
STATUTORY INSTRUMENTS

2008 No. 252

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Personal Injuries (NHS Charges)
(Amounts) Amendment Regulations 2008**

Made - - - - *6th February 2008*
Laid before Parliament *13th February 2008*
Coming into force - - *1st April 2008*

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 153(2) and (5), and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁾.

In accordance with section 195(3) of that Act, the Secretary of State for Health has consulted the Welsh Ministers⁽²⁾.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Personal Injuries (NHS Charges) (Amounts) Amendment Regulations 2008 and shall come into force on 1st April 2008.

(2) These Regulations extend only to England and Wales.

(3) In these Regulations—

“certificate” means a certificate issued under section 151 of the Health and Social Care (Community Health and Standards) Act 2003; and

“the principal Regulations” means the Personal Injuries (NHS Charges) (Amounts) Regulations 2007⁽³⁾.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2 of the principal Regulations (amount of NHS charges)—

(1) [2003 c.43](#); section 153 was amended by section 73 of the Health Act [2006 \(c.28\)](#). By section 167(1), the powers are exercisable in relation to England and Wales by the Secretary of State. *See* section 168 for the definition of “prescribed”.
(2) Functions conferred or imposed on the National Assembly for Wales by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2) of Schedule 11 to the Government of Wales Act [2006 \(c.32\)](#).
(3) [S.I. 2007/115](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in paragraph (1)(a) for “£159” substitute “£165”;
- (b) in paragraph (1)(b)(i) for “£505” substitute “£547”;
- (c) in paragraph (1)(b)(ii) for “£620” substitute “£672”; and
- (d) in paragraph (4) for “£37,100” substitute “£40,179”.

Saving

3. Notwithstanding regulation 2 above, the principal Regulations shall continue to have effect in respect of a certificate relating to an injury which occurred before 1st April 2008 as if the amendments made by these Regulations had not been made.

Signed by authority of the Secretary of State for Health.

6th February 2008

Ben Bradshaw
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Injuries (NHS Charges) (Amounts) Regulations 2007 (“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 his injury has received National Health Service hospital treatment or ambulance services.

Amendments made to the principal Regulations by regulation 2 increase the charges in respect of injuries which occur on or after 1st April 2008. Where the injured person is provided with NHS ambulance services, the charge is increased from £159 to £165 for each occasion. Where the injured person receives NHS treatment, but is not admitted to hospital, the charge is increased from £505 to £547. The daily charge for NHS in-patient treatment is increased from £620 to £672. The maximum charge in respect of an injury is increased from £37,100 to £40,179.

Regulation 3 is a saving provision which maintains the current charges for injuries occurring before 1st April 2008.