



# National Health Service (Wales) Act 2006

## 2006 CHAPTER 42

### PART 2

#### HEALTH SERVICE BODIES

#### CHAPTER 4

##### MISCELLANEOUS

##### *Losses and liabilities of certain health service bodies*

### 30 Schemes for meeting losses and liabilities etc of certain health service bodies

- (1) The Welsh Ministers may by regulations establish a scheme [<sup>F1</sup>(a “mutual indemnity scheme”)] whereby any of the bodies [<sup>F2</sup>or other persons] specified in subsection (2) may make provision to meet—
- (a) expenses arising from any loss of or damage to their property, and
  - (b) liabilities to third parties for loss, damage or injury arising out of the carrying out of the functions of the bodies [<sup>F2</sup>or other persons] concerned.
- (2) The bodies [<sup>F3</sup>and other persons] referred to in subsection (1) are—
- (a) Local Health Boards,
  - (b) NHS trusts, <sup>F4</sup>...
  - (c) Special Health Authorities, <sup>F5</sup>...
  - (d) <sup>F6</sup>.....
  - <sup>F5</sup>(e) .....
  - [<sup>F7</sup>(f) a person who is providing, or who has provided, primary medical services in accordance with a contract or other arrangement under Part 4, and
  - (g) a body or other person (other than a body or other person specified under paragraphs (a) to (f)) who is providing or arranging the provision of, or who has provided or arranged the provision of, health services whose provision is

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- the subject of a contract or other arrangements with a Local Health Board, NHS trust or Special Health Authority,]
- but a [<sup>F8</sup>mutual indemnity scheme] may limit the class or description of bodies which [<sup>F9</sup>, or other persons who,] are eligible to participate in it.
- (3) A [<sup>F10</sup>mutual indemnity scheme] may, in particular—
- (a) provide for the scheme to be administered by the Welsh Ministers or by an NHS trust or Special Health Authority specified in the scheme,
  - (b) require any body which [<sup>F11</sup>, or other person who,] participates in the scheme to make payments in accordance with the scheme, and
  - (c) provide for the making of payments for the purposes of the scheme by the Welsh Ministers.
- (4) If the Welsh Ministers so direct, a [<sup>F12</sup>Local Health Board, NHS trust or Special Health Authority] which is eligible to participate in a scheme must do so.
- (5) Where a [<sup>F13</sup>mutual indemnity scheme] provides for the scheme to be administered by the Welsh Ministers, a Special Health Authority or NHS trust must carry out such functions in connection with the administration of the scheme as the Welsh Ministers may direct.
- (6) Subsections (4) and (5) do not affect any other power of direction of the Welsh Ministers.
- (7) A person or body administering a [<sup>F14</sup>mutual indemnity scheme] does not require permission under any provision of the Financial Services and Markets Act 2000 (c. 8) as respects activities carried out under the scheme.
- [<sup>F15</sup>(8) The Welsh Ministers may by regulations establish a scheme (a “direct indemnity scheme”) under which they may indemnify any of the bodies or other persons specified in subsection (2) against—
- (a) expenses arising from any loss of or damage to their property, and
  - (b) liabilities to third parties for loss, damage or injury arising out of the carrying out of the functions of the bodies or other persons concerned.
- (9) A direct indemnity scheme may, in particular—
- (a) specify the persons or other bodies eligible to be indemnified (including limiting the class or description of bodies or other persons who are eligible);
  - (b) specify the expenses and liabilities in respect of which a body or other person may be indemnified and the extent to which they may be indemnified;
  - (c) require any body or other person indemnified under the scheme to make payments in accordance with the scheme.
- (10) Nothing in this section limits or affects the powers of the Welsh Ministers under this Act, or any other enactment, to provide an indemnity—
- (a) to any person other than the bodies or other persons specified in subsection (2), or
  - (b) to a body or other person specified in subsection (2) in respect of any expenses or liabilities other than those mentioned in subsections (1) and (8).
- (11) In this section—
- (a) in subsections (1)(b) and (8)(b) “functions”, in relation to a body or other person specified in subsection (2)(g), means the body or person's functions of providing, or arranging the provision of, health services whose provision

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is the subject of a contract or other arrangements with a Local Health Board, NHS trust or Special Health Authority;

- (b) in subsection (2) and in paragraph (a) of this subsection “health services” means services provided as part of the health service.]

#### Textual Amendments

- F1** Words in s. 30(1) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(2)(a)**, 2(2)
- F2** Words in s. 30(1) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(2)(b)**, 2(2)
- F3** Words in s. 30(2) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(3)(a)**, 2(2)
- F4** Word in s. 30(2)(b) omitted (27.2.2020) by virtue of National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(3)(b)**, 2(2)
- F5** S. 30(2)(e) and word omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 7 para. 22(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** S. 30(2)(d) repealed (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 166, 170, Sch. 5 para. 88(b), **Sch. 15 Pt. 1**; S.I. 2009/462, **art. 2**, Sch. 1 paras. 35, 36
- F7** S. 30(2)(f)(g) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(3)(c)**, 2(2)
- F8** Words in s. 30(2) substituted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(3)(d)(i)**, 2(2)
- F9** Words in s. 30(2) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(3)(d)(ii)**, 2(2)
- F10** Words in s. 30(3) substituted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(4)(a)**, 2(2)
- F11** Words in s. 30(3)(b) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(4)(b)**, 2(2)
- F12** Words in s. 30(4) substituted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(5)**, 2(2)
- F13** Words in s. 30(5) substituted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(6)**, 2(2)
- F14** Words in s. 30(7) substituted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(7)**, 2(2)
- F15** S. 30(8)-(11) inserted (27.2.2020) by National Health Service (Indemnities) (Wales) Act 2020 (anaw 2), **ss. 1(8)**, 2(2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)