



2001 CHAPTER 3

PART II

RECOVERY OF CHARGES IN CONNECTION WITH THE TREATMENT OF ROAD TRAFFIC CASUALTIES

Certificates of health services charges

Applications for certificates of health services charges

24.—(1) Before a person makes a compensation payment in respect of the injury or death of a traffic casualty, he may apply to the Department for a certificate under this section.

(2) If the Department receives an application under subsection (1), it shall arrange for a certificate to be issued as soon as is reasonably practicable.

(3) Such a certificate is to be known as a “certificate of health services charges” but is referred to generally in this Part as a “certificate”.

(4) A certificate may provide that it is to remain in force—

- (a) until a specified date;
- (b) until the occurrence of a specified event; or
- (c) indefinitely.

(5) A person may apply under subsection (1) for a fresh certificate from time to time.

(6) Subsection (2) does not require the Department to arrange for a fresh certificate to be issued to a person applying under subsection (5) if, when the application is received, a certificate issued to the applicant in respect of the

casualty is still in force; but the Department may arrange for a fresh certificate to be issued so as to have effect on the expiry of the current certificate.

(7) If a certificate expires, the Department may arrange for a fresh certificate to be issued without an application having to be made.

(8) In the circumstances mentioned in subsection (9), a person who has made a compensation payment in respect of the injury or death of a traffic casualty shall apply to the Department for a certificate.

(9) The circumstances are that—

(a) at the time the payment is made—

(i) no certificate has been issued to him in respect of the casualty; or

(ii) if such a certificate has been issued to him, it is no longer in force; and

(b) no application for a certificate has been made by him during the prescribed period ending immediately before the day on which the compensation payment is made.

(10) An application for a certificate shall be made in the prescribed manner and, in the case of an application under subsection (8), within the prescribed period.

(11) On receiving an application under subsection (8), the Department shall arrange for a certificate to be issued as soon as is reasonably practicable.

(12) The Department may arrange for certificates to be issued by electronic means.

Information contained in certificates

25.—(1) A certificate shall specify the amount for which the person to whom it is issued is liable under section 23(2).

(2) The amount to be specified is to be that set out in, or determined in accordance with, regulations.

(3) But if a certificate relates to a traffic casualty who has not received health services treatment at a health services hospital in respect of his injury, it shall indicate that no amount is payable to the Department by reference to that certificate.

(4) Regulations under subsection (2) may, in particular, provide—

(a) that the amount, or the aggregate amount, specified in a certificate is not to exceed a prescribed sum;

(b) for different amounts to be specified in respect of different circumstances, including, in particular, whether or not the treatment concerned was in respect of injuries resulting from an incident occurring before 2nd July 1997;

- (c) for cases in which a traffic casualty receives treatment at two or more health services hospitals;
- (d) for cases in which liability under section 23(2) is to be apportioned between two or more persons making compensation payments in respect of the same traffic casualty.

(5) Regulations under subsection (2) may be made so as to apply to any certificate issued after the time the regulations come into operation, other than one relating to a compensation payment made before that time.

(6) A person to whom a certificate is issued is entitled to such particulars of the manner in which any amount specified in the certificate has been determined as may be prescribed, if he applies to the Department for those particulars.