

2007 No. 917

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

SOCIAL SECURITY, ENGLAND AND WALES

**The Health and Social Care (Community Health and Standards)
Act 2003 Consequential Provisions (Recovery of NHS Charges)
Order 2007**

<i>Made</i> - - - -	<i>19th March 2007</i>
<i>Laid before Parliament</i>	<i>23rd March 2007</i>
<i>Coming into force</i> - -	<i>13th April 2007</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 201 of the Health and Social Care (Community Health and Standards) Act 2003(a).

She has consulted the National Assembly for Wales in accordance with section 201(2) of that Act(b) and the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(c):

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Consequential Provisions (Recovery of NHS Charges) Order 2007 and shall come into force on 13th April 2007.

(2) This Order applies in relation to England and Wales.

(3) In this Order “Social Security Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999(d).

Amendment of regulation 36 of the Social Security Regulations

2. In regulation 36(e) of the Social Security Regulations (composition of appeal tribunals), in paragraph (2)(a) at the end insert,—

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- (a) 2003 c.43 (“the 2003 Act”). The “appropriate authority” for the purposes of this order is defined in section 199 of the 2003 Act.
(b) Section 201(2) of the 2003 Act, as read with section 199(2)(c) of that Act, provides that the appropriate authority for the purpose of this order is the Secretary of State after consulting the National Assembly for Wales.
(c) 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.
(d) S.I. 1999/991.
(e) Amended by S.I. 1999/1466, 2000/1596 and 2004/3368.

“(iii) the appeal is made under section 157(1) of the Health and Social Care (Community Health and Standards) Act 2003; or”.

Signed by authority of the Secretary of Health

19th March 2007

Andy Burnham
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

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 his injury has received National Health Service hospital treatment or ambulance services. The charges are specified in certificates issued by the Secretary of State, 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 (“section 157(1)”). The Secretary of State is required to refer such an appeal to an appeal tribunal constituted under the Social Security Act 1998. This Order amends regulation 36 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, to require the appeal tribunal to have a medically qualified panel member on the panel to hear an appeal against a certificate under section 157(1).

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