

**2001 No. 466**

**NATIONAL HEALTH SERVICE**

**ROAD TRAFFIC**

**The Road Traffic (NHS Charges) Amendment (Scotland)  
Regulations 2001**

<i>Made</i>	<i>14th December 2001</i>
<i>Laid before the Scottish Parliament</i>	<i>20th December 2001</i>
<i>Coming into force</i>	<i>28th January 2002</i>

The Scottish Ministers, in exercise of the powers conferred by sections 3(2) and (4), 16(2)(a) and (b) and 17 of the Road Traffic (NHS Charges) Act 1999(a), 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 (Scotland) Regulations 2001 and shall come into force on 28th January 2002.

(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(b) are amended as follows.

(2) In regulation 4(1) (amount of NHS charges – incidents on or after 2nd July 1997) after “2nd July 1997”, there is inserted “and before 28th January 2002”.

(3) After regulation 4, there is inserted—

**“Amount of NHS Charges – Incidents on or after 28th January 2002**

4A.—(1) This regulation applies to any compensation payment made in respect of an incident which occurred on or after 28th January 2002.

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

- (a) where the traffic casualty received NHS treatment at a hospital in respect of his injury, but was not admitted to hospital, the amount of £402, or
- (b) subject to paragraphs (3) and (4), where the traffic casualty received NHS treatment at a hospital in respect of his injury and was admitted to hospital, the sum of £494 for each day, or part day, of admission.

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(a) 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 purposes 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 were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) S.I. 1999/785.

(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.”.

(4) In regulation 6(b) (particulars of amounts specified in certificate) for “or 4(2)(b)” there is substituted “, 4(2)(b) or 4A(2)(b)”.

(5) In regulation 13(2) (multiple compensation payments) for “or 4” there is substituted “, 4 or 4A”.

St Andrew’s House,  
Edinburgh  
14th December 2001

*MALCOLM H CHISHOLM*  
A member of the Scottish Executive

## **EXPLANATORY NOTE**

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

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

The amendments made to the 1999 Regulations by regulation 2 increase the charges where the traffic casualty received NHS treatment but was not admitted to hospital from £354 to £402; increase the daily charge for NHS treatment where the traffic casualty is admitted to hospital from £435 to £494; and increases the maximum charge for treatment where the traffic casualty is admitted to hospital from £10,000 to £30,000. These increases apply to compensation payments made in respect of incidents occurring on or after 28th January 2002.

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