
STATUTORY INSTRUMENTS

1995 No. 2800

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Litigation Authority
(Establishment and Constitution) Order 1995**

Made - - - - 27th October 1995
Laid before Parliament 30th October 1995
Coming into force - - 20th November 1995

The Secretary of State for Health, in exercise of powers conferred on him by section 11(1), (2) and (4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 and shall come into force on 20th November 1995.

(2) In this Order, “the Authority” means the National Health Service Litigation Authority established by this Order.

Establishment of the National Health Service Litigation Authority

2. There is hereby established a Special Health Authority which shall be known as the National Health Service Litigation Authority.

Functions of the Authority

3. Subject to and in accordance with such directions as the Secretary of State may give to the Authority⁽²⁾, the Authority shall perform on behalf of the Secretary of State such of his functions in

(1) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act.

(2) See, in particular, sections 13, 17 and 18 of the National Health Service Act 1977 (c. 49) and section 21(4)(b) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 13 was amended by paragraph 33 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”) and Schedule 10 to the 1990 Act; section 17 was substituted by paragraph 2 of Schedule 3 to the Health and Social Security Act 1984 (c. 48) and amended by sections 3(4) and 12(2) of

connection with the establishment and administration of a scheme under section 21 of the National Health Service and Community Care Act 1990(3) (scheme for meeting liabilities of health service bodies), and such other functions, as the Secretary of State may direct the Authority to perform on his behalf.

Constitution of the Authority

4. The Authority shall consist of—
- (a) a chairman;
 - (b) three members who are not officers of the Authority; and
 - (c) three other members, being the persons who for the time being hold the offices of Chief Officer, Chief Finance Officer and Clinical Director of the Authority.

Remuneration of members

5. The Authority is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of “relevant authority” for the purposes of paying remuneration to members of health authorities).

Signed by authority of the Secretary of State for Health

27th October 1995

Gerald Malone
Department of Health

the 1990 Act; section 18 was amended by paragraphs 38 and 92 of Schedule 1 to the 1980 Act, article 7(2) of [S.I. 1985/39](#), Schedule 10 to the 1990 Act, and section 3(8) of the Health Authorities Act 1995 (c. 17).

(3) [1990 c. 19](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment and constitution of a Special Health Authority, to be known as the National Health Service Litigation Authority (“the Authority”), to exercise on behalf of the Secretary of State certain of his functions in connection with the establishment and, subsequently, the administration of a scheme under section 21 of the National Health Service and Community Care Act 1990 for meeting liabilities of health service bodies to third parties for loss, damage or injury arising out of the exercise by those bodies of their functions.

Article 2 of the Order establishes the National Health Service Litigation Authority, the functions of which are described in article 3 and are to be specified in directions given by the Secretary of State. Provision is made for the constitution of the Authority (article 4) and for the remuneration of members of the Authority who are not also its officers (article 5).