
STATUTORY INSTRUMENTS

2018 No. 756

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

PART 2

The Scheme

Membership of the Scheme

5.—^[F1](A1) Every integrated care board is a member of the Scheme from the beginning of 1st July 2022 (subject to any cancellation of the membership under regulation 6 (cancellation by a member) or 7 (cancellation by the Secretary of State)).]

- (1) Any eligible body may apply to the Secretary of State to become a member of the Scheme.
- (2) An application under paragraph (1) must—
 - (a) be in writing;
 - (b) be made in such form and submitted in such manner as the Secretary of State may require;
 - (c) specify a date on which the eligible body proposes that its membership should start; and
 - (d) if required by the Secretary of State, contain, or be accompanied by the information specified in paragraph (4).
- (3) At any time before determining an application, the Secretary of State may in writing require the applicant to provide such further information as the Secretary of State considers necessary for the purposes of that determination.
- (4) Information that may be required under paragraph (2) is—
 - (a) the nature of the applicant's relevant functions;
 - (b) the number of employees of the applicant who are engaged in the performance by the applicant of any relevant function specified by the Secretary of State, or any part of such a function;
 - (c) the qualifications and experience of such employees; and
 - (d) the details of any claim 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 exercise by the applicant of any relevant function.
- (5) The Secretary of State must—
 - (a) within six weeks of receiving an application made in accordance with requirements under paragraph (1), determine whether or not to grant it; and
 - (b) as soon as reasonably practicable, inform the applicant of the determination by a notice in writing which, if the application is granted, must specify the date on which the applicant's membership is to start.
- (6) In determining whether to grant an application, the Secretary of State must have regard to—

Changes to legislation: *The National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018, Section 5 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*

- (a) the information provided by the applicant; and
 - (b) such other factors as the Secretary of State considers relevant.
- (7) Where an eligible body's application is granted, the body's membership of the Scheme starts on the date specified in the notice under paragraph (5)(b).

Textual Amendments

- F1** [Reg. 5\(A1\)](#) inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **218(2)**
-

Commencement Information

- I1** [Reg. 5](#) in force at 1.8.2018, see [reg. 1\(2\)](#)

Changes to legislation:

The National Health Service (Liabilities to Third Parties Scheme) (England) Regulations 2018, Section 5 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.

[View outstanding changes](#)

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\(3\)](#)