

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2009/316](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2009 No. 834**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Personal Injuries (NHS Charges)  
Amendment (No. 2) Regulations 2009**

*Made - - - - 26th March 2009*

*Laid before Parliament 2nd April 2009*

*Coming into force - - 4th May 2009*

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<sup>(1)</sup>.

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

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Personal Injuries (NHS Charges) Amendment (No. 2) Regulations 2009 and shall come into force on 4th May 2009.

(2) These Regulations apply in relation to England and Wales.

**Amendment of the Personal Injuries (NHS Charges) Amendment Regulations 2009**

2. In regulation 4 of the Personal Injuries (NHS Charges) Amendment Regulations 2009<sup>(2)</sup> (saving) for “paragraph 1” substitute “paragraph 1(b) to (e)”.

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(1) [2003 c.43](#). 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”. Section 195 was amended by Schedule 4 to the National Health Service (Consequential Provisions) Act [2006 \(c.43\)](#) and by [S.I. 2006/1407](#).

(2) [S.I. 2009/316](#).

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State for Health.

26th March 2009

*Ben Bradshaw*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations amend an error in the Personal Injuries (NHS Charges) Amendment Regulations 2009 (“the Principal Regulations”).

The Principal Regulations, amongst other things, made amendments to the Personal Injuries (NHS Charges) (Amounts) Regulations 2007 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 injury has received National Health Service treatment or ambulance services (“NHS charges”).

Regulation 4 of the Principal Regulations is a saving provision which maintains the previous level of NHS charges for injuries occurring before 1st April 2009. The saving provision was wrongly extended to sub-paragraph (a) of paragraph 1 of Schedule 1 to the Principal Regulations which is intended to apply in relation to injuries occurring before 1st April 2009.

A full Impact Assessment has not been prepared for these Regulations as no impact on business, charities or voluntary bodies is foreseen.