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## EXPLANATORY NOTE

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

Part 3 of the Health and Social Care (Community Health and Standards) Act 2003 provides for a scheme for the recovery of charges in cases where an injured person who receives a compensation payment in respect of his injury has received National Health Service hospital treatment or ambulance services. The charges are specified in certificates issued by the Secretary of State, 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, provided he pays beforehand the amounts specified in the certificate or the Secretary of State waives the requirement to pay. The person may also appeal against the Secretary of State's decision whether to waive the requirement to pay ("the waiver decision").

Regulations 2 to 9 make provision—

- (a) for the circumstances and timing of reviews by the Secretary of State of certificates (regulation 2);
- (b) for the Secretary of State to inform a person to whom a certificate is issued of particulars relating to appeals against certificates (regulation 3);
- (c) as to the manner and timing of applying for a waiver of the requirement in section 157(2)(b) to pay the amount specified in the certificate before appealing against the certificate and for appealing a waiver decision. (regulation 4);
- (d) as to the manner and timing of appealing against a certificate (regulation 5);
- (e) for general matters relating to appeals against waiver decisions or certificates (regulation 6);
- (f) as to the grounds on which, and manner by which, an application can be made for an extension of the time limits for making an appeal against a waiver decision or certificate (regulation 7);
- (g) for the application of certain provisions (modified appropriately) of the Social Security Regulations relating to procedural matters of the appeal tribunal to appeals against waiver decisions and certificates (regulation 8).
- (h) for the consolidation of appeals against certificates relating to the same injury (regulation 9).

Regulation 10 corrects an error in the Road Traffic (NHS Charges) (Reviews and Appeals) Regulations 1999 (S.I. 1999/786) by removing an incorrect cross reference to section 9 of the Road Traffic (NHS Charges) Act 1999 ("the 1999 Act").

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Income Generation Team, Department of Health, Room 4W04, Quarry House, Quarry Hill, Leeds, LS2 7UE.