EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 3 of the Health and Social Care (Community Health and Standards) Act 2003 ("the 2003 Act") provides for a scheme for the recovery of charges in cases where an injured person who receives a compensation payment in respect of an injury has received National Health Service hospital treatment or ambulance services. The charges are specified in certificates issued by the Scottish Ministers, and are payable by persons who pay compensation to the injured person.

A person to whom a certificate is issued may appeal against the certificate under section 157(1) of the 2003 Act. The Scottish Ministers are required to refer such an appeal to an appeal tribunal constituted under the Social Security Act 1998.

These Regulations amend the Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006 ("the principal Regulations") which make provisions regarding reviews, waivers and appeals.

Regulation 2(2) and (3) amend regulation 7(7) and (8) of the principal Regulations to add a requirement that a decision determining an application for an extension of time to make an appeal shall be notified as soon as practicable.

Regulation 2(4) amends regulation 8(2)(b) of the principal Regulations by specifying that the provisions of regulation 36(2)(a) and (8) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I.1999/991) apply to an appeal under the principal Regulations. The effect of these amendments is to provide that an appeal tribunal hearing an appeal in terms of section 157 of the 2003 Act will comprise a legally qualified panel member and a medically qualified panel member, who is not to be someone who has previously been involved in the medical aspects of the case.