

2010 No. 189

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The Personal Injuries (NHS Charges) (Amounts) Amendment
Regulations 2010**

<i>Made</i>	- - - -	<i>1st February 2010</i>
<i>Laid before Parliament</i>		<i>5th February 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

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(a).

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

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Personal Injuries (NHS Charges) (Amounts) Amendment Regulations 2010 and shall come into force on 1st April 2010.

(2) These Regulations apply in relation 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(c).

Amendment of regulation 2 of the principal Regulations

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

(a) in paragraph (1)(a) for “£171” substitute “£177”;

(b) in paragraph (1)(b)(i) for “£566” substitute “£585”;

(c) in paragraph (1)(b)(ii) for “£695” substitute “£719”; and

(a) 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.

(b) Functions conferred or imposed on the National Assembly for Wales immediately before the first appointment of a First Minister under section 46 of the Government of Wales Act 2006 (c. 32) (“GOWA”) by an enactment contained in an Act were transferred to the Welsh Ministers by paragraph 30(2) of Schedule 11 to GOWA.

(c) S.I. 2007/115, amended by S.I. 2008/252 and S.I. 2009/316.

(d) in paragraph (4) for “£41,545” substitute “£42,999”.

Saving

3. The principal Regulations shall continue to have effect in respect of a certificate relating to an injury which occurred before 1st April 2010 as if the amendments made by these Regulations had not been made.

Signed by authority of the Secretary of State for Health.

1st February 2010

Mike O'Brien
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 National Health Service (“NHS”) charges in cases where an injured person who receives a compensation payment in respect of his injury has received NHS 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 2010. Where the injured person is provided with NHS ambulance services, the charge is increased from £171 to £177 for each occasion. Where the injured person receives NHS treatment, but is not admitted to hospital, the charge is increased from £566 to £585. The daily charge for NHS in-patient treatment is increased from £695 to £719. The maximum charge in respect of an injury is increased from £41,545 to £42,999.

Regulation 3 is a saving provision which maintains the existing amounts for injuries occurring before 1st April 2010.

A full Impact Assessment has not been prepared for these Regulations as a negligible impact on business, charities or voluntary bodies is foreseen.

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