

Mr Keith McBride
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Date: 9 September 2026

Dear Mr McBride

The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2026

This Department intends to make the above Statutory Rule under powers conferred by Articles 5(2) and (5) and 19(3) of the Recovery of Health Services Charges (Northern Ireland) Order 2006. The Statutory Rule is subject to negative resolution procedure before the Assembly.

Purpose of the Statutory Rule

Part II of the Health and Personal Social Services Act (Northern Ireland) 2001 introduced a then new and improved scheme for the collection, from persons or organisations making compensation payments to road traffic accident casualties, of the costs incurred by hospitals in treating the casualties. The Recovery of Health Services Charges (Northern Ireland) Order 2006 extended the recovery scheme, from 29 January 2007, to include all cases where an injured person receives personal injury compensation and to embrace the costs of ambulance services. The charges are mainly paid by the insurance industry and are collected on behalf of HSC Trusts by the Compensation Recovery Unit (CRU), a branch of the Department for Communities.

The amount of charge in each case is calculated by reference to a tariff of charges which was set, from 29 January 2007, in the Recovery of Health Services Charges (Amounts) Regulations (Northern Ireland) 2006. Inflationary uplifts have been applied to tariff levels from 1 April 2008. The proposed new Statutory Rule, which is entitled the Recovery of Health

Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2026, will apply an inflationary uplift to the current tariff levels from 1 October 2026.

Consultation

A consultation was carried out in 2004 on the policy to extend the scheme. A large majority of those who responded supported the proposed extension.

A further consultation was carried out on the proposed Statutory Rules in 2006. This proposed that the tariff of charges should remain on parity with those in GB and should increase in line with Hospital and Community Health Services (HCHS) inflation. None of those who responded objected to this proposal.

Position in Great Britain

A similar scheme operates in GB and, as has been the case since the original scheme started. This increase in tariff levels will bring Northern Ireland rates in line with GB. This is in keeping with the outcome of consultation on the subject in Northern Ireland.

Position in Republic of Ireland

I can advise that there is a reciprocal agreement with EU member states, including the Republic of Ireland, which supports recovery of health service charges if a person from ROI is injured and receives health service treatment in N.I. Also, recovery is pursued from a compensator/insurance company who is resident in ROI.

Equality Impact

In 2004, the impact of the policy to extend the scheme on equality of opportunity as between those groups listed in section 75 of the Northern Ireland Act 1998 was considered and no adverse or differential effects were identified. A full impact assessment was not regarded as necessary and that position is regarded as still applying.

Regulatory Impact

A regulatory impact assessment was carried out in 2004 and a further one is not considered necessary now because the tariff levels are simply being increased in line with HCHS inflation.

Financial Implications

The financial implications from making the Rule are expected to be minimal, even when the full effect of the increase in tariff levels is realised by 2026/27.

EU Implications

Not applicable.

Section 24 of the Northern Ireland Act 1998

Consideration has been given to the human rights implications of these regulations. They are considered compatible with section 24 of the Northern Ireland Act 1998.

Operational Date

The Recovery Scheme operates in parity with the rest of GB, which includes the application of the tariff uplift. Therefore, the Department proposes to make the statutory rule by 10th September 2026. It is planned to bring the Regulations into operation on 1st October 2026.

When the Rule together with the Explanatory Memorandum has been laid at the Assembly Business Office, the Business Office will submit copies to the N.I. Assembly.

I would be grateful if you would bring this matter to the attention of the Health Committee at your earliest convenience.

Yours sincerely

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CC:

