

**EXPLANATORY MEMORANDUM TO THE
NATIONAL HEALTH SERVICE LITIGATION AUTHORITY (ESTABLISHMENT
AND CONSTITUTION) AMENDMENT ORDER 2005**

2005 No. 503

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

This memorandum does/does not contain information for the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments.

2. **Description**

2.1 This Order amends the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 to confer on it from 1st April 2005 the functions previously carried out by the Family Health Services Appeal Authority (Special Health Authority) which is abolished from 1st April 2005.

3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

3.1 None

4. **Legislative Background**

4.1 The Order amends article 3 (Functions of the Authority) of the National Health Service Litigation Authority (Establishment and Constitution) Order 1995 in order to confer on it the functions previously carried out by the Family Health Services Appeal Authority (Special Health Authority).

5. **Extent**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

Not applicable.

7. **Policy background**

7.1 The transfer of the functions of the Family Health Services Appeal Authority (Special Health Authority) to the NHS Litigation Authority is taking place under the

rationalisation of the numbers and remit of the Department of Health's Arms Length Bodies (ALBs).

7.2 A review of the Department's ALBs, undertaken during 2004, concluded that the FHSAA (SHA) was too small to continue as a separate ALB and should be abolished with its functions moving to the NHS Litigation Authority.

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

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