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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 96**

**NATIONAL HEALTH SERVICE**

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

<i>Made</i>	- - - -	<i>6th March 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>7th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 153(2) and (5), 168 and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

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

**Amendment of the Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006**

2.—(1) The Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006<sup>(2)</sup> are amended as follows.

(2) In regulation 2(1) (amount of NHS charges) after “certificate” add “relating to an injury which occurred before 1st April 2008”.

(3) After regulation 2 insert—

**“Amount of NHS charges – injuries occurring on or after 1st April 2008**

2A.—(1) Subject to the following paragraphs of this regulation and regulation 3, a certificate relating to an injury which occurs on or after 1st April 2008 shall, for the purpose of section 153(2), specify—

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(1) 2003 c. 43 (“the 2003 Act”). By section 167(1), the powers are exercisable in relation to Scotland by the Scottish Ministers. See section 168 of the 2003 Act for the definition of prescribed.  
(2) S.S.I. 2006/588.

- (a) the sum of £165 for each occasion on which, as a result of an injury, the injured person was provided with NHS ambulance services for the purpose of taking the injured person to a hospital for NHS treatment; and
  - (b) where the injured person received NHS treatment at a hospital in respect of the injury, either—
    - (i) if the person was not admitted to hospital, the sum of £547; or
    - (ii) if the injured person was admitted to hospital, the sum of £672 for each day or part day of admission.
- (2) For the purposes of paragraph (1)(a), the reference to taking an injured person to a hospital includes taking that person from one hospital to another.
- (3) Where the injured person was admitted to hospital on one day and discharged on another day, the day of discharge shall be disregarded for the purposes of paragraph (1)(b)(ii).
- (4) The amount which a certificate may specify under paragraph (1)(a) or (1)(b), or both, must not exceed £40,179 (“the maximum”).
- (5) Where—
- (a) amounts fall to be specified under both paragraph (1)(a) and paragraph (1)(b); and
  - (b) the aggregate of those amounts would exceed the maximum,
- the amount to be specified under paragraph (1)(b) is to be reduced by the difference between the maximum and the aggregate of those amounts.”.
- (4) In regulation 3(2) (amount of NHS charges: further provision) after “regulation 2” add “or 2A”.
- (5) In regulation 6 (adjustment of amounts where certificates are issued by the Scottish Ministers and the Secretary of State)—
- (a) in paragraph (1)(b) after “regulation 2(4)” add “or 2A(4)”; and
  - (b) in paragraph (2)(a) after “regulation 2(4) and (5)” add “or 2A(4) and (5)”.

St Andrew’s House,  
Edinburgh  
6th March 2008

*NICOLA STURGEON*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

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

These Regulations amend the Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006 (“the principal Regulations”) which make provision for the amount of NHS charges which a person who pays compensation to an injured person is liable to pay where that injured person has received NHS hospital treatment or ambulance services.

Regulation 2(2) amends regulation 2 of the principal Regulations to apply the charges specified therein in respect of injuries occurring before 1st April 2008.

Regulation 2(3) inserts a new regulation 2A in the principal Regulations which applies to injuries occurring on or after 1st April 2008. This increases the amount of NHS charges payable from 1st April 2008, in respect of injuries occurring after that date. 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 2(4) and (5) makes amendments to regulations 3(2) and 6(1)(b) and (2)(a) of the principal Regulations consequential on the addition of regulation 2A.