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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 123**

**NATIONAL HEALTH SERVICE  
ROAD TRAFFIC**

**The Road Traffic (NHS Charges)  
Amendment (Scotland) Regulations 2005**

<i>Made</i>	- - - -	<i>1st March 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>3rd March 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

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<sup>(1)</sup> 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 2005 and shall come into force on 1st April 2005.

(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<sup>(2)</sup> are amended as follows.

(2) In regulation 4C(1) after “1st April 2004” insert “and before 1st April 2005”.

(3) After regulation 4C insert—

**“Amount of NHS Charges – incidents on or after 1st April 2005**

**4D.**—(1) This regulation applies to any compensation payment made in respect of an incident which occurred on or after 1st April 2005.

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

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(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 were 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, 2002/56 and 528 and 2004/76.

- (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 £483; 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 £593 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 £35,500.”.
- (4) In regulation 6(b) (particulars of amounts specified in certificate) for “or 4C(2)(b)” substitute “, 4C(2)(b) or 4D(2)(b)”.
- (5) In regulation 13(2) (multiple compensation payments) for “or 4C” substitute “, 4C or 4D”.

St Andrew’s House, Edinburgh  
1st March 2005

*ANDREW P KERR*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Road Traffic (NHS Charges) Regulations 1999 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 April 2005.

Where a road traffic casualty receives NHS treatment but is not admitted to hospital the charge is increased from £473 to £483 in relation to incidents occurring on or after 1st April 2005.

Where a road traffic casualty receives NHS treatment and is admitted to hospital the daily charge is increased from £582 to £593 in relation to incidents occurring on or after 1st April 2005. The maximum charge which can be made for such treatment is increased from £34,800 to £35,500 in relation to incidents occurring on or after 1st April 2005.