
STATUTORY INSTRUMENTS

2018 No. 756

The National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018.

(2) These Regulations come into force on 1st August 2018.

(3) These Regulations apply to England only.

Commencement Information

II [Reg. 1](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

“the 1999 Regulations” means the National Health Service (Liabilities to Third Parties Scheme) Regulations 1999(1);

“the 2006 Act” means the National Health Service Act 2006;

“the 2012 Act” means the Health and Social Care Act 2012(2);

“the appointed day” means the day on which these Regulations come into force;

“eligible body” means a body specified in regulation 4;

“membership year” means, in relation to an eligible body, any period of 12 months beginning on 1st April during any part of which that body is a member of the Scheme;

“qualifying liability” has the meaning given by regulation 9;

“relevant function” means—

(a) arranging for the provision of, or providing services for the purposes of, or exercising functions in relation to, the health service continued under section 1(1) of the NHS Act 2006;

(b) a power exercised by virtue of section 7 of the Health and Medicines Act 1988(3);

(1) [S.I. 1999/873](#).

(2) [2012 c. 7](#).

(3) [1988 c. 49](#). Relevant amendments to section 7 were made by paragraph 116 of Schedule 1 to the National Health Service (Consequential Provisions) Act [2006 \(c. 43\)](#).

Changes to legislation: *The National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018, PART 1 is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) a power exercised under section 13W, 14Z5, 43(3) or 44 of, or paragraphs 19 or 20 of Schedule 4 to, the 2006 Act⁽⁴⁾;
- (d) a power exercised under section 243 or 270 of the 2012 Act;
- (e) a function conferred by regulations made under section 240(1)(a) or (b) of the 2012 Act.

Commencement Information

I2 [Reg. 2](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

⁽⁴⁾ Sections 13W and 14Z5 of the National Health Service Act 2006 were inserted by sections 23(1) and 26 (respectively) of the 2012 Act. Health and Social Care Act 2012 (c. 7). Section 43(3) was amended by section 164 of the 2012 Act.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 4(1)(m) and word inserted by [S.I. 2023/948 reg. 4\(2\)\(b\)](#)
- reg. 5(B1) inserted by [S.I. 2023/948 reg. 4\(3\)](#)