

2007 No. 222

NATIONAL HEALTH SERVICE

**The Personal Injuries (NHS Charges) (Reviews and Appeals)
(Scotland) Amendment Regulations 2007**

<i>Made</i> - - - -	<i>7th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 157(7), 168 and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003(a) and of all other powers enabling them in that behalf, and having consulted the Council on Tribunals and its Scottish Committee in accordance with section 8 of the Tribunals and Inquiries Act 1992(b), and with the consent of the Secretary of State(c), hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Amendment Regulations 2007 and shall come into force on 1st April 2007.

Amendment of the Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations

2.—(1) The Personal Injuries (NHS Charges) (Reviews and Appeals) (Scotland) Regulations 2006(d) are amended as follows.

(2) In regulation 7(7), (extension of time for appealing) after “Scottish Ministers” insert “as soon as practicable after the decision is made”.

(3) In regulation 7(8) (extension of time for appealing) after “applicant” insert “as soon as practicable after the decision is made”.

(a) 2003 c.43 (“the 2003 Act”). By section 167, the powers are exercisable in relation to Scotland by the Scottish Ministers. Section 168 is cited for the definition of “prescribed”.
(b) 1992 c.53. Section 8 was amended by S.I. 2001/3649, and Schedule 1, paragraph 41 was substituted by the Social Security Act 1998 (c.14), Schedule 7, paragraph 121.
(c) The consent of the Secretary of State is required in terms of section 167(2) of the Act.
(d) S.S.I. 2006/593.

(4) In regulation 8(2)(b) (general provisions relating to the procedure for appeals)–

(a) after “36(1)” delete “and” and insert “, (2)(a),”; and

(b) after “(5)” insert “, and 8”.

St Andrew’s House,
Edinburgh
7th March 2007

ANDREW P KERR
A member of the Scottish Executive

I consent

5th March 2007

PATRICIA HEWITT
Secretary of State for Health

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.

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