



2001 CHAPTER 3

^{F1}PART II

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

Miscellaneous and general

Regulations governing payments into court, etc.

36.—^{F1}(1) Regulations may make provision (including provision modifying this Part)—

- (a) for cases to which section 23(2) applies in which two or more compensation payments in the form of lump sums are made by the same person in respect of the same injury or death;
- (b) for cases to which section 23(2) applies in which an agreement is entered into for the making of—
 - (i) periodical compensation payments (whether of an income or capital nature); or
 - (ii) periodical compensation payments and lump sum compensation payments;
- (c) for cases in which the compensation payment to which section 23(2) applies is an interim payment of damages which a court orders to be repaid.

(2) Regulations may make provision modifying the application of this Part in relation to cases in which a payment into court is made and, in particular, may provide—

Status: Point in time view as at 04/12/2006.

Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and general. (See end of Document for details)

- (a) for the making of a payment into court to be treated in prescribed circumstances as the making of a compensation payment;
- (b) for application for, and issue of, certificates.]

F1 Pt. II (ss. 23-38) repealed (4.12.2006 for certain purposes, otherwise prosp.) by [Recovery of Health Services Charges \(Northern Ireland\) Order 2006 \(S.I. 2006/1944 \(N.I. 13\)\)](#), arts. 1(2), 21(1), [Sch. 2](#) (with arts. 18, 21(2)); S.R. 2006/484, [art. 2](#)

Interpretation of this Part

37. [F2In this Part—

- “appeal” means an appeal under section 29;
- “appropriate health services charges” has the meaning given in section 23(7);
- “authorised insurer” has the meaning given in Article 101 of the Road Traffic (Northern Ireland) Order 1981 (NI 1);
- “certificate” means a certificate of health services charges issued under section 24;
- “compensation payment” has the meaning given in section 23;
- “compensation scheme for motor accidents” means any scheme or arrangement under which funds are available for the payment of compensation in respect of motor accidents caused, or alleged to be caused, by uninsured or unidentified persons;
- “the Department” means the Department for Social Development;
- “health services hospital” means a hospital which provides health services;
- “health services treatment” has the meaning given in section 23(6);
- “motor vehicle” has the meaning given in Article 3(1) of the Road Traffic (Northern Ireland) Order 1995 (NI 18) (read with Articles 4(1), 5, 6 and 105 of that Order);
- “owner” has the meaning given in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995;
- “regulations” means regulations made by the Department of Health, Social Services and Public Safety;
- “responsible body” in respect of a health services hospital, means—
 - (a) in the case of a hospital vested in an HSS trust, the trust; and
 - (b) in any other case, the body responsible for the management of the hospital;
- “road” has the meaning given in Article 2(2) of the Road Traffic (Northern Ireland) Order 1981 (NI 1);
- “traffic casualty” has the meaning given in section 23(1).]

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Consequential amendments

38.—(1) Article 99 of the Road Traffic (Northern Ireland) Order 1981 (NI 1) (liability of insurers, etc., for expenses of hospital treatment) shall cease to have effect.

(2) In Article 101 of that Order (meaning of “authorised insurer”), in paragraph (2)—

- (a) after “purposes of this Part” there shall be inserted “or Part II of the Health and Personal Social Services Act (Northern Ireland) 2001”;
- (b) for the words from “Article 99” to “treatment” there shall be substituted “section 23 of the Health and Personal Social Services Act (Northern Ireland) 2001 (payment for hospital treatment of traffic casualties)”.

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Changes to legislation:

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