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STATUTORY INSTRUMENTS

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**2017 No. 150**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Litigation  
Authority (Amendment) Regulations 2017**

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| <i>Made</i>                   | - - - - | <i>14th February 2017</i> |
| <i>Laid before Parliament</i> |         | <i>20th February 2017</i> |
| <i>Coming into force</i>      | - -     | <i>1st April 2017</i>     |

The Secretary of State makes these Regulations in exercise of the powers conferred by section 28(4)(a) of, and paragraph 5(f) of Schedule 6 to, the National Health Service Act 2006<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the National Health Service Litigation Authority (Amendment) Regulations 2017 and come into force on 1st April 2017.

**Substitution of article 4 of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995**

2. For article 4 (constitution of the Authority) of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995<sup>(2)</sup>, substitute—

**“Constitution of the Authority**

4. The Authority is to consist of—

- (a) a chairman;
- (b) at least three, and no more than five, members who are not officers of the Authority; and

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(1) [2006 c 41](#). The powers which are exercised by the Secretary of State in making these Regulations are exercisable only in relation to England, by virtue of section 271(1) of the National Health Service Act 2006. However, paragraph 8 of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006 specifically saves the effect of article 2 of the National Assembly of Wales (Transfer of Functions) Order 1999, so that for a function relating to a cross border Special Health Authority which cannot be exercised specifically for Wales, the Secretary of State or Welsh Ministers can exercise the function concurrently.

(2) [S.I. 1995/2800](#) as amended by [S.I. 2013/295](#); there are other amending instruments but none is relevant to these Regulations.

- (c) at least three, and no more than five, other members, being the persons who for the time being hold the offices of Chief Executive Officer, Chief Finance Officer and such other executive posts as determined by the Authority.”.

**Substitution of paragraph 5(1) of the Schedule to the National Health Service Litigation Authority Regulations 1995**

3. For paragraph (5(1) of the Schedule to the National Health Service Litigation Authority Regulations 1995, substitute(3)—

“(1) Subject to sub-paragraph (2) below, no business shall be transacted at any meeting unless at least—

- (a) one officer member; and
- (b) two non-officer members or the chairman and one non-officer member, are present.”.

Signed by authority of the Secretary of State for Health.

14th February 2017

*O’Shaughnessy*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 and the National Health Service Litigation Authority Regulations 1995.

Article 4 of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 requires the National Health Service Litigation Authority (“the Authority”) to have a chairman, four members who are not officers of the Authority (“non-officer members”), and four other members (“officer members”). Regulation 2 of these Regulations amends this requirement, so that the Authority is to consist of a chairman, between three and five non-officer members and between three and five officer members.

Regulation 3 of these Regulations amends the National Health Service Litigation Authority Regulations 1995 by adding a further requirement for a meeting of the Authority to be quorate, namely that at least one officer member must also be present.

A full impact assessment has not been produced for this instrument as it has no effect on private sector or civil society organisations and no significant effect on the public sector.