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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 223**

**NATIONAL HEALTH SERVICE**

**The Health and Social Care (Community Health and Standards) Act 2003 Supplementary Provisions (Recovery of NHS Charges) (Scotland) Order 2007**

<i>Made</i>	- - - -	<i>7th March 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2007</i>
<i>Coming into force</i>	- -	<i>1st April 2007</i>

The Scottish Ministers in exercise of the powers conferred by section 201 of the Health and Social Care (Community Health and Standards) Act 2003(1) and of all other powers enabling them in that behalf and having consulted the Council on Tribunals and its Scottish Committee in accordance with section 8 of the Tribunals and Inquiries Act 1992(2), and with the consent of the Secretary of State(3) hereby make the following Order.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Supplementary Provisions (Recovery of NHS Charges) (Scotland) Order 2007 and shall come into force on 1st April 2007.

(2) This Order extends to Scotland only.

**Amendment of regulation 36 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

2. In regulation 36(2)(a) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(4), at the end insert—

“(iii) the appeal is made under section 157(1) of the Health and Social Care (Community Health and Standards) Act 2003; or”.

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(1) 2003 c. 43 (“the 2003 Act”). The “appropriate authority” for the purposes of this order is defined in section 199(2)(c)(ii) of the 2003 Act.  
(2) 1992 c. 53. Section 8 was amended by S.I.2001/3649 and Schedule 1, paragraph 41 was substituted by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 121.  
(3) The consent of the Secretary of State is required in terms of section 199(2)(c)(ii) of the 2003 Act.  
(4) S.I. 1999/991; regulation 36(2)(a) was amended by S.I. 1999/1466, S.I. 2000/1596 and S.I. 2004/3368.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
7th March 2007

*ANDREW P KERR*  
A member of the Scottish Executive

I consent

5th March 2007

*PATRICIA HEWITT*  
Secretary of State for Health

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 3 of the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) provides for a scheme for the recovery of charges in cases where an injured person who receives a compensation payment in respect of an injury has received National Health Service hospital treatment or ambulance services. The charges are specified in certificates issued by the Scottish Ministers, and are payable by persons who pay compensation to the injured person.

A person to whom a certificate is issued may appeal against the certificate under section 157(1) of the 2003 Act (“section 157(1)”). The Scottish Ministers are required to refer such an appeal to an appeal tribunal constituted under the Social Security Act 1998. This Order amends regulation 36 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, to require the appeal tribunal to have a medically qualified panel member on the panel to hear an appeal against a certificate under section 157(1).