
STATUTORY INSTRUMENTS

2006 No. 1944

**The Recovery of Health Services
Charges (Northern Ireland) Order 2006**

Review and appeal

Review of certificates

8.—(1) The Department shall review a certificate issued by it if the certificate relates to a claim made by or on behalf of an injured person—

- (a) in respect of which, after the certificate is issued, a court in Northern Ireland orders a reduction of damages in accordance with section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23),
- (b) in respect of which, after the certificate is issued, a court in England and Wales or Scotland orders a reduction of damages in accordance with section 1 of the Law Reform (Contributory Negligence) Act 1945 (c. 28),
- (c) in respect of which, after the certificate is issued, a court in a country other than Northern Ireland, England and Wales or Scotland orders a reduction of damages under any provision of the law of that country which appears to the Department to correspond to section 2 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948,
- (d) in respect of which, after the certificate is issued, an officer of a court in Northern Ireland or England and Wales enters or seals an agreed judgment or order which specifies—
 - (i) that the damages are to be reduced to reflect the injured person's share in the responsibility for the injury in question, and
 - (ii) the amount or proportion by which they are to be so reduced,
- (e) in the case of which, after the certificate is issued, the parties to any resulting action before a court in Scotland execute a joint minute which specifies—
 - (i) that the action has been settled extra-judicially, and
 - (ii) the matters mentioned in sub-paragraph (d)(i) and (ii), or
- (f) in respect of which, after the certificate is issued, a document is made under any provision of the law of a country other than Northern Ireland, England and Wales or Scotland—
 - (i) which appears to the Department to correspond to an agreed judgment or order entered or sealed by an officer of a court in Northern Ireland, and
 - (ii) which specifies the matters mentioned in sub-paragraph (d)(i) and (ii),and notification of the order, judgment, minute or document has been given to the Department in the prescribed manner.

(2) Regulations may make provision as to the circumstances in which the Department shall review a certificate relating to a claim which, after the certificate is issued, becomes a qualifying claim (as defined in Article 5(9)).

(3) Department may review a certificate issued by it—

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

- (b) either on application made for the purpose or on the Department's initiative.
- (4) On a review under this Article, the Department may—
 - (a) confirm the certificate,
 - (b) (subject to paragraph (5)) issue a fresh certificate containing such variations as it considers appropriate, or
 - (c) revoke the certificate.
- (5) The Department may not vary a certificate so as to increase the amount, or the aggregate amount, specified unless it appears to the Department that the variation is required as a result of the Department having been supplied with incorrect or insufficient information by the person to whom the certificate is issued.

Commencement Information

- II** [Art. 8](#) wholly in force at 29.1.2007: art. 8 not in force at Royal Assent see [art. 1\(2\)](#); [art. 8](#) in force for certain purposes at 4.12.2006 and wholly in force at 29.1.2007 for all other purposes by [S.R. 2006/484](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Recovery of Health Services Charges (Northern Ireland) Order 2006, Section 8.