



Road Traffic (NHS Charges) Act 1999

1999 CHAPTER 3

Payment for hospital treatment

1 Payment for hospital treatment of traffic casualties

- (1) This section applies if—
 - (a) a person (“the traffic casualty”) has suffered injury, or has suffered injury and died, as a result of the use of a motor vehicle on a road;
 - (b) a compensation payment is made in respect of that injury or death; and
 - (c) the traffic casualty has received NHS treatment at a health service hospital in respect of his injury.
- (2) The person making the compensation payment is liable to pay the appropriate NHS charges to the Secretary of State in respect of the treatment.
- (3) “Compensation payment” means—
 - (a) a payment made by an authorised insurer under, or in consequence of, a policy issued under section 145 of the Road Traffic Act 1988,
 - (b) a payment made by the owner of the vehicle, in a case where the vehicle is one in relation to the use of which a security under Part VI of that Act is in force,
 - (c) a payment made by the owner of the vehicle who has made a deposit under that Part, or
 - (d) a payment made in pursuance of a compensation scheme for motor accidents, but does not include a payment under section 158 of that Act.
- (4) A payment is a compensation payment whether or not it is made—
 - (a) in the United Kingdom; or
 - (b) voluntarily, or in pursuance of a court order or an agreement, or otherwise.
- (5) Regulations may provide that a payment of a prescribed description is not to count as a compensation payment, either generally or in such circumstances as may be prescribed.

Status: This is the original version (as it was originally enacted).

- (6) “NHS treatment” means any treatment (including any examination of the traffic casualty), other than—
- (a) treatment provided by virtue of section 65 of the National Health Service Act 1977, section 57 of, or paragraph 14 of Schedule 7A to, the National Health Service (Scotland) Act 1978 or paragraph 14 of Schedule 2 to the National Health Service and Community Care Act 1990 (accommodation and services for private patients); or
 - (b) treatment provided at a health service hospital by virtue of section 72 of the Act of 1977 or section 64 of the Act of 1978 (permission for use of national health service accommodation or facilities in private practice).
- (7) “The appropriate NHS charges” means the amount or amounts specified in a certificate of NHS charges—
- (a) issued under section 2, in respect of the traffic casualty, to the person making the compensation payment; and
 - (b) in force.
- (8) This section applies in relation to any compensation payment made after the date on which this section comes into force but not to one payable under a court order, or agreement, made before that date.
- (9) For the purposes of this Act, it is irrelevant whether a compensation payment is made with or without an admission of liability.