2001 CHAPTER 3

[F1]PART II

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

Reviews and appeals

Review of certificates

28.—[[F1](1) A certificate may be reviewed by the Department—

(a) either within the prescribed period or in prescribed cases or circumstances; and

(b) either on an application made for the purpose or on its own initiative.

(2) On a review under this section, the Department may—

(a) confirm the certificate;

(b) issue a fresh certificate containing such variations as it considers appropriate; or

(c) revoke the certificate.**]**

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 II (ss. 23-38) repealed (4.12.2006 for certain purposes, otherwise prosp.)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**

Appeals against a certificate

29.—[[F2](1) An appeal against a certificate may be made by the person to whom the certificate was issued on the ground—

(a) that an amount specified in the certificate is incorrect;

(b) that an amount so specified takes into account treatment which is not health services treatment received by the traffic casualty, in respect of his injury, at a health services hospital; or

(c) that the payment on the basis of which the certificate was issued is not a compensation payment.

(2) No appeal may be made until—

(a) the claim giving rise to the compensation payment has been finally disposed of; and

(b) payment of the amount specified in the certificate has been made to the Department.

(3) For the purposes of subsection (2)(a), if an award of damages in respect of a claim has been made under paragraph 10(2)(a) of Schedule 6 to the Administration of Justice Act 1982 (c. 53), (orders for provisional damages in personal injury cases), the claim is to be treated as having been finally disposed of.

(4) Regulations may make provision—

(a) as to the manner in which, and the time within which, an appeal may be made;

(b) as to the procedure to be followed where an appeal is made; and

(c) for the purpose of enabling an appeal to be treated as an application for a review under section 28.**]**

F2 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 II (ss. 23-38) repealed (4.12.2006 for certain purposes, otherwise prosp.)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**

Appeal tribunals

30.—[[F3](1) The Department shall refer an appeal to an appeal tribunal.

(2) In determining an appeal, the tribunal shall take into account any decision of a court relating to the same, or any similar, issue arising in connection with the injury or death in question.

(3) On an appeal, the tribunal may—

(a) confirm the amount specified in the certificate;

(b) specify any variations which are to be made on the issue of a fresh certificate under subsection (4); or

(c) declare that the certificate is to be revoked.

(4) When the Department has received the decision of the tribunal on an appeal, it shall in accordance with that decision—

(a) confirm the certificate against which the appeal was brought;

(b) issue a fresh certificate; or

(c) revoke the certificate.

(5) Regulations under section 29 may (among other things) provide for the non-disclosure of medical advice or medical evidence given or submitted following a reference under subsection (1).

(6) In this section and section 31 "appeal tribunal" means an appeal tribunal constituted under Chapter I of Part II of the Social Security (Northern Ireland) Order 1998 (NI 10).**]**

F3 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**

Appeal to the court on point of law

31. [[F4]Regulations may provide that an appeal lies to the High Court on any point of law arising from a decision of an appeal tribunal under section 30.**]**

F4 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**

Reviews and appeals: supplementary

32.—[[F5](1) This section applies in any case in which a fresh certificate is issued as a result of a review under section 28 or an appeal.

(2) Regulations may provide that where—

(a) a person has made one or more payments to the Department under section 23; and

(b) in consequence of the review or appeal, it appears that the amount paid is more than the amount that ought to have been paid,

the difference shall be repaid by such person or persons as may be prescribed.

(3) Regulations may provide that where—

(a) a person has made one or more payments to the Department under section 23; and

(b) in consequence of the review or appeal, it appears that the amount paid is less than the amount that ought to have been paid,

that person shall pay the difference to the Department.

(4) Regulations under this section—

(a) may provide for the payment by any person of any balance or the recovery from any person of any excess, and may make such provision by modifying this Part;

(b) may provide for the Department of Health, Social Services and Public Safety to determine any matter requiring determination under or in consequence of the regulations.**]**

F5 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**

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: Reviews and appeals.