



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 3

RECOVERY OF NHS CHARGES

Review and appeal

158 Appeal tribunals

- (1) The Secretary of State or the Scottish Ministers must refer to an appeal tribunal constituted under Chapter 1 of Part 1 of the Social Security Act 1998 (c. 14) an appeal against—
 - (a) a certificate, or
 - (b) a waiver decision.
- (2) In determining an appeal against a certificate, 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 in question.
- (3) On an appeal against a certificate, 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 is to be revoked.
- (4) When the Secretary of State or the Scottish Ministers (as the case may be) has or have received the decision of the tribunal on an appeal against a certificate, he or they must in accordance with that decision—
 - (a) confirm the certificate,
 - (b) issue a fresh certificate, or
 - (c) revoke the certificate.

Status: This is the original version (as it was originally enacted).

- (5) Subsections (5) and (6) of section 152 apply to certificates issued under subsection (4) (b) above as they apply to certificates issued under section 151.
- (6) On an appeal against a waiver decision, the tribunal may—
 - (a) confirm the decision, or
 - (b) waive the requirement in question.
- (7) Regulations under section 157 may (among other things) provide for the non-disclosure of medical advice or medical evidence given or submitted following a reference under subsection (1).