
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 593

The Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006

Review of certificates

2.—(1) For the purposes of section 156(1), notification of an order, judgement, minute or document referred to in that subsection is to be given to the Scottish Ministers by the compensator sending to the Scottish Ministers—

- (a) a copy of the order, judgement, minute or document concerned; and
- (b) particulars of the amount or proportion by which the damages payable in respect of the claim are to be reduced to reflect the injured person's share in the responsibility for the injury in question.

(2) The Scottish Ministers must review a certificate relating to a claim which, after the certificate is issued, becomes a qualifying claim (as defined in section 153(9)(1)) if, not later than 3 months after the claim becomes a qualifying claim, the report containing the information required by regulation 3(1)(a) (production of report) of the Personal Injuries (NHS Charges) (General) (Scotland) Regulations 2006(2) is sent by the compensator to the Scottish Ministers.

(3) Subject to paragraph (4), the Scottish Ministers may review a certificate where they are satisfied that—

- (a) a mistake (whether in computation of the amount specified or otherwise) may have occurred in the preparation of the certificate; or
- (b) the amount specified in the certificate may be excess of the amount due to the Scottish Ministers; or
- (c) incorrect or insufficient information may have been supplied to the Scottish Ministers by the person to whom the certificate was issued and in consequence the amount specified in the certificate was less than it would have been had the information supplied been correct or sufficient; or
- (d) a ground for appeal against a certificate may be satisfied.

(4) An application for a review under section 156(4)(b) must be in writing on a form approved by the Scottish Ministers(3) and sent to them not later than 3 months after—

- (a) the date of the certificate; or
- (b) if later, the date on which the compensation payment(4) was made,

(1) Section 153(9) was amended by the Health Act 2006 (c. 28), section 73.

(2) S.S.I. 2006/592.

(3) The approved form is obtainable from the Compensation Recovery Unit, Durham House, Washington, Tyne and Wear, NE38 7SF.

(4) See section 150(3) of the Health and Social Care (Community Health and Standards Act 2003 for the definition of compensation payment.