



# Road Traffic Act 1988

## 1988 CHAPTER 52

### PART VI

#### THIRD-PARTY LIABILITIES

##### *Payments for treatment of traffic casualties*

#### **157 Payment for hospital treatment of traffic casualties.**

- (1) Subject to subsection (2) below, where—
- (a) a payment, other than a payment under section 158 of this Act, is made (whether or not with an admission of liability) in respect of the death of, or bodily injury to, any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and
  - (b) the payment is made—
    - (i) by an authorised insurer, the payment being made under or in consequence of a policy issued under section 145 of this Act, or
    - (ii) by the owner of a vehicle in relation to the use of which a security under this Part of this Act is in force, or
    - (iii) by the owner of a vehicle who has made a deposit under this Part of this Act, and
  - (c) the person who has so died or been bodily injured has to the knowledge of the insurer or owner, as the case may be, received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising,
- the insurer or owner must pay the expenses reasonably incurred by the hospital in affording the treatment, after deducting from the expenses any moneys actually received in payment of a specific charge for the treatment, not being moneys received under any contributory scheme.
- (2) The amount to be paid shall not exceed [<sup>F1</sup>£2,546.00]for each person treated as an in-patient or [<sup>F1</sup>£255.00]for each person treated as an out-patient.
- (3) For the purposes of this section “expenses reasonably incurred” means—

*Status: Point in time view as at 01/02/1991.*

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- (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day he is maintained in the hospital representing the average daily cost, for each in-patient, of the maintenance of the hospital and the staff of the hospital and the maintenance and treatment of the in-patients in the hospital, and
- (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.

#### Textual Amendments

F1 Sum substituted by S.I. 1990/1364, art. 2

### 158 Payment for emergency treatment of traffic casualties.

- (1) Subsection (2) below applies where—
  - (a) medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to a person caused by, or arising out of, the use of a motor vehicle on a road, and
  - (b) the treatment or examination so required (in this Part of this Act referred to as “emergency treatment”) is effected by a legally qualified medical practitioner.
- (2) The person who was using the vehicle at the time of the event out of which the bodily injury arose must, on a claim being made in accordance with the provisions of section 159 of this Act, pay to the practitioner (or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected) —
  - (a) a fee of £15.00 in respect of each person in whose case the emergency treatment is effected by him, and
  - (b) a sum, in respect of any distance in excess of two miles which he must cover in order—
    - (i) to proceed from the place from which he is summoned to the place where the emergency treatment is carried out by him, and
    - (ii) to return to the first mentioned place,
 equal to 29 pence for every complete mile and additional part of a mile of that distance.
- (3) Where emergency treatment is first effected in a hospital, the provisions of subsections (1) and (2) above with respect to payment of a fee shall, so far as applicable, but subject (as regards the recipient of a payment) to the provisions of section 159 of this Act, have effect with the substitution of references to the hospital for references to a legally qualified medical practitioner.
- (4) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

### 159 Supplementary provisions as to payments for treatment.

- (1) A payment falling to be made under section 157 or 158 of this Act in respect of treatment in a hospital must be made—

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- (a) in England and Wales, in the case of a hospital vested in the Secretary of State for the purposes of the <sup>M1</sup>National Health Service Act 1977, to the Area Health Authority, District Health Authority or special health authority responsible for the administration of the hospital or the Secretary of State if no such authority is so responsible,
  - (b) in Scotland, in the case of a hospital vested in the Secretary of State, to the Secretary of State or on his behalf to any Health Board authorised by him for the purpose, and
  - (c) in the case of any other hospital, to the hospital.
- (2) A claim for a payment under section 158 of this Act may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.
- (3) Any such request in writing—
  - (a) must be signed by the claimant or, in the case of a hospital, by an executive officer of the Authority (in Scotland, Board) or hospital claiming the payment or by an officer of the Secretary of State,
  - (b) must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant or, in the case of a hospital, in the hospital, and
  - (c) may be served by delivering it to the person who was using the vehicle or by sending it in a prepaid registered letter, or the recorded delivery service, addressed to him at his usual or last known address.
- (4) A payment made under section 158 of this Act shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital concerned of or for effecting the emergency treatment.
- (5) A chief officer of police must, if so requested by a person who alleges that he is entitled to claim a payment under section 158 of this Act, provide that person with any information at the disposal of the chief officer—
  - (a) as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and
  - (b) as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

#### **Marginal Citations**

**M1** 1977 c. 49.

**Status:**

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