

**2009 No. 121**

**HEALTH SERVICES CHARGES**

**The Recovery of Health Services Charges (General) and  
(Amounts) (Amendment) Regulations (Northern Ireland) 2009**

*Made* - - - - - *18th March 2009*

*Coming into operation* - *1st April 2009*

The Department of Health, Social Services and Public Safety makes the following regulations in exercise of the powers conferred by Articles 2, 5(2) and (5), 12(1) to (3) and 19(3) of the Recovery of Health Services Charges (Northern Ireland) Order 2006(a).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Recovery of Health Services Charges (General) and (Amounts) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 1st April 2009.

(2) In these Regulations—

“certificate means a certificate of Health Services Charges issued under Article 4 of the Recovery of Health Services Charges (Northern Ireland) Order 2006;

“the principal Regulations” means the Recovery of Health Services Charges (Amounts) Regulations (Northern Ireland) 2006(b);

“the 2006 Regulations” means the Recovery of Health Services Charges (General) Regulations (Northern Ireland) 2006(c).

**Amendment of the principal Regulations**

**2.** The principal Regulations are amended in accordance with Schedule 1.

**Amendment of the 2006 Regulations**

**3.** The 2006 Regulations are amended in accordance with Schedule 2.

**Saving**

**4.** Notwithstanding regulation 2, the principal Regulations shall continue to have effect in respect of a certificate relating to an incident which occurred before 1st April 2009 as if the amendments made under paragraph 1 of Schedule 1 had not been made.

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(a) S.I. 2006/1944 (N.I.13), Article 2 is cited for the definition of “prescribed”  
(b) S.R. 2006 No. 507  
(c) S.R. 2006 No. 536

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 18th March 2009.

(L.S.)

*Julie Thompson*

A senior officer of the Department of Health, Social Services and Public Safety

## AMENDMENT OF THE PRINCIPAL REGULATIONS

**Amendment of regulation 2**

- 1.** In regulation 2 of the principal Regulations (amount of health services charges)—
- (a) in paragraph (1) for “regulation 3” substitute “regulation 3 and 3A”;
  - (b) in paragraph (1)(a) for “£165” substitute “£171”;
  - (c) in paragraph (1)(b)(i) for “£547” substitute “£566”;
  - (d) in paragraph (1)(b)(ii) for “£672” substitute “£695”; and
  - (e) in paragraph (4) for “£40,179” substitute “£41,545”.

**Amendment of regulation 3**

- 2.** After regulation 3 (amount of health services charges: further provision) insert—

**“Amount of health services charges: in respect of visitors’ charges**

**3A.**—This regulation applies to a certificate where the amount to be specified in the certificate is determined under Article 5 on or after 1st April 2009; and

- (2) This paragraph applies where—
  - (a) a charge has been made in respect of an injured person in accordance with Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972, there being no exemption from charges under the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005, for the provision of health services treatment; and
  - (b) the compensation payment made to or in respect of that injured person includes an amount in respect of the charge referred to in sub-paragraph (a).
- (3) Where paragraph (2) applies, the amount for the purpose of Article 5 to be specified in relation to health services treatment at a hospital in the certificate which relates to the compensation payment referred to in paragraph (2)(b) shall be £0.00.”.

## AMENDMENT OF THE 2006 REGULATIONS

**Amendment of regulation 1**

1. In regulation 1(2) of the 2006 Regulations (citation, commencement and interpretation) insert the following definitions in the appropriate alphabetical position—

“the 2005 Regulations” means the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005;

“visitor” means a person not ordinarily resident in Northern Ireland;

“visitors’ charge” means a charge in accordance with Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972 for the provision of health services treatment, where no exemption from charges under the 2005 Regulations applies.”.

**Amendment of regulation 2**

2. In regulation “2(1)(f) of the 2006 Regulations (application for a certificate of health services charges) after “was made” insert “, whether that payment includes an amount in respect of a visitors’ charge and, if so, documentary evidence of that amount”.

**Amendment of regulation 5**

3. In regulation 5 of the 2006 Regulations (information to be provided in relation to an injured person)—

(a) at the end of paragraph (3)(f)(ii) omit “and”;

(b) after paragraph (3)(g) insert—

“and

(h) whether the claim for compensation includes payment of a visitors’ charge.”;

(c) at the end of paragraph (4)(d) omit “and”; and

(d) after paragraph (4)(e) insert—

“and

(f) whether a visitors’ charge has been made in respect of the injured person.”.

## EXPLANATORY NOTE

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

These Regulations amend the Recovery of Health Services Charges (Amounts) Regulations (Northern Ireland) 2006 (“the principal Regulations”), which make provision about the charges payable under the scheme for the recovery of health services charges. The scheme applies in cases where an injured person who receives a compensation payment in respect of his injury has received health services hospital treatment or ambulance services. The charges are specified in certificates issued by the Department for Social Development and are payable by persons who pay compensation to the injured person. The charges in each case are calculated by reference to a tariff of charges provided for by the principal Regulations.

The Regulations also amend the Recovery of Health Services Charges (General) Regulations (Northern Ireland) 2006 (“the 2006 Regulations”) which make further provision as to various matters in connection with the scheme.

Amendments made to the principal Regulations by regulation 2 and Schedule 1 increase the charges in respect of injuries which occur on or after 1st April 2009. Where the injured person is provided with health services ambulance services, the charge is increased from £165 to £171 for each occasion. Where the injured person receives health services treatment, but is not admitted to hospital, the charge is increased from £547 to £566. The daily charge for health services in-patient treatment is increased from £672 to £695. The maximum charge in respect of an injury is increased from £40,179 to £41,545.

Regulation 2 and Schedule 1 also amend the principal Regulations to make provision for the amount in relation to health services treatment in a hospital in the certificate to be nil where a charge for the provision of that treatment has been made in respect of the injured person in accordance with Article 42 of the Health and Personal Social Services (Northern Ireland) Order 1972, there being no applicable exemption from charges under the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005, and the compensation payment includes an amount for this charge. This applies to determinations of health services charges which take place on or after 1 April 2009.

Regulation 3 and Schedule 2 amend the 2006 Regulations to add to the list of information to be provided by certain classes of persons under the scheme.

Regulation 4 is a saving provision which maintains the current charges for incidents occurring before 1st April 2009.

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