SCOTTISH STATUTORY INSTRUMENTS

2026 No. 245

NATIONAL HEALTH SERVICE

The Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2026

Made - - - -	*25th August 2026*
Laid before the Scottish Parliament	*27th August 2026*
Coming into force - -	*1st October 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 153(2), 163(1) and 195(1) and (2) of the Health and Social Care (Community Health and Standards) Act 2003(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2026 and come into force on 1 October 2026.

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

2.—(1) The Personal Injuries (NHS Charges) (Amounts) (Scotland) Regulations 2006(**b**) are amended in accordance with paragraphs (2) to (5).

(2) In Regulation 2T(1) (amount of NHS charges — injuries occurring on or after 1 October 2025), after "1 October 2025" insert "and before 1 October 2026".

(3) After Regulation 2T insert—

"Amount of NHS charges — injuries occurring on or after 1 October 2026

2U—(1) Subject to the following paragraphs and regulations 3 and 3A, a certificate relating to an injury which occurs on or after 1 October 2026 must, for the purposes of section 153(2), specify—

(a) the sum of £272 for each occasion on which, as a result of such 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

(**a**) 2003 c. 43 ("the 2003 Act"). Section 195 of the 2003 Act is relevantly amended by paragraph 1 of schedule 4 of the National Health Service (Consequential Provisions) Act 2006 (c. 43). By virtue of section 167(1)(b) of the 2003 Act, the power to make regulations under Part 3 of that Act in relation to Scotland is exercisable by the Scottish Ministers. By virtue of section 168 of the 2003 Act, "prescribed" means prescribed by regulations. Section 153(5) of the 2003 Act makes further provision about regulations made under section 153(2).

(**b**) S.S.I. 2006/588, as relevantly amended by S.S.I. 2025/239.

(b) where the injured person received NHS treatment at a hospital in respect of the injury, if the injured person was—

(i) not admitted to hospital, the sum of £901, or

(ii) admitted to hospital, the sum of £1,107 for each day or part day of the 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 the discharge is to be disregarded for the purpose 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 £66,173 ("the maximum").

(5) Where—

(a) amounts fall to be specified under both paragraphs (1)(a) and (1)(b), and

(b) the aggregate of both 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), for "or 2T" substitute ", 2T or 2U".

(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), for "or 2T(4)" substitute ", 2T(4) or 2U(4)", and

(b) in paragraph (2)(a), for "or 2T(4) and (5)" substitute ", 2T(4) and (5) or 2U(4) and (5)".

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew's House,
Edinburgh
25th August 2026

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 in relation to the amount of NHS charges which can be recovered from a person who pays compensation to an injured person where that injured person has received NHS treatment or ambulance services.

Regulation 2 amends regulation 2T of the principal Regulations and inserts regulation 2U into the principal Regulations to increase the charges in respect of injuries which occur on or after 1 October 2026. Where the injured person is provided with NHS ambulance services, the charge is increased from £267 to £272 for each occasion on which the service is provided. Where the injured person receives NHS treatment but is not admitted to hospital, the charge is increased from £883 to £901. The daily charge for NHS inpatient treatment is increased from £1,085 to £1,107. The maximum charge in respect of an injury is increased from £64,856 to £66,173.

Regulation 2 also makes consequential amendments, by way of inserting references to the increased charges in new regulation 2U, to provisions in the principal Regulations where a person makes more than one compensation payment to an injured person; or where a person is due to pay NHS charges to both the Scottish Ministers and the Secretary of State.

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