
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 528

**NATIONAL HEALTH SERVICE
ROAD TRAFFIC**

**The Road Traffic (NHS Charges) Amendment
(No. 2) (Scotland) Regulations 2002**

Made - - - - 29th November 2002
*Laid before the Scottish
Parliament* - - - - 2nd December 2002
Coming into force - - 1st January 2003

The Scottish Ministers in exercise of the powers conferred by sections 3(2) and (4) and 16(2)(a) and (b) of the Road Traffic (NHS Charges) Act 1999(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Road Traffic (NHS Charges) Amendment (No. 2) (Scotland) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Road Traffic (NHS Charges) Regulations 1999

2.—(1) The Road Traffic (NHS Charges) Regulations 1999(2) are amended as follows.

(2) In regulation 4A(1) after “28th January 2002” insert “and before 1st January 2003”.

(3) After regulation 4A, insert—

“Amount of NHS Charges – incidents on or after 1st January 2003

4B.—(1) This regulation applies to any compensation payment made in respect of an incident which occurred on or after 1st January 2003.

(2) Where this regulation applies, a certificate shall, for the purpose of section 3(2), specify—

(1) 1999 c. 3. Section 17 contains definitions of “prescribed” and “regulations” relevant to the exercise of the statutory powers under which these Regulations are made. Section 21(4) provides that for the purpose of the Scotland Act 1998 (c. 46) the Road Traffic (NHS Charges) Act 1999 shall be taken to be a pre-commencement enactment. The functions of the Secretary of State was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.I.1999/785 as amended by S.S.I. 2001/466 and S.S.I. 2002/56.

- (a) when the traffic casualty received NHS treatment at a hospital in respect of his injury, but was not admitted to hospital, the amount of £440 unless the incident occurred on or after 1st April 2003 in which case the amount of £452;
 - (b) subject to paragraphs (3) and (4), when the traffic casualty received NHS treatment at a hospital in respect of his injury and was admitted to hospital, the sum of £541 for each day or part day of admission unless the incident occurred on or after 1st April 2003, in which case the sum of £556 for each day or part day of admission.
- (3) Where the traffic casualty was admitted to hospital on one day and discharged on another day, the day of discharge shall be disregarded for the purposes of paragraph (2)(b).
- (4) The maximum amount, which may be specified in a certificate to which paragraph 2(b) applies shall be £30,000 unless the certificate relates to an incident which occurred on or after 1st April 2003 in which case it shall be £33,000.”.
- (4) In regulation 6(b) (particulars of amounts specified in certificate) for “or 4A(2)(b) or (c)” there is substituted “, 4A(2)(b) or (c) or 4B(2)(b)”.
- (5) In regulation 13(2) (multiple compensation payments) for “or 4A” there is substituted “, 4A or 4B”.

St Andrew’s House,
Edinburgh
29th November 2002

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic (NHS Charges) Regulations 1999 (“the 1999 Regulations”) which provide for a scheme for the recovery from insurers and other persons of charges in connection with the treatment of road traffic casualties by the National Health Service.

The effect of the Regulations is to increase those charges in relation to incidents giving rise to treatment which occur on or after 1st January 2003.

Where a road traffic casualty receives NHS treatment but is not admitted to hospital the charge is increased from £354 to £440 in relation to incidents occurring before 1st April 2003 and to £452 in relation to incidents occurring thereafter.

Where a road traffic casualty receives NHS treatment and is admitted to hospital the daily charge is increased from £435 to £541 in relation to incidents occurring before 1st April 2003 and to £556 in relation to incidents occurring thereafter. The maximum charge which can be made for such treatment is increased from £10,000 to £30,000 in relation to incidents occurring before 1st April 2003 and to £33,000 in relation to incidents occurring thereafter.