

**2007 No. 1613**

**NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**The Personal Injuries (NHS Charges) (Reviews and Appeals)  
Amendment Regulations 2007**

<i>Made</i> - - - -	<i>6th June 2007</i>
<i>Laid before Parliament</i>	<i>11th June 2007</i>
<i>Coming into force</i> - -	<i>9th July 2007</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 157(7), and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003(a).

She has consulted the National Assembly for Wales in accordance with section 195(3) of that Act and the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(b):

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Personal Injuries (NHS Charges) (Reviews and Appeals) Amendment Regulations 2007 and shall come into force on 9th July 2007.

(2) These Regulations apply in relation to England and Wales.

(3) In these Regulations “the Principal Regulations” means the Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006(c).

**Amendment of regulation 6 of the Principal Regulations**

2. Regulation 6 of the Principal Regulations (appeals – general) is amended as follows—

- (a) in paragraphs (1), (2), (3) and (4), for “appeal tribunal” substitute “Secretary of State”;
- (b) in paragraph (2), for “it may” substitute “she may”; and
- (c) in paragraph (5)(a), for “clerk to the appeal tribunal” substitute “Secretary of State”.

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(a) 2003 c.43.

(b) 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.

(c) S.I. 2006/3398.

Signed by authority of the Secretary of State for Health

6th June 2007

*Andy Burnham*  
Minister of State  
Department of Health

## **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 Personal Injuries (NHS Charges) (Reviews and Appeals) and Road Traffic (NHS Charges) (Reviews and Appeals) (Amendment) Regulations 2006 ("the Principal Regulations") provide for the procedure in respect of those appeals.

These Regulations amend regulation 6 of the Principal Regulations by making it the responsibility of the Secretary of State, rather than the Appeal Tribunal, to manage the procedure as to the proper making of an appeal.

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