

2002 No. 52

**ROAD TRAFFIC**

**The Road Traffic (Health Services Charges) (Amendment)  
Regulations (Northern Ireland) 2002**

*Made* . . . . . 15th February 2002

*Coming into operation* . . . . 16th February 2002

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by sections 23(5), 25(2) and (4), 32(2), 37 and 57(1) and (3) of the Health and Personal Social Services Act (Northern Ireland) 2001(a), 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) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 16th February 2002.

(2) In these Regulations, “the principal Regulations” means the Road Traffic (Health Services Charges) Regulations (Northern Ireland) 2001(b).

*Amendment of regulation 4 of the principal Regulations*

2. For regulation 4 of the principal Regulations (amount of health services charges—incidents on or after 2nd July 1997) substitute the following—

“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.

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(a) 2001 c. 3 (N.I.)  
(b) S.R. 2001 No. 125

(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.”

*Transitional provision and saving*

**3.**—(1) In respect of a certificate relating to an incident which occurred on or after 28th January and before 16th February 2002 the health services charges under section 23(2) shall be determined by reference to—

(a) the amount specified in sub-paragraph (a) or (b) of paragraph (2) of regulation 4 of the principal Regulations in operation on each day of the treatment covered by the certificate, and

(b) the maximum amount specified in paragraph (5) of regulation 4 of the principal Regulations in operation on the date on which the certificate is issued.

(2) In respect of a certificate relating to an incident which occurred on or after 2nd July 1997 and before 28th January 2002 the health service charges under section 23(2) shall be determined by reference to the amount specified in sub-paragraph (a) or (b) of paragraph (2) of regulation 4 of the principal Regulations and the maximum amount specified in paragraph (4) of regulation 4 of the principal Regulations in operation on the day the incident occurred.

(3) In this regulation expressions used have the same meaning as in the principal Regulations.

*Amendment of regulation 10 of the principal Regulations*

**4.** In regulation 10 of the principal Regulations (overpayments by compensators) for “29” where it first appears substitute “28”.

*Amendment of regulation 18 of the principal Regulations*

**5.** In regulation 18 of the principal Regulations (exempted payments) in paragraph (a) for “Insurer’s” substitute “Insurers”.

*Revocation*

**6.** The Road Traffic (Health Services Charges) (Amendment) Regulations (Northern Ireland) 2001 are hereby revoked(a).

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 15th February 2002.

(L.S.)

*Andrew Hamilton*  
Senior Officer of the Department of  
Health, Social Services and Public Safety

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Road Traffic (Health Services Charges) Regulations (Northern Ireland) 2001 (“the principal Regulations”) which provide for a scheme for the recovery from insurers and certain other persons of charges in connection with the health services treatment of road traffic casualties. They also revoke the Road Traffic (Health Services Charges) (Amendment) Regulations (Northern Ireland) 2001 (regulation 6).

Amendments made to the principal Regulations revoke charges applying to incidents occurring on or after 28th January 2002 and reinstate the charges that applied in respect of incidents which occurred on or after 2nd July 1997; the charge where the traffic casualty received health services treatment but was not admitted to hospital is reduced from £402 to £354; the daily charge for health services treatment where the traffic casualty is admitted to hospital is reduced from £494 to £435; and the maximum charge for treatment where the traffic casualty is admitted to hospital is reduced from £30,000 to £10,000 (regulation 2). For incidents occurring during the period 28th January 2002 to 15th February 2002 the appropriate charges for treatment are those in operation on the days on which treatment occurred (regulation 3).

Regulations 4 and 5 correct errors in the principal Regulations.

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