EXPLANATORY MEMORANDUM TO THE

NATIONAL HEALTH SERVICE LITIGATION AUTHORITY (ESTABLISHMENT AND CONSTITUTION) AMENDMENT (No.2) ORDER 2005

2005 No. 1445

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order enables the Authority to advise and assist NHS bodies in connection with any litigation or potential litigation. The detail of the intended advice and assistance will be included in the subsequent directions.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The National Health Service Litigation Authority was established in 1995 by S.I.1995/2800 with the function of establishing and administering a scheme to meet clinical negligence cases in the NHS. It was given further functions in relation to appeals from certain Primary Care Trusts decisions earlier this year in S.I. 2005/203.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 The policy driver for the amendment is to enable the National Health Service Litigation Authority to assist NHS bodies with litigation or potential litigation, in particular litigation which raises an issue about equal pay where consistency of approach in the NHS is important.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Sue Sharples at the Department of Health Tel: 0113 254 7373. E-mail: sue.sharples@dh.gsi.gov.uk can answer any queries regarding the instrument.