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SCHEDULES

SCHEDULE 1

CIVIL LEGAL SERVICES

PART 1

SERVICES

Abuse of position or powers by public authority

- 21 (1) Civil legal services provided in relation to abuse by a public authority of its position or powers.

General exclusions

- (2) Sub-paragraph (1) is subject to—
- (a) the exclusions in Part 2 of this Schedule, with the exception of paragraphs 1, 2, 3, 4, 5, 6, 8 and 12 of that Part, and
 - (b) the exclusion in Part 3 of this Schedule.

Specific exclusion

- (3) The services described in sub-paragraph (1) do not include services provided in relation to clinical negligence.

Definitions

- (4) For the purposes of this paragraph, an act or omission by a public authority does not constitute an abuse of its position or powers unless the act or omission—
- (a) is deliberate or dishonest, and
 - (b) results in harm to a person or property that was reasonably foreseeable.

- (5) In this paragraph—

“clinical negligence” means breach of a duty of care or trespass to the person committed in the course of the provision of clinical or medical services (including dental or nursing services);

“public authority” has the same meaning as in section 6 of the Human Rights Act 1998.