



Road Traffic (NHS Charges) Act 1999

1999 CHAPTER 3

Reviews and appeals

6 Review of certificates.

- (1) A certificate may be reviewed by the Secretary of State—
 - (a) either within the prescribed period or in prescribed cases or circumstances; and
 - (b) either on an application made for the purpose or on his own initiative.
- (2) On a review under this section, the Secretary of State may—
 - (a) confirm the certificate;
 - (b) issue a fresh certificate containing such variations as he considers appropriate; or
 - (c) revoke the certificate.
- (3) But the Secretary of State may not vary a certificate so as to increase the total amount specified unless it appears to him that the variation is required as a result of his having been supplied with incorrect or insufficient information by the applicant for the certificate.

7 Appeals against a certificate.

- (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 (or amounts) specified in the certificate is (or are) incorrect;
 - (b) that an amount (or amounts) so specified takes (or take) into account treatment which is not NHS treatment received by the traffic casualty, in respect of his injury, at a health service 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—

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Changes to legislation: There are currently no known outstanding effects for the Road Traffic (NHS Charges) Act 1999, Cross Heading: Reviews and appeals. (See end of Document for details)

- (a) the claim giving rise to the compensation payment has been finally disposed of; and
 - (b) payment of the amount or amounts specified in the certificate has been made to the Secretary of State.
- (3) For the purposes of subsection (2)(a), if an award of damages in respect of a claim has been made under or by virtue of—
- (a) section 32A(2)(a) of the ^{M1}Supreme Court Act 1981,
 - (b) section 12(2)(a) of the ^{M2}Administration of Justice Act 1982, or
 - (c) section 51(2)(a) of the ^{M3}County Courts Act 1984,
- (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 6.

Marginal Citations

- M1** 1981 c. 54.
M2 1982 c. 53.
M3 1984 c. 28.

8 Appeal tribunals.

- (1) The Secretary of State must refer an appeal to an appeal tribunal.
- (2) In determining an appeal, the tribunal must 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 or amounts 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 of NHS charges is to be revoked.
- (4) When the Secretary of State has received the decision of the tribunal on an appeal, he must 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 7 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 9, “appeal tribunal” means—

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- (a) in relation to England and Wales, an appeal tribunal constituted under Chapter I of Part I of the^{M4}Social Security Act 1998;
 - (b) in relation to Scotland, an appeal tribunal established for the purposes of this Act by regulations.
- (7) Regulations under subsection (6)(b) may include provision as to the constitution of the appeal tribunal and as to the procedure to be followed on an appeal.

Marginal Citations

M4 1998 c. 14.

9 Appeal to the court on point of law.

- (1) 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 8.
- (2) In Scotland, an appeal lies to the Court of Session on any point of law arising from a decision of an appeal tribunal under section 8.

10 Reviews and appeals supplementary.

- (1) This section applies in any case in which a fresh certificate is issued as a result of a review under section 6 or an appeal.
- (2) Regulations may provide that where—
 - (a) a person has made one or more payments to the Secretary of State under section 1, 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 must 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 Secretary of State under section 1, 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 must pay the difference to the Secretary of State.
- (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 Act;
 - (b) may provide for the Secretary of State to determine any matter requiring determination under or in consequence of the regulations.

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