
STATUTORY INSTRUMENTS

1999 No. 873

**The National Health Service (Liabilities to
Third Parties Scheme) Regulations 1999**

Membership of the Scheme

6.—(1) An eligible body which, before 31st March 1999, gave notice in writing to the Secretary of State of its wish to participate in the Scheme with effect from 1st April 1999, or such later date being not later than 31st March 2000 as the Secretary of State may determine, shall be a member of the Scheme with effect from 1st April 1999 or, as the case may be, such later date.

(2) An eligible body to which paragraph (1) does not apply which wishes to participate in the Scheme during any period beginning after 31st March 2000 shall apply to the Secretary of State to be admitted as a member.

(3) An application under paragraph (2) shall—

- (a) be made in writing in such form as the Secretary of State may require; and
- (b) be made no later than 1st October in the calendar year preceding that in which the eligible body wishes its first membership year to begin, or such later date as the Secretary of State may agree in relation to any specific eligible body.

(4) An applicant shall provide such information as the Secretary of State may in writing request it to provide, as respects—

- (a) the nature of its relevant functions;
- (b) the number of employees of the applicant who are engaged in its performance of any relevant function, or such part of any relevant function as the Secretary of State may specify, and the qualifications and experience of those employees;
- (c) the nature and extent of any claims made against the applicant in respect of any qualifying liability arising from loss, damage or injury sustained by third parties as a result of the carrying out by the applicant of any relevant function; and
- (d) such other information as he may request in connection with the application.

(5) The Secretary of State shall, having regard to the information provided by the applicant under this regulation, and to such other factors as he considers to be material to the application, determine whether or not the applicant should be admitted as a member, and shall notify the applicant of his decision in writing.

(6) Where the application of an eligible body under paragraph (2) has been successful, that body shall be admitted as a member with effect from the beginning of the membership year next following the Secretary of State's decision.

(7) In this regulation “applicant” means an eligible body which has applied under paragraph (1) or (2) to be admitted as a member, and “application” shall be construed accordingly.