

*Status: Point in time view as at 04/12/2006. This version of this schedule contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the The Recovery of Health Services Charges (Northern Ireland) Order 2006, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Article 3.

#### RECOVERY OF HEALTH SERVICES CHARGES: EXEMPTED PAYMENTS

VALID FROM 29/01/2007

1. Any payment made to or for the injured person under—
  - (a) Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (NI 15) (compensation orders against convicted persons),
  - (b) section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (corresponding provision in relation to England and Wales), or
  - (c) section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (corresponding provision in relation to Scotland).

VALID FROM 29/01/2007

2. Any payment made in the exercise of a discretion out of property held subject to a trust in a case where no more than 50 per cent by value of the capital contributed to the trust was directly or indirectly provided by persons who are, or are alleged to be, liable in respect of—
  - (a) the injury suffered by the injured person, or
  - (b) any connected injury suffered by another.

3. Any payment made out of property held for the purposes of a prescribed trust.

#### Commencement Information

- II** [Sch. 1 para. 3](#) wholly in force at 29.1.2007: [Sch. 1 para. 3](#) not in force at Royal Assent see [art. 1\(2\)](#); [Sch. 1 para. 3](#) 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](#)

VALID FROM 29/01/2007

- 4.—(1) Any payment made to the injured person by an insurer under the terms of any contract of insurance entered into between the injured person and the insurer before the occurrence of the injury in question.
  - (2) In sub-paragraph (1), “insurer” means—
    - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to effect or carry out contracts of insurance, or

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- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance.
- (3) Sub-paragraph (2) shall be read with—
  - (a) section 22 of the Financial Services and Markets Act 2000,
  - (b) any relevant order under that section, and
  - (c) Schedule 2 to that Act.

VALID FROM 29/01/2007

- 5. Any payment which apart from this paragraph would be made by—
  - (a) the responsible body of the health services hospital to whom the payment would subsequently be passed under Article 14,
  - (b) the relevant ambulance trust to whom the payment would subsequently be passed under that Article.

VALID FROM 29/01/2007

- 6. Any payment to the extent that it is made—
  - (a) in consequence of an action under the Fatal Accidents (Northern Ireland) Order 1977 (NI 18)),
  - (b) in consequence of an action under the Fatal Accidents Act 1976 (c. 30), or
  - (c) in circumstances where, had an action been brought, it would have been brought under that Order or Act.

VALID FROM 29/01/2007

7. Any payment to the extent that it is made in respect of a liability arising by virtue of section 1 of the Damages (Scotland) Act 1976 (c. 13).

8. Any payment of a prescribed description, either generally or in such circumstances as may be prescribed.

#### Commencement Information

- I2** Sch. 1 para. 8 wholly in force at 29.1.2007: Sch. 1 para. 8 not in force at Royal Assent see [art. 1\(2\)](#); Sch. 1 para. 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](#)

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