
STATUTORY INSTRUMENTS

2002 No. 237

**THE NATIONAL HEALTH
SERVICE ENGLAND AND WALES
ROAD TRAFFIC**

The Road Traffic (NHS Charges) Amendment Regulations 2002

Made - - - - *7th February 2002*
Laid before Parliament *7th February 2002*
Coming into force - - *8th February 2002*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 3(2) and (4), 16(2) and 17 of the Road Traffic (NHS Charges) Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic (NHS Charges) Amendment Regulations 2002 and shall come into force on 8th February 2002.

(2) In these Regulations, “the principal Regulations” means the Road Traffic (NHS Charges) Regulations 1999(2),

(3) These Regulations extend to England and Wales(3)

Amendment of regulation 4 of the principal Regulations

2. For regulation 4 of the principal Regulations (amount of NHS Charges — Incidents on or after 2nd July 1997) substitute the following—

“4.—(1) This regulation applies to any compensation payment made in respect of an incident which occurred on or after 2nd July 1997.

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

(1) 1999 c. 3 Section 17 is cited for the definitions of “prescribed” and “regulations”.

(2) S.I.1999/785 as amended by 2001/4030.

(3) The functions of the Secretary of State under the above mentioned powers as regards Wales remain exercisable by Westminster Ministers.

- (a) where the traffic casualty received NHS treatment at a hospital in respect of his injury, but was not admitted to hospital, the amount of £354, 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 £435 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 £10,000.”.

Transitional Provision and Saving

3.—(1) In respect of a certificate relating to an incident which occurred on or after 28th January and before 8th February 2002 the NHS charges under section 1(2) shall be determined by reference to—

- (a) the amount specified in sub-paragraph (a) or (b) of paragraph (2) of regulation 4 of the principal Regulations in force on each day of the treatment covered by the certificate, and
- (b) the maximum amount specified in paragraph (4) of regulation 4 of the principal Regulations in force on the date on which the certificate is issued.

(2) In respect of a certificate relating to an incident which occurred on or after 2nd July 1997 and before 28th January 2002 the NHS charges under section 1(2) shall be determined by reference to the amount specified in sub-paragraph (a) or (b) of paragraph (2) of regulation 4 of the principal Regulations and the maximum amount specified in paragraph (4) of regulation 4 of the principal Regulations in force on the day the incident occurred.

(3) In this regulation expressions used have the same meaning as in the principal Regulations.

Revocation

4. The Road Traffic (NHS Charges) Amendment Regulations 2001 are hereby revoked.(4)

Signed by authority of the Secretary of State for Health

7th February 2002

Hazel Blears
Parliamentary Under Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic (NHS Charges) Regulations 1999 (“the principal 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). They also revoke the Road Traffic (NHS Charges) Amendment Regulations 2001 (regulation 4).

Amendments made to the principal Regulations revoke charges applying to incidents occurring on or after 28th January 2002 and reinstate the charges that applied in respect of incidents which occurred on or after 2nd July 1997; the charge where the traffic casualty received NHS treatment but was not admitted to hospital is reduced from £402 to £354; the daily charge for NHS treatment where the traffic casualty is admitted to hospital is reduced from £494 to £435; and the maximum charge for treatment where the traffic casualty is admitted to hospital is reduced from £30,000 to £10,000 (regulation 2). For incidents occurring during the period 28th January 2002 to 7th February 2002 the appropriate charges for treatment are those in force on the days on which treatment occurred subject to a maximum amount of £10,000 (regulation 3).