STATUTORY INSTRUMENTS

2000 No. 2341

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Clinical Negligence Scheme) Amendment Regulations 2000

Made - - - - -	*30th August 2000*
Laid before Parliament	*4th September 2000*
Coming into force - -	*27th September 2000*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(4) of the National Health Service Act 1977(**a**) and section 21 of the National Health Service and Community Care Act 1990(**b**) and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the National Health Service (Clinical Negligence Scheme) Amendment Regulations 2000, and shall come into force on 27th September 2000.

(2) In these Regulations "the principal Regulations" means the National Health Service (Clinical Negligence Scheme) Regulations 1996(**c**).

(3) These Regulations extend to England only(**d**).

Amendment of regulation 3 of the principal Regulations

2.—(1) Regulation 3 of the principal Regulations(**e**) (eligible bodies) is amended as follows.

(2) At end of sub-paragraph (b) omit the word "or".

(3) At the end of sub-paragraph (c) insert—

"or

(d) a Primary Care Trust(**f**).".

(**a**) 1977 c. 49. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 65(2), by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 57 and by the Health Act 1999 (c. 8), Schedule 4, paragraph 37.

(**b**) 1990 (c. 19), Section 21 was amended by the Health Authorities Act 1995 (c. 17), section 2(1), Schedule 1, Part II, paragraphs 65 and 79 and by the Health Act 1999 (c. 8), Schedule 4, paragraph 81.

(**c**) S.I. 1996/251 as amended by S.I. 1997/527 and S.I. 1999/1274.

(**d**) The functions of the Secretary of State under section 126(4) of the National Health Service Act 1977 and section 21 of the National Health Service and Community Care Act 1990 were transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, article 2 and Schedule 1 as amended by section 66(5) of the Health Act 1999.

(**e**) Regulation 3(1) was amended by S.I. 1997/527, regulation 3.

(**f**) *See* section 16A of the National Health Service Act 1977 which was inserted by the Health Act 1999 section 2(1).

Amendment of regulation 6 of the principal Regulations

3.—(1) Regulation 6 of the principal Regulations (membership of the Scheme) is amended as follows.

(2) For sub-paragraph (b) of paragraph 4 substitute—

"(b) specify the date that the eligible body wishes its membership to begin.".

(3) In paragraph (7) delete the words after the words "effect from" to the end and substitute the words "such date as may be determined by the Secretary of State.".

Amendment of regulation 8 of the principal Regulations

4.—(1) Regulation 8 of the principal Regulations (members' contributions to the Scheme) is amended as follows.

(2) In paragraph (3) for sub-paragraph (c) substitute the following sub-paragraphs—

"(c) where the member was admitted to the Scheme on or after 1st April 2000—

(i) as respects its first membership year, by no later than 6 months from the date of receipt by the Secretary of State of its application in accordance with regulation 6(3),

(ii) as respects its second membership year, by no later than 1st July in that year; and

(d) as respects any subsequent membership year, by no later than 31st October in the preceding year;".

(3) In paragraph 6 for sub-paragraph (c) substitute the following sub-paragraphs—

"(c) where the member was admitted to the Scheme on or after 1st April 2000—

(i) in relation to its first membership year, by no later than 8 months from the date of receipt by the Secretary of State of its application in accordance with regulation 6(3),

(ii) in relation to its second membership year, by not later than 1st August in that year; and

(d) in relation to any subsequent membership year, by no later than 30th November in the preceding year.".

Amendment of regulation 9 of the principal Regulations

5.—(1) Regulation 9 of the principal Regulations (payments under the Scheme) is amended as follows.

(2) In paragraph (2)(b) for the words "the beginning of its first membership year," substitute the words "it became a member,".

(3) In paragraph (2)(b)(i) for the words "the beginning of the first membership year," substitute the words "it became a member,".

(4) In paragraph (2)(b)(iii) for the words "beginning of the first membership year," substitute the words "date on which the member became a member,".

Signed by authority of the Secretary of State for Health

Gisela Stuart
Parliamentary Under-Secretary of State,
30th August 2000 Department of Health

Jim Dowd
Greg Pope
Two of the Lords Commissioners of
24th August 2000 Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Clinical Negligence Scheme) Regulations 1996 which established a Scheme whereby NHS trusts and certain other bodies providing NHS services may make provision for meeting liabilities to third parties in connection with personal injury arising out of negligence in the carrying out of their functions in England.

Regulation 2 provides for Primary Care Trusts to be eligible to participate in the Scheme.

Regulation 3 amends the requirements as to the timing for applications for membership and admission to the Scheme.

Regulations 4 and 5 make consequential amendments regarding the timing of notices sent to members in relation to contributions and payments under the Scheme.

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