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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 71**

**NATIONAL HEALTH SERVICE**

**The Personal Injuries (NHS Charges) (Amounts)  
(Scotland) Amendment Regulations 2011**

*Made* - - - - *10th February 2011*  
*Laid before the Scottish*  
*Parliament* - - - - *14th February 2011*  
*Coming into force* - - *1st April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 153(2) and (5), 168 and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2011 and come into force on 1st April 2011.

**Amendment of the Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006**

2.—(1) The Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006<sup>(2)</sup> are amended as follows.

(2) In regulation 2C(1)<sup>(3)</sup> (amount of NHS charges – injuries occurring on or after 1st April 2010) after “1st April 2010” insert “and before 1st April 2011”.

(3) After regulation 2C insert—

**“2D. – Amount of NHS charges – injuries occurring on or after 1st April 2011**

(1) Subject to the following paragraphs of this regulation and regulations 3 and 3A, a certificate relating to an injury which occurs on or after 1st April 2011 shall, for the purpose of section 153(2), specify—

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(1) [2003 c.43](#) (“the 2003 Act”). By virtue of section 167(1) of the 2003 Act any power to make regulations in relation to the recovery of NHS charges is exercisable in relation to Scotland by the Scottish Ministers. Section 168 of the 2003 Act is cited for the definition of “prescribed”.

(2) [S.S.I. 2006/588](#); which was amended by [S.S.I. 2008/96](#), [2009/193](#) and [2010/42](#).

(3) Regulation 2C was inserted by the Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2010 ([S.S.I. 2010/42](#)).

- (a) the sum of £181 for each occasion on which, as a result of an injury, the injured person was provided with NHS ambulance services for the purpose of taking the injured person to a hospital for NHS treatment; and
  - (b) where the injured person received NHS treatment at a hospital in respect of the injury, either—
    - (i) if the person was not admitted to hospital, the sum of £600; or
    - (ii) if the injured person was admitted to hospital, the sum of £737 for each day or part day of admission.
- (2) For the purposes of paragraph (1)(a), the reference to taking an injured person to a hospital includes taking that person from one hospital to another.
- (3) Where the injured person was admitted to hospital on one day and discharged on another day, the day of discharge shall be disregarded for the purposes of paragraph (1)(b)(ii).
- (4) The amount which a certificate may specify under paragraph (1)(a) or (1)(b), or both, must not exceed £44,056 (“the maximum”).
- (5) Where—
- (a) amounts fall to be specified under both paragraph (1)(a) and paragraph (1)(b); and
  - (b) the aggregate of those amounts would exceed the maximum,
- the amount to be specified under paragraph (1)(b) is to be reduced by the difference between the maximum and the aggregate of those amounts.”
- (4) In regulation 3(2) (amount of NHS charges: further provision) for “regulation 2, 2A, 2B or 2C” substitute “regulation 2, 2A, 2B, 2C or 2D”.
- (5) In regulation 6 (adjustment of amounts where certificates are issued by the Scottish Ministers and the Secretary of State)—
- (a) in paragraph (1)(b) for “regulation 2(4), 2A(4), 2B(4) or 2C(4)” substitute “regulation 2(4), 2A(4), 2B(4), 2C(4) or 2D(4)”; and
  - (b) in paragraph (2)(a) for “regulation 2(4) and (5), 2A(4) and (5), 2B(4) and (5) or 2C(4) and (5)” substitute “regulation 2(4) and (5), 2A(4) and (5), 2B(4) and (5), 2C(4) and (5) or 2D(4) and (5)”.

St Andrew’s House,  
Edinburgh  
10th February 2011

*NICOLA STURGEON*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006 (“the principal Regulations”) which make provision about the charges payable under the scheme for the recovery of NHS charges in cases where an injured person who receives a compensation payment in respect of injury has received National Health Service treatment or ambulance services (“NHS charges”).

Amendments made to the principal Regulations by regulation 2 increase the charges in respect of injuries which occur on or after 1st April 2011. Where the injured person is provided with NHS ambulance services, the charge is increased from £177 to £181 for each occasion. Where the injured person receives NHS treatment, but is not admitted to hospital, the charge is increased from £585 to £600. The daily charge for NHS in-patient treatment is increased from £719 to £737. The maximum charge in respect of an injury is increased from £42,999 to £44,056.