as soon as is reasonably practicable.

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

II [Art. 4](#) wholly in force at 29.1.2007: art. 4 not in force at Royal Assent see [art. 1\(2\)](#); [art. 4](#) 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**

Information contained in certificates

5.—(1) A certificate shall specify the amount for which the person to whom it is issued is liable under Article 3(2).

(2) The amount to be specified is to be that set out in, or determined in accordance with, regulations, reduced if applicable in accordance with paragraph (3) or regulations under paragraph (10).

(3) If a certificate relates to a claim made by or on behalf of an injured person—

- (a) in respect of which a court in Northern Ireland has ordered a reduction of damages in accordance with section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23),
- (b) in respect of which a court in England and Wales or Scotland has ordered a reduction of damages in accordance with section 1 of the Law Reform (Contributory Negligence) Act 1945 (c. 28),
- (c) in respect of which a court in a country other than Northern Ireland, England and Wales or Scotland has ordered a reduction of damages under any provision of the law of that country which appears to the Department to correspond to section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948,
- (d) in respect of which an officer of a court in Northern Ireland or England and Wales has entered or sealed an agreed judgment or order which specifies—
 - (i) that the damages are to be reduced to reflect the injured person's share in the responsibility for the injury in question, and
 - (ii) the amount or proportion by which they are to be so reduced,
- (e) in the case of which the parties to any resulting action before a court in Scotland have executed a joint minute which specifies—
 - (i) that the action has been settled extra-judicially, and
 - (ii) the matters mentioned in sub-paragraph (d)(i) and (ii), or
- (f) in respect of which a document has been made under any provision of the law of a country other than Northern Ireland, England and Wales or Scotland—
 - (i) which appears to the Department to correspond to an agreed judgment or order entered or sealed by an officer of a court in Northern Ireland, and
 - (ii) which specifies the matters mentioned in sub-paragraph (d)(i) and (ii),

the amount specified in the certificate is to be that which would be so specified apart from this paragraph, reduced by the same proportion as the reduction of damages.

(4) If a certificate relates to an injured person who has not received [^{F3}health care] treatment at a [^{F3}health care] hospital or been provided with [^{F3}health care] ambulance services as a result of the injury, it shall indicate that no amount is payable to the Department by reference to that certificate.

(5) Regulations under paragraph (2) may, in particular, provide—

- (a) that the amount, or the aggregate amount, specified in a certificate is not to exceed a prescribed sum,
- (b) for different amounts to be specified in respect of different circumstances or areas,
- (c) for cases in which an injured person receives treatment at two or more [^{F3}health care] hospitals,
- (d) for cases in which an injured person receives treatment at one or more [^{F3}health care] hospitals and is provided with [^{F3}health care] ambulance services,
- (e) for cases in which liability under Article 3(2) is to be apportioned between two or more persons making compensation payments to or in respect of the same injured person in consequence of the same injury,
- (f) for cases in which a fresh certificate is issued or a certificate is revoked as a result of a review under Article 8 or an appeal under Article 9 or 11,
- (g) for any matter requiring determination under or in consequence of the regulations to be determined by the Department,

and in the case of sub-paragraph (e) may make such provision by modifying this Order.

(6) Any reference in paragraph (5)(a) or (b) to any amount specified in a certificate is to the amount which would be so specified apart from paragraph (3) or regulations under paragraph (10).

(7) Regulations under paragraph (2) which provide for cases mentioned in paragraph (5)(e) may (among other things) provide in the case of each compensator for—

- (a) determining, or re-determining, the amount for which he is liable under Article 3(2),
- (b) giving credit for amounts already paid, and
- (c) the payment by any person of any balance or the recovery from any person of any excess.

(8) Regulations under paragraph (2) which provide for cases mentioned in paragraph (5)(f) may (among other things) provide in the case of any compensator for the matters mentioned in sub-paragraphs (b) and (c) of paragraph (7).

(9) For the purposes of paragraph (10), a claim made by or on behalf of an injured person is a qualifying claim if—

- (a) it does not fall within paragraph (3) or within any other description of claim specified in regulations, and
- (b) it is settled, and the damages payable under the settlement are to be reduced to reflect the injured person's share in the responsibility for the injury in question.

(10) Regulations may make provision as to the circumstances in which the amount specified in a certificate relating to a qualifying claim is to be that which would be so specified apart from the regulations, reduced by the same proportion as the reduction of damages.

(11) A person to whom a certificate is issued is entitled to such particulars of the manner in which any amount specified in the certificate has been determined as may be prescribed, if he applies to the Department for those particulars.

(12) Regulations under paragraph (2) may be made so as to apply to any certificate issued after the time the regulations come into operation, other than one relating to a compensation payment made before that time.

Changes to legislation: There are currently no known outstanding effects for the The Recovery of Health Services Charges (Northern Ireland) Order 2006, Certificates of health care charges. (See end of Document for details)

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Textual Amendments

- F3** 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**

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Commencement Information

- I2** [Art. 5](#) wholly in force at 29.1.2007: art. 5 not in force at Royal Assent see [art. 1\(2\)](#); [art. 5](#) 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, Certificates of health care charges.