
STATUTORY INSTRUMENTS

2006 No. 1944

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

Miscellaneous and general

Liability of insurers

- 16.**—(1) If a compensation payment is made in a case where—
- (a) a person is liable to any extent in respect of the injury, and
 - (b) the liability is covered to any extent by a policy of insurance,
- the policy is also to be treated as covering any liability of that person under Article 3(2).
- (2) Liability imposed on the insurer by paragraph (1) cannot be excluded or restricted.
- (3) For that purpose excluding or restricting liability includes—
- (a) making the liability or its enforcement subject to restrictive or onerous conditions,
 - (b) excluding or restricting any right or remedy in respect of the liability, or subjecting a person to any prejudice in consequence of his pursuing any such right or remedy, or
 - (c) excluding or restricting rules of evidence or procedure.
- (4) Regulations may in prescribed cases limit the amount of the liability imposed on the insurer by paragraph (1).
- (5) This Article applies in relation to policies of insurance issued before (as well as those issued after) the date on which it comes into operation.
- (6) References in this Article to policies of insurance and their issue include references to contracts of insurance and their making.