

**2015 No. 1683**

**NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**The National Health Service Litigation Authority (Amendment)  
Regulations 2015**

<i>Made</i> - - - -	<i>11th September 2015</i>
<i>Laid before Parliament</i>	<i>17th September 2015</i>
<i>Coming into force</i> - -	<i>9th November 2015</i>

The Secretary of State for Health makes these Regulations in exercise of the powers conferred by sections 28(8) and 272(7) and (8) of, and paragraph 5(a) of Schedule 6 to, the National Health Service Act 2006(a) and section 4 of, and paragraph 8 of Schedule 2 to, the National Health Service (Consequential Provisions) Act 2006(b).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the National Health Service Litigation Authority (Amendment) Regulations 2015.

(2) These Regulations come into force on 9th November 2015.

(3) Subject to regulation 2(a) and (b), these Regulations apply to England and Wales.

**Amendment of regulation 7(1) of the National Health Service Litigation Authority  
Regulations 1995**

2. Regulation 7(1) of the National Health Service Litigation Authority Regulations 1995(c) (disqualification for appointment) is amended as follows—

- (a) in sub-paragraph (e) as it applies to England, omit “an NHS trust”;
- (b) in sub-paragraph (e) as it applies to Wales, omit “or an NHS trust”; and
- (c) omit sub-paragraph (ee).

Signed by authority of the Secretary of State for Health.

*Ben Gummer*

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(a) 2006 c. 41.

(b) 2006 c. 43. The powers of the Secretary of State under the provisions of the National Health Service Act 2006 under which these Regulations are made are exercisable only in relation to England by virtue of section 271(1) of that Act. However, paragraph 8 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006 specifically saves the effect of article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), so that for a function relating to a cross-border Special Health Authority which cannot be exercised specifically for Wales, the Secretary of State or Welsh Ministers can exercise the function concurrently.

(c) S.I. 1995/2801. Regulation 7 was amended by S.I. 1997/2991, 2000/696, 2000/2433, 2004/696, 2006/1722, 2012/1641, 2012/2404, 2013/235 and 2015/137.

11th September 2015

Parliamentary Under-Secretary of State,  
Department of Health

## **EXPLANATORY NOTE**

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

These Regulations amend the National Health Service Litigation Authority Regulations 1995 (the “1995 Regulations”). The National Health Service Litigation Authority is a Special Health Authority established under section 28 of the National Health Service Act 2006 by the National Health Service Litigation Authority (Establishment and Constitution) Order 1995.

These Regulations apply to England and Wales, although regulation 2(a) applies only to England and regulation 2(b) only to Wales. This is because the 1995 Regulations have previously been amended differentially for England and Wales.

Regulation 2 amends regulation 7 of the 1995 Regulations, which disqualifies certain people for appointment as the chairman or a non-officer member of the National Health Service Litigation Authority. These amendments remove the restrictions on chairs, other members and executive directors of NHS trusts, and chairmen, chief executives and non-executive directors of NHS foundation trusts, with the result that these people are no longer disqualified from being appointed as the chairman or a non-officer member of the National Health Service Litigation Authority.

No impact assessment has been carried out in relation to these Regulations as no impact is envisaged on business or the voluntary sector.

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