

Fees guidance schedule 7

Road accidents – emergency treatment

April 2006



Road accidents: emergency treatment

(Category A fees)

Under the Road Traffic Act 1988, the first doctor providing emergency treatment to the victim of a road traffic accident is generally entitled to charge a fee. A fee may be levied in respect of each person treated (Section 158(2) of the Road Traffic Act 1988). Mileage is also payable in excess of two miles.

Since 1999 the ability to levy a fee under S158 of the Road Traffic Act has been limited to claims by doctors not working in NHS hospitals, as the cost of hospital treatment is recovered from insurers directly by the NHS. The fee can be levied even if the person driving the vehicle at the time of the accident is on the GP's NHS list.

There has been some debate as to whether 'emergency treatment' only applies to treatment provided at the scene of the accident. S158(1) of the Act defines 'emergency treatment' as 'medical or surgical treatment or examination [that] is immediately required as a result of bodily injury (including fatal injury) caused by, or arising out of, the use of a motor vehicle on a road'.

The Road Traffic Act is silent as to what is immediately required. It is a common understanding that some injuries may not manifest until several hours after the accident and do not warrant a visit to a hospital accident and emergency department but do warrant the attention of the local primary health care team. Under such circumstances where a claim is to be made the BMA professional fees committee believes that the patient should be seen within one working day.

The BMA's legal advice is that, while treatment provided at the scene of the accident will be most common, treatment provided at the GP's surgery can be included in the definition of 'emergency treatment' and therefore attract a fee under the Road Traffic Act.

The person driving the vehicle at the time of the accident is responsible for meeting the doctor's professional fee for themselves, their passengers or anyone injured by their vehicle. All UK motor insurance policies cover such fees and payment of such fees does not constitute any admission of liability. Medical practitioners should take the following steps to recover their fees:

- an oral request should be made to the person who was using the vehicle at the time of the occurrence which led to the emergency treatment

or, if an oral request is not made:

- a written request should be made to the person who was using the vehicle at the time of the occurrence which led to the emergency treatment. This request must be served upon that person **within seven days** from when emergency treatment was given. It must be signed by the claimant, stating his/her name and address, the circumstances in which emergency treatment was effected, and confirm that the claimant was the first person to render emergency assistance. The request may be served by delivering it to the person using the vehicle or by recorded delivery to the usual or last known address.

Doctor's experiencing difficulty in ascertaining the name and address of the person using the vehicle should contact the appropriate chief constable (in practice the 'dealing police officer', who is required by the Act (S156) to supply the doctor with any information identifying the vehicle involved in the accident and the name and address of the person using it.

The fees payable under the Act are recoverable by Court proceedings as if they were a simple contract of debt due from the person who was using the vehicle to the doctor rendering the service.

Effective date: 17 April 1995
Reference: Road Traffic Act 1988, Section 158; Road Traffic Accidents (Payments for Treatment) Order 1995
Allowances: See below

1	Treatment	£
	- for each person treated	21.30
2	Mileage	£
	- rate per mile or part of a mile (over 2 miles)	0.41

Notes:

1. Where the purpose for attending a GP surgery following an accident is to record injuries for future medico-legal purposes this is not covered by the Road Traffic Act and the doctor may charge at their own rate for this work.
2. The provisions laid out in this schedule do not apply to doctors with a salaried NHS post.

CLAIM FOR PAYMENT UNDER SECTION 158 OF THE ROAD TRAFFIC ACT 1988

I am sorry you were involved in a road traffic accident recently. Unfortunately, the services of the first doctor to see you following a road traffic accident are not a charge under the National Health Service. All motor car insurance policies include cover for medical treatment necessitated by road accidents in these circumstances, and the responsibility for ensuring the account below is paid rests with the driver of the vehicle at the time of the accident. If you were not the driver, then you should pass this account to the driver to either pay personally, or pass to his/her insurers.

Payment of such accounts does not constitute any admission of liability for the accident. This account is rendered under Section 158 of the Road Traffic Act 1988, and fees and mileage payments are set by Parliament. The fee is £21.30 per person, plus 41p per mile of travel for any return journey exceeding two miles to any accident. We would request your remittance within thirty days.

To: (NAME & ADDRESS OF DRIVER) _____

(A) A FEE OF £21.30 PER PERSON FOR: £ p

Medical treatment/ surgical treatment/ examination _____

rendered or carried out by me as a result of a bodily injury to _____ person(s) caused by, or arising out of the use of a motor vehicle on the road, I being the first person to render such treatment/carry out such examination.

(B) A FEE OF £ ____ . ____ per mile for ____ Miles calculated in accordance with the Act.

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Date emergency treatment effected: _____

Registered Number of Vehicle: _____

Circumstances in which treatment was effected: _____

Signed: _____

Dated: _____

Doctor's Name:

Address:

Notes:

- Fees schedules should be read in conjunction with the BMA membership guidance note *Fees for part-time medical services* and its index.
- Members may obtain additional advice or clarification from *askBMA*. Please quote your current membership number.
- This fees guidance was prepared by the BMA's professional fees committee secretariat; it was edited and produced by BMA Marketing & Publications.

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