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STATUTORY INSTRUMENTS

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**2022 No. 634**

**The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022**

**PART 7**

**Other consequential and transitional provisions**

**Amendment of the National Health Service (Clinical Negligence Scheme) Regulations 2015**

**215.**—(1) The National Health Service (Clinical Negligence Scheme) Regulations 2015<sup>(1)</sup> are amended as follows.

(2) In regulation 5, after paragraph (1) insert—

“(1A) Every integrated care board is a member of the Scheme from the beginning of 1st July 2022 (subject to any cancellation of the membership under regulation 6 (cancellation by a member) or 7 (cancellation by the Secretary of State)).”

(3) After regulation 23 insert—

**“Provision that is consequential on the Health and Care Act 2022: liabilities transferred to integrated care boards and NHS England**

**24.**—(1) A claim for a liability of a CCG that was made and not determined or paid before 1st July 2022 continues as a claim of the relevant integrated care board.

(2) A liability of a CCG that arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by the relevant integrated care board.

(3) A claim for a liability of NHS TDA which was made and not determined or paid before 1st July 2022 continues as a claim of NHS England.

(4) A liability of NHS TDA which arose and was not claimed before 1st July 2022 may be the subject of a claim on or after that date by NHS England.

(5) A liability of Monitor which—

(a) arose before 1st July 2022, and

(b) is a liability of the kind which may be claimed by a member under the Scheme,

may be claimed on or after that date by NHS England.

(6) In this Regulation—

“a CCG” means a body corporate which, immediately before 1st July 2022, was established in accordance with Chapter A2 of Part 2 of the 2006 Act;

“claim” means a claim under the Scheme;

“liability” means a liability to which the Scheme applies;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“Monitor” means the body corporate which, immediately before 1st July 2022, was known as Monitor in accordance with section 61 of the Health and Social Care Act 2012<sup>(2)</sup>;

“NHS TDA” means the Special Health Authority which, immediately before 1st July 2022, was established in accordance with article 2 of the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012<sup>(3)</sup>;

“relevant integrated care board” means the integrated care board to whom the liability was transferred under section 14Z28 of the 2006 Act.”.

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(2) 2012 c. 7.  
(3) S.I. 2012/901.