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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 56**

**NATIONAL HEALTH SERVICE  
ROAD TRAFFIC**

**The Road Traffic (NHS Charges)  
Amendment (Scotland) Regulations 2002**

*Made* - - - - 12th February 2002  
*Laid before the Scottish  
Parliament* - - - - 13th February 2002  
*Coming into force* - - 14th February 2002

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(1), 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 2002 and shall come into force on 14th February 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(2) are amended as follows.

(2) In regulation 4A(2) (amount of NHS charges – incidents on or after 28th January 2002)–

(a) in sub-paragraph (a)–

(i) after “hospital” where it first appears insert “before 14th February 2002”; and

(ii) at the end omit “or”;

(b) after sub-paragraph (a) insert–

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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 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.

(2) S.I.1999/785 as amended by S.S.I. 2001/466.

- “(aa) where the traffic casualty received NHS treatment at a hospital on or after 14th February 2002 (that treatment not having started before that date) in respect of his injury, but was not admitted to hospital, the amount of £354.”;
- (c) in sub-paragraph (b) at the end add “before 14th February 2002, or”; and
- (d) after sub-paragraph (b) insert–
- “(c) 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 £435 for each day, or part day, of admission on or after 14th February 2002.”.
- (3) In regulation 4A(3) for “paragraph (2)(b)” substitute “paragraph (2)(b) or (c)”.
- (4) In regulation 4A(4)–
- (a) for “paragraph (2)(b)” there is substituted “paragraph (2)(b) or (c)”; and
- (b) for “£30,000” there is substituted “£10,000”.
- (5) In regulation 6(b) (particulars of amounts specified in certificate) for “4A(2)(b)” there is substituted “4A(2)(b) or (c)”.

St Andrew’s House,  
Edinburgh  
12th February 2002

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

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## 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).

Regulation 2(2) amends regulation 4A of the 1999 Regulations by introducing different charges in respect of incidents occurring on or after 28th January 2002 depending on whether the treatment was received before 14th February 2002 or on or after that date.

For treatment where the road traffic casualty was not admitted to hospital the charge is £402 where treatment is given before 14th February 2002 and £354 for treatment given after that date. Where the road traffic casualty was admitted to hospital for treatment the charge applied is £494 per day for each day of admission before 14th February 2002 and £435 per day for each day of admission on or after that date.

The maximum charge for treatment where the traffic casualty is admitted to hospital is reduced from £30,000 to £10,000 (regulation 2(4)).

Regulations 2(3) and (5) make consequential amendments to regulations 4A(3) and 6(b) of the 1999 Regulations in order to add reference to the new sub-paragraph (c) added to regulation 4A(2) of the 1999 Regulations by regulation 2(2)(d).