

RECOVERY OF HEALTH SERVICES CHARGES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 1944

EXPLANATORY MEMORANDUM

BACKGROUND AND POLICY OBJECTIVES

4. The Order deals with the recovery of health services charges. It provides for the health services in Northern Ireland to recover hospital treatment and/or ambulance costs where people receive compensation for injuries. The principle involved is that the wrongdoer in any case which results in compensation, should meet the costs of his or her wrongdoing rather than for the health services and taxpayer to subsidise them. It would also encourage people to take active steps to reduce the risk of causing injury to third parties. The Order represents an expansion, to include all cases of injury, of the current scheme for road traffic accident ("RTA") cases as set out in Part II of the Health and Personal Social Services Act (Northern Ireland) 2001 (c.3) ("2001 Act"). The costs would be recovered from the compensator and not the patient receiving the health services treatment.
5. Although the provisions follow very closely those of the 2001 Act, there are some changes to the way the scheme will operate. Four are of particular note. (i) The provision of ambulance services will be brought within the scope of the scheme. (ii) Findings of contributory negligence will be taken into account in calculating the amount of charge recoverable. (iii) Compensators wishing to appeal against a certificate of charges will be able to seek to have the requirement that any charges due must be paid before an appeal can be made waived on the grounds of exceptional financial hardship. (iv) An increase in the amount shown in a certificate of charges following a review will only be made where the compensator has supplied incorrect or insufficient information.